

MULVANE CITY COUNCIL REGULAR MEETING MINUTES

June 2, 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, Trish Gerber, Tim Huntley, Kurt Westfall.

OTHERS PRESENT: Austin St. John, Debbie Parker, J. T. Klaus, Joel Pile, Mike Robinson, Kyle Caruthers, Jay Patterson, Cindy Patterson, Bill Reekie, Linda Reekie, Terry Lane, Malissa Long, Kendra Banzet, Fred Heersche, Sherry Leach.

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

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Leach, second by Huntley to approve the Regular meeting minutes dated May 19, 2025.

MOTION approved unanimously.

CORRESPONDENCE: None

PUBLIC COMMENTS: Fred Heersche thanked Bill Reekie for what he has done for the City and what he will do going forward.

APPOINTMENTS, AWARDS AND CITATIONS:

1. Recognition of Jay Patterson – Planning Commission:

Jay Patterson has served on the Mulvane Planning Commission for the past 23 years. He was appointed to the commission on June 3, 2022. After his long-dedicated service, he is stepping down from his position on the commission. Mayor Allen commended Patterson for always doing what was best for the City and conducting a well-ran meeting. Mayor Allen presented Patterson with a Certificate of Appreciation and a gift certificate. A tree honoring Patterson will be planted in a City Park. Refreshments were provided.

2. 30 Year Service Award for Bill Reekie:

Bill Reekie began working for the City in 1995. He earned his Class 4 KDHE Water Certification in 1999 and became a Journeyman Lineman in 2006. In 2021, he was promoted to Utility Distribution Supervisor, taking the lead in both Electric and Water Distribution operations. Mayor Allen presented Reekie with a 30-year service award and thanked him for his valued experience and dedication to the City.

OLD BUSINESS

1. Public Hearing to Select an Electric Provider for 1337 E. 146th Ave. N:

On April 7, 2025 the City Council approved Ordinance No. 1596 annexing the property at 1337 E. 146th Ave. N. into the City of Mulvane. On April 21, 2025, the City Council approved

Resolution No. 2025-3 setting the date, time, and place of a public hearing regarding the selection of an Electric Service Provider for the property. 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 before selecting a retail electric provider for the newly annexed property.

City Attorney, J.T. Klaus advised the council that they need to consider the statutory factors and discuss who would be the most appropriate supplier to serve the annexed property. The current electric provider is Evergy Inc. It was noted that the City's cost to provide service to the property would be approximately \$2,400. Klaus contacted Evergy's attorney to try and determine if Evergy would be open to allowing Mulvane to be the electric provider and what Evergy's cost would be along with any associated fees. The council would like to table this item until additional information can be provided. The Public Hearing was still held.

Mayor Allen opened the Public Hearing and asked if there was anyone present who wished to speak. There was no one present. Mayor Allen closed the Public Hearing.

MOTION by Leach, second by Westfall to table this item until additional information can be provided.

MOTION approved unanimously.

2. Transient Guest Tax Funds for MCF for Doc Sunback Film Festival:

On May 5, 2025 the City Council approved TGT funds for the Doc Sunback Film Festival in the amount of \$2,000. MCF Director, Malissa Long, was present to ask that the check be made out to the Mulvane Community Foundation instead of the Doc Sunback Film Festival. In the past Doc Sunback was managed as a separate account. It is now part of the Mulvane Community Foundation account.

MOTION by Huntley, second by Westfall to approve transient guest tax funds in the amount of \$2,000 to the Mulvane Community Foundation to replace funds previously approved for the Doc Sunback Film Festival.

MOTION approved unanimously.

NEW BUSINESS

1. Request Reduction of Fireworks Permit Fee – Mulvane FFA:

Mulvane FFA President, Kyle Caruthers, was present to request a reduction of the Fireworks Stand Permit Fee from \$6,000 to \$3,000. The money raised from the sale of fireworks is used to help fund events, travel, and miscellaneous expenses.

MOTION by Leach, second by Westfall to reduce the \$6,000 fireworks stand permit fee for Mulvane FFA and Sizz Boom Fireworks down to \$3,000.

MOTION approved unanimously.

2. Review Farm Lease Proposals:

In January 2004, the City bought 77 acres on the NW corner of 111th and Webb Road, commonly referred to as the "River's Property". In 2006, 5 acres of the tract were used to construct the municipal swimming pool with a small portion used as a community garden. In 2017, the City sold 40 acres to a limited liability company owned by Diane Paul and Tom Fagan for development

of Emerald Valley Estates. The remainder of the 40-acre development piece has been recently sold to Leprechaun Development. The City had previously allowed all of the land to be farmed from the date of purchase through 2017. Since 2019, the remaining 22.7 acres have been leased to Terry Lane. Should the City decide to discontinue leasing the land for farming the property will need to be mowed and weed controlled.

The current lease agreement with Terry Lane is six (6) years old and staff requested permission to send out new RFPs for Farm Lease Proposals. An RFP letter was sent to ten (10) area farmers with a map of the farming area and an example of the Lease Agreement. The RFPs were due by Monday, May 19, 2025. A notice was also posted on the City Website and Facebook page.

The City received two proposals:

Buck Reusser for \$65.00 an acre (\$1,475.50/year)

Jelinek Brothers for \$42.00 an acre (\$953.40/year)

Should the City Council decide to accept an offer, the City Attorney will need to draft a new Farm Lease Agreement. The council discussed access to the property. Now that construction has begun for Emerald Valley Estates 2nd Addition, the previous access is no longer available. A culvert and driveway would need to be installed for farming access. If the land is not leased for farming, the Public Works Dept. will need to mow the property.

