

MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES

December 19, 2022

7:30 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 7:30 p.m. Presiding was Mayor Shelly Steadman, who called the meeting to order at 7:30 p.m.

**Council Members Present:** Tim Huntley, Brent Allen, and Amanda Ford.

**Others Present:** Mike Robinson, Debra Parker, Kent Hixson, Chris Young, Joel Pile, J.T. Klaus, Gordon Fell, Lowell Ester, Mike Fells, Patricia Fells, Fred Heersche, Karen Heersche, Terry Lane, Garry Brownlee, Elizabeth Reusser, Nick Ryan.

**Pledge of Allegiance:** All stood for the Pledge of Allegiance led by Mayor Steadman.

**Approval of Regular Meeting Minutes Dated 12-05-2022:**

MOTION by Allen second by Huntley to approve the Regular meeting minutes dated 12-05-22.  
MOTION approved unanimously.

**Correspondence:** None

**Review and Closing of the Agenda:**

Add Item #7 to Consent Agenda - Purchase of chemicals for the WWTP from Brenntag for \$43,871.00.

New Business Item #1 - Chamber of Commerce request for funds, will be discussed at a future meeting.

**Appointments, Awards and Citations:**

**1. 2022 City Budget Amendment:** The 2022 budget needs amended so the City has spending authority to spend money from the 1% Sales Tax.

MOTION by Allen, second by Ford to recess the 12-19-22 City Council meeting for a period of two (2) minutes in order to hold a public hearing for the purpose of amending the 2022 budget.  
MOTION approved unanimously.

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

MOTION by Allen, second by Ford to reconvene the City Council meeting.  
MOTION approved unanimously.

MOTION by Allen, second by Ford to amend the 2022 budget.  
MOTION approved unanimously.

**1. Volunteer service for Mulvane Fire Rescue - Lt. Fred Heersche & Lt. Mike Fells:**

Public Safety Director, Gordon Fell, recognized Lt. Fred Heersche and Lt. Mike Fells who have both volunteered for Mulvane Fire Department for twenty (20) years and are valuable mentors for our new fire fighters. They routinely sacrifice time away from their families and miss out on life events, to provide a great service to the City of Mulvane and our surrounding communities.

Fell presented Lt. Mike Fells and Lt. Fred Heersche with a certificate of recognition and commemorative pin for twenty (20) Years of Dedicated Service to the Mulvane Fire Department.

Council expressed their appreciation and involvement in the community.

**OLD BUSINESS**

None

**NEW BUSINESS**

**1. Agreement for Senior Center with Sedgwick County:**

Mayor Steadman advised that she is an employee of Sedgwick County and although she will receive no financial benefit in connection with the operation of the Senior Center, she will remove herself from this agenda item. Council President, Brent Allen, called this agenda item.

Mulvane Senior Center is a community focal point where seniors can go for a variety of services, education and social activities for adults aged 55 and older. In order to receive County funding, each Senior Center is required to provide certain types of programming based on the level of Senior Center. The programming requirements fall into three categories: Baseline Activity, Special Event/Projects, and Education.

The Mulvane Senior Center is classified as a Senior Center Level II and is required to provide at least ten baseline activities annually, fifteen special events annually and forty educational events annually.

Subject to County appropriation, this Agreement will provide \$35,000 for salaries from Sedgwick County to the Mulvane Sr. Center for 2023. The Contract requires careful documentation of costs, monthly reporting, and written safeguards against any conflicts or private gain.

MOTION by Huntley, second by Ford to approve the agreement for the Mulvane Senior Center - Senior Center Level II between the City of Mulvane and Sedgwick County for 2023.

MOTION approved unanimously.

Mayor Steadman resumed her seat.

**2. Discuss COLA for city employees:**

The Employee Handbook, Sec. D-2 (b) states, "Annual cost-of-living pay increase *may be given* as approved by the City Council". Since 1994, the issue of a COLA has been discussed in

December of each year by the city council. If granted, a COLA, would be implemented with the 12/31/22 to 1/13/2023 pay period.

The 2023 budget year total gross payroll for all city employees will be just over \$5.6 million. The total 2023 city budget is \$25.7 million. Payroll will be approx. 22.1% of the city budget. Salaries drive other employee related expenditures (FICA, Medicare, Worker's Comp. Unemployment Insurance and KPERS). These costs have been budgeted for in the 2023 budget.

