MULVANE CITY COUNCIL

REGULAR MEETING MINUTES

January 16, 2023 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, Amanda Ford, Kevin Cardwell, and Nancy Farber Mottola.

**Others Present:** Mike Robinson, Debra Parker, Kent Hixson, Chris Young, Joel Pile, J.T. Klaus, Gordon Fell, Kevin Baker, Bill Reekie, Travis Patterson, Dani Patterson, Kevin Jerrick, Elizabeth Jerrick, Gavin Jerrick, Logan Jerrick, Valyn Jerrick, Ron Jerrick, Renee Jerrick, Lowell Ester, Loren Duncan.

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

**Approval of Regular Meeting Minutes Dated 1-04-23:**

MOTION by Mottola, second by Allen to approve the Regular meeting minutes dated 1-04-23.

MOTION approved unanimously.

**Correspondence:** None

**Review and Closing of the Agenda:** None

**Appointments, Awards and Citations:**

**1. Employee Service Awards:**

Mayor Steadman recognized Officer Kevin Jerrick, for ten (10) years of service and presented him with a Certificate of Appreciation.

Mayor Steadman recognized Utility employee, Travis Patterson, for twenty (20) years of service and presented him with a Certificate of Appreciation.

**2. Appointment of City Council President:**

Pursuant to K.S.A. 14-204, as chartered from with substitute provisions by the City of Mulvane, Kansas (the “City”) and as set forth in the Code of Mulvane, Kansas, the City Council shall elect from its membership a President of the Council. Historically, it appears the City Council has rotated the position between Council Members.

The President of the Council presides at the City Council meeting in the absence of the Mayor, but still retains his or her voting rights. The President votes as a regular Council Member and does not cast any tie-breaking votes as in the case of the Mayor, even in the Mayor’s absence. The President does not assume the Mayor’s right of Veto, nor can the President of the Council typically sign an Ordinance when presiding (this right is reserved to the Mayor). Nonetheless, in the event of a permanent vacancy in the office of Mayor, the President of the Council does automatically become the Mayor and the City Council then simply appoints a replacement Council Member.

Each year, the City Council has elected a President from its membership. It is appropriate to hold such an election following any City Council election.

MOTION by Allen, second by Cardwell to nominate Nancy Farber Mottola as President of the Council.

MOTION approved unanimously.

**OLD BUSINESS**

1. **Electric Generation – Review quote to determine the cost to repair engine #11:**

On February 15th, 2020, at 12:15 p.m., the city received notification from Kansas Power Pool (KPP), to begin electric generation because of electrical load shortages in the Southwestern Power Pool (SPP). We are contractually obligated to generate through KPP and SPP. Powerplant employees prepared the electric generation #10 and #11 units and was on-line by 2:30 p.m.

Each engine can generate about four mega-watts. In addition, there is a one mega-watt “pony motor” available. Total generation capacity is just under nine megawatts.

On February 17th, 2020, at 11:30 a.m., #11 electric generator experienced a crankcase failure explosion. The #10 generating engine continued to operate until KPP notified us on February 18th, 2020, at 10:04 a.m. to cease generating.

Larry Wheeler with Wheeler World Inc. visited the power plant on 12-14-2022 to look over engine #11 and #10. After much discussion staff requested that Wheeler World Inc. prepare the city a proposal to identify the cost of rebuilding engine #11. Identifying the cost would involve an extensive disassembly of engine #11 before the failure can be properly diagnosed. Once the engine is disassembled, the failure can be accurately identified, and the cost of rebuilding can then be calculated. During the tear down process, while Wheeler World Inc. is onsite, additional repairs or upgrades to engine #10 could be analyzed and added to the cost of rebuilding engine #11. It would make good sense to include the minor repairs and/or upgrades to engine #10 if the city council decides to rebuild engine #11.

According to the PEC study, the current cost to add new electric generation is approximately $1,500,000 per megawatt. The maximum peak load for the city is around thirteen megawatts, with a yearly average load of approximately six to eight megawatts. The City would need to fund approximately $15 million dollars (10 megawatts) to meet the peak electric load with new electric generation.

Steps taken to improve reliability and service to the city:

1. Evergy has agreed to build a secondary line from the east to the city substation. The cost of that line will be spread over all the Evergy customers in this area (zonal allocation).
2. KPP has agreed to issue financing on behalf of the City for a 138 mega-watt transformer to accommodate this Evergy line.