MOTION by Huntley, second by Gerber to accept the offer from Buck Reusser in the amount of \$1,475.50/year, to farm the 22.7 acres of the City property at the NW corner of Webb Road and 111th St. commonly known as “the Rivers Property” and instruct the City Attorney to draft a Farm Lease Agreement.

MOTION approved unanimously.

3. Property Tax Loan Agreement:

City Attorney, J.T. Klaus, reviewed this item with the council. Since 2012 the Kansas Star has appealed the valuation of its property. The appeals have resulted in large retroactive valuation reductions which have caused taxing entities to pay back the amount of property tax collected that exceeds the amount owed based on the adjusted valuation.

In 2023, the County indicated a global settlement of Tax Refund amounts owed for all outstanding appeals, as well as the method for valuation for the next 5 years. The 2017 and 2019 Tax Refunds totaling \$1,834,320.97 are owed this budget year. The Sumner County Treasurer has already taken the 2017 Tax Refund from the City’s January 2025 tax distribution and will deduct the 2019 Tax Refund from the June 2025 tax distribution.

The Tax Refunds meet the requirements under K.S.A. 79-2005(n) to apply for a loan from the pooled money investment board managed by the State of Kansas (a PMIB loan). The City previously secured five (5) loans from the Pooled Money Investment Board.

On 1/22/25 the City Council passed Resolution 2025-1 authorizing the Mayor to apply for a loan from the pooled money investment board through the Sumner County Treasurer to cover the January 2025 and June 2025 tax distribution withholdings.

MOTION by Huntley, second by Leach to authorize the Mayor to execute the Property Tax Loan Agreement to apply for a loan from the pooled investment board through the Sumner County Treasurer to cover the June 2025 tax distribution withholdings, pursuant to K.S.A. 79-2005(n).

MOTION approved unanimously.

ENGINEER

1. Change Order for Main “A” Sanitary Sewer Phase 3:

The Public Works Department has requested a change order for the Main “A” Sanitary Sewer Phase 3 Project. The change order is to replace the full width of pavement on Third Street from the north side of Main St. to the south side of Mulvane St. The request was made based on the poor condition of the existing pavement. The cost of the additional work and materials totaled \$44,292.50. Since the full street replacement will be used, the concrete cap over the trench will be eliminated, creating a reduction of \$2,500. The total amount of the change order will be \$41,792.50. Funds from the Street Department will be used to pay for the change order.

MOTION by Leach, second by Westfall to approve Change Order No. 2 with Apex Excavating, LLC in the amount of \$41,792.50 and authorize the City Administrator to sign.

MOTION approved unanimously.

2. Project Review and Update:

Main “A” Sanitary Sewer Improvements Phase 3 – Apex continues SS installation in Third St. Final plans are being prepared for Phase 4.

Phase 1 Harvest Point – A final walk-through inspection of street improvements has been conducted. Kansas Paving has been issued a certificate of substantial completion and a punch-list was developed.

Emerald Valley Estates 2nd Addition – McCullough Excavation is finishing grading work. The City requested delaying street construction until 5/26/25 to allow time for electric crews to install electric lines at street crossings.

English Park Pedestrian Bridge – Preliminary plans have been completed. Ready to develop preliminary cost options and specifications.

Water Distribution System Study – City provided record information on water usage. Work continues on water modeling data entry.

CITY STAFF

City Clerk: None

City Administrator: None

City Attorney:

1. Designation of City Poem: City Attorney, J.T. Klaus, advised that after additional research, if the council wished to consider designating an official City Poem that it would probably withstand scrutiny based on the Reindeer Rule.

2. Fee Engagement Letter Amendment: City Attorney, J.T. Klaus, presented an amendment to the engagement letter to increase the current monthly contract service fee from \$2,400 to \$3,500

effective July 1, 2025. If acceptable, the Mayor will sign the Amendment to the Engagement Letter.

MOTION by Huntley, second by Westfall to approve the execution of the Amendment.
MOTION approved unanimously.

3. Executive Session: City Attorney, J.T. Klaus, requested an Executive Session for a period of twenty (20) minutes to discuss matters pertaining to nonelected personnel.

MOTION by Westfall, second by Gerber to recess this meeting to an Executive Session to discuss matters pertaining to nonelected personnel pursuant to K.S.A. 75-4319(b)(1) for the purpose of discussing personnel issues for a period not to exceed twenty (20) minutes, and to reconvene at approximately 7:07 p.m. to include the Mayor, City Council, and City Attorney.

MOTION approved unanimously at 6:47 p.m.

MOTION by Huntley, second by Leach to reconvene the City Council meeting.
MOTION approved unanimously at 7:11 p.m.

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

4. Executive Session: City Attorney, J.T. Klaus, requested an Executive Session for a period of ten (10) minutes to discuss matters deemed privileged in the Attorney-Client Relationship.

MOTION by Huntley, 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 ten (10) minutes, and to reconvene at approximately 7:23 p.m. to include the Mayor, City Council, City Administrator, and City Attorney.

MOTION approved unanimously at 7:13 p.m.

MOTION by Leach, second by Gerber to reconvene the City Council meeting.
MOTION approved unanimously at 7:25 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 1-2.

1. Payroll Dated 5/23/25 - \$252,420.95
2. City Utility Bills for April - \$19,480.89

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

A Retirement Reception for Kyle McClellan will be held Friday, June 6th from 1 – 3 p.m. at the PIX Community Center.

Next City Council Meeting – Monday, June 16, 2025 – 6:00 p.m.

ADJOURNMENT:

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

MOTION approved unanimously at 7:27 p.m.

Minutes by:

Debra M. Parker

Debra M. Parker, City Clerk

Minutes approved by the City Council 6/16/25.