The city 2023 budget has 3% for employee COLA's.

MOTION by Huntley, second by Ford to approve a three percent (3%) COLA for the city employees for 2023.

MOTION approved unanimously.

### **3. City Trash Service - Solid Waste Agreement Renewal:**

In February 2018, the city sent out RFPs for our solid waste service. The city received proposals from Waste Link, Waste Connections, Waste Management and Air Capital. In April 2018, the City Council selected the low bidder, Waste Management ("WM"), to provide solid waste hauling for the city. The current agreement expires on 12-31-22 and needs to be renewed.

The material terms of the new Agreement include the following:

- The initial term of the Agreement is from 1-1-23 to 12-31-24 and the City has the option to extend the term of the Agreement for two (2) successive renewal terms of one (1) year each.
- WM provides the following services: collection (either once or twice per week) of waste at all City Property; on-call collection of abandoned waste, or illegal dumping; and emergency collection services (for example, storm cleanup) as needed; and collection services for Old Settlers' Day; and
- The city would pay WM a monthly base service fee of \$1,006.00 per month and other associated fees and an annual service fee for WM's services regarding Old Settlers' Day of \$1,200.00 per year.

The new agreement has a 40% to 60% increase per location. During the term of this agreement, the City will add or subtract carts and dumpsters as needed. The city will pay for the change in service on a per unit basis. The council is interested in sending out RFPs before the next renewal.

MOTION by Huntley, second by Ford that the city approve the Municipal Solid Waste Collection Agreement renewal with Waste Management, Inc. and authorize the mayor to sign the Agreement. MOTION approved unanimously.

### **4. City Prosecuting Attorney - agreement renewal:**

Joy Williams took over the position of Mulvane City Prosecutor in October 2020. Ms. Williams brings a fair and swift approach to the Mulvane Municipal Court. She routinely makes herself available to review cases and provides a direction for cases that create questions for law enforcement. Mulvane Municipal Court is held four times a month and handles all misdemeanors and traffic violations covered by the STO, UPOC and City Code.

The compensation provided to the Attorney from the City for the primary services of this contract shall be \$2,000.00 per month. Additional services will be compensated at the rate of \$125.00 per hour. The term of the new contract expires on January 3, 2024.

MOTION by Allen, second by Huntley to approve the contract with Joy K. Williams for the position of city prosecuting attorney.

MOTION approved unanimously.

**5. EMS agreements renewal:**

Public Safety Director, Gordon Fell, presented the annual updating of EMS agreements with Sumner County and the City of Belle Plaine. The agreements include the area of response and financial responsibility for each entity. Fell gave a summary of the financial payment and billing collected for each entity as of December 7th information.

The Belle Plaine EMS agreement covers the response area as the city limits of Belle Plaine and the financial payment of \$60,000.00 annually. Billing collected from this response area is \$38,313.41. This area is estimated to account for 11% of our patients. The Sumner County EMS agreement covers the response areas commonly known as Belle Plaine Rural Area, Clearwater Area, Mulvane Rural Area; and the financial payment of \$228,333.00 annually. Billing collected from this area is \$60,187.15. This area is estimated to account for 24% of our patients. The City of Mulvane accounted for 60% of our patients. Billing collected from this response area is \$119,376.40. Mutual Aid for Sedgwick County and Cowley County account for 5% of our patients. Billing collected from this response area is \$9,544.57.

The city collected 288,333 in subsidies from Belle Plaine and Sumner County, along with \$98,500.56 in patient payments. The city has collected an estimated \$227,421.53 in billed charges for all EMS calls.

MOTION by Allen, second by Ford to approve the EMS agreement with Sumner County, Kansas  
MOTION approved unanimously.

MOTION by Ford, second by Huntley to approve the EMS agreement with the City of Belle Plaine, Kansas.

MOTION approved unanimously.

**6. City Boundary Resolution:**

The city limits of Mulvane, like other municipalities, changes periodically as a result of land being annexed into, or de-annexed out of the city. The last change in City limits occurred in 2019 following the annexation of the Gilbert Addition located east of Autumn Valley.

On February 21, 2022, the City Council approved Ordinance No. 1552 requesting the annexation of two (2) acres of property located near the southeast corner of the Arkansas River and K-53 Highway.

The City's boundary description has subsequently been modified to reflect the aforementioned annexation, and a revised Boundary Resolution has been prepared for Council approval. The proposed revised Boundary Resolution includes two course description corrections.

MOTION by Huntley, second by Allen to approve the 2022 Boundary Resolution No. 2022-19 and authorize the mayor to sign.

MOTION approved unanimously.

## **RESOLUTION NO. 2022-19**

### **A RESOLUTION DECLARING, ESTABLISHING AND DEFINING THE CITY LIMITS AND BOUNDARIES OF THE CITY OF MULVANE, KANSAS.**

#### **ENGINEER**

##### **1. Sanitary Sewer "Main A" Project:**

Final design plans for the Main "A" project including KDHE and BNSF permits were completed in the spring of 2022. By September of 2022, the city had obtained all sanitary sewer easements and on September 19<sup>th</sup> the project was advertised for bids. Bids for Main "A" were received on November 1, 2022, with only one bid submitted. The single bid was over 4x the engineer's estimate and was rejected by the City Council on November 7, 2022.

City staff and Y&A engineers reviewed the Main "A" plans and created a (4) phase approach to constructing the project. The "Phase 1" project selected by City staff will construct the proposed Main "A" sewer improvements from the existing WWTP to June Ave. This (4) phase approach will allow contractors to better manage multiple contract commitments and a delayed start date would provide contractors with additional time for ordering and receiving materials.

Future construction phases will generally include Phase 2 from Boxelder to south of Prather; Phase 3 from south of Prather to Charles; and Phase 4 from Charles to the north line of the Settler's subdivision. The timing of future phases will depend on Phase 1 construction and cost schedules.

Phase 1 bid documents were prepared and advertised for bids on November 21<sup>st</sup>. The engineer's estimate of probable construction for Phase 1 is \$1,212,460. This cost opinion was updated based on the revised Phase 1 scope of work, a review of local sewer project bid tabs and a reported 300% increase in PVC pipe material costs. On December 14<sup>th</sup>, the City received three (3) bids for Phase 1. Young reviewed the bid results with the council.

Apex Excavating, LLC	\$ 949,340.00
Nowak Const. Co., Inc.	\$1,981,575.70
Dondlinger & Sons Const. Co., Inc.	\$3,111,435.90

In May of 2021, the City Council approved the authorization of General Obligation Bonds to finance the Main "A" sewer improvement project at a total estimated cost of \$2,800,000. General Obligation Bonds Series B, 2021 were issued in June of 2021 for \$2,730,000. Additional funding could be provided as needed from any remaining City's ARPA grants.

Council had questions on the warranty for the project if done at different times by possible multiple contractors. Young advised each phase will be a stand-alone project and have a warranty for each.

MOTION by Huntley, second by Allen that the City issue a Notice of Award to Apex Excavating, LLC for Phase 1 of the Sewer Main “A” project and authorize the City Administrator to sign.  
MOTION approved unanimously.

**2. Project Review and Update:**

City Engineer, Chris Young, reviewed the following projects with the council: Downtown Splash Pad Park - Staff is reviewing the agreement from Snodgrass & Sons and anticipates it will be ready for Council review on January 4, 2023; Rock Road Lift Station Abandonment.

**City Clerk:** None

**City Administrator:** None

**City Attorney:** J. T. Klaus announced that Tom Garretson, the founder of Triplett, Woolf & Garretson Law Firm, passed away yesterday and is going to be missed by their Law Firm. He was a tremendous man upon which his shoulders they have all stood for a long period of time.

**Consent agenda items 1 - 7:**

MOTION by Ford, second by Allen to approve Consent Agenda items 1 - 7.

1. Payroll dated 12-09-22 (\$236,866.37).
2. Warrant Register (\$1,560,329.22).
3. Approve a cereal malt beverage (CMB) license for Pizza Hut.
4. Approve a liquor license for Candile’s Mexican Restaurant.
5. Approve the Copier Maintenance Agreement with Galaxie Business Equipment.
6. Utility Write-offs of unpaid final utility bills from 2019 (\$9,474.97).
7. Purchase of chemicals for the WWTP from Brenntag in the amount of \$43,871.00.

MOTION approved unanimously.

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

- Next council meeting - Wednesday, January 4th @ 7:30 p.m.

**ADJOURNMENT:**

MOTION by Ford, second by Allen to adjourn the city council meeting.  
MOTION approved unanimously at 8:17 p.m.

Minutes by:  
Debra M. Parker, City Clerk