Rebuilding engine #11 and adding new generation to meet peak city electric loads would have to be bonded and would be funded by an electric rate increase to our customers. The RFP from Wheeler World Inc. for simply disassembling/diagnosing engine #11 and upgrading engine #10 would be 72,850.00. Staff recommends approving additional funds ($20,000) to cover any unforeseen expenditures and to determine what upgrades/improvements are needed for engine #10.

The funds to pay for Wheeler World Inc. services will come from Electric Distribution Contingency.

Should the council choose not to replace or rebuild engine #11, the city will forfeit $28,000 in capacity payments from KPP. We are currently receiving $56,000 a year in capacity payments from KPP for capacity of our two engines (#10 and #11). The City has an agreement with KPP to provide our generation resources when called upon.

It is staff's recommendation to remain in the electric generation business but avoid spending $15 to $20 million on new generation capacity at this time.

With the #11 engine down, the city would not have enough capacity in the summer months to carry the City's load. Council expressed their desire to stay in the electric generation business. Council had questions regarding the cost of the estimate. City staff will assist where possible, which may help reduce the actual cost.

MOTION by Huntley, second by Ford to approve Wheeler World Inc. quote to tear-down/disassemble electric generator engine #11 to determine the actual cost needed to rebuild the engine, in addition to determining cost of upgrades to generation engine #10, at a cost not to exceed $92,850.00 dollars.

MOTION approved unanimously.

**NEW BUSINESS**

1. **Fire Dept. – Fire Training Facility Funding & Use Agreement with Derby:**

In recent years we have been in discussion with Derby Fire to have a joint training facility. Mulvane Fire Rescue has a great working relationship with Derby Fire. We have auto-aid agreements where we assist each other with calls with either manpower or equipment. Adding the ability to experience a live fire in a safe controlled environment will better prepare our firefighters for a real life event. This allows Mulvane and Derby Fire to jointly train on a simulated 3 story facility, which will meet our ISO training requirements.

Public Safety Director, Gordon Fell, advised that Derby has acquired property to locate the facility. The $35,000 would be to purchase shipping containers to construct the multi-story building. If approved, funds would come from the Public Safety Reserve Fund.

MOTION by Allen, second by Mottola to enter into a user agreement between the City of Mulvane and Derby Fire Dept. for a joint fire training facility as approved by the City Attorney and contribute $35,000.00 towards the construction of the facility.

MOTION approved unanimously.

1. **Police Dept. – Vehicle purchase:**

Public Safety Director, Gordon Fell, reviewed this item with the council. Vehicle replacement is budgeted for annually to maintain a reliable fleet.

Historically the Police Department purchase Chevrolet Tahoe's as Patrol Vehicles. Due to the size, functionality and price of the Tahoe, staff looked at other options to replace the fleet. Police vehicles are outfitted by SERV (Superior Emergency Response Vehicles) located in Andover. They handle all the installation which includes camera, light bars, spotlight, controllers, etc.

After looking at up fitted vehicles, staff recommends the Ford Explorer. These vehicles are considered a mid-range size patrol vehicle between the Tahoe and Durango.

The quote from SERV is for $54,260.39 to purchase and upfit a 2022 Ford Police Interceptor Utility as a marked Police Unit. Fell advised the camera will be purchased separately. Funds will come from the New Equipment Fund.

Council asked if the exhaust issue had been fixed on the Fords. Fell advised it had.

MOTION by Cardwell, second by Mottola to accept quote #2978 from Superior Emergency Response Vehicles in the amount of $54,260.39 to purchase and upfit one (1) 2022 Ford Police Interceptor Utility as a marked Police Unit.

MOTION approved unanimously.

**ENGINEER**

**Project Review and Update:**

1. **Splash Park – consider design-build contract with Snodgrass & Sons Const.:**

In July of 2019, the City engaged Foster Design Associates, LLC to conceptualize a downtown park at the southwest corner of Main Street and Prather Street. The proposed park would feature a “splash pad”, entry structure, sun shade, seating areas, landscaping and adjacent parking and street improvements. In December of 2019 Foster completed a summary report and concept plan.

In October of 2022, the City Council directed staff to prepare an RFQ for soliciting proposals from local contractors. RFQ’s were distributed to four (4) local contractors with experience in both design-build services and park construction.

On November 2nd, the City received a proposal from Snodgrass & Sons Const. Co., Inc. City staff met with representatives of Snodgrass & Sons and reviewed their proposal and approach to completing the park project.

On December 14th, the City received a draft proposal from Snodgrass & Sons including updated GMP amounts for preliminary design and estimated construction range. Preliminary engineering fees presented in their original proposal ranged from $45,000 to $72,000, with construction estimated to range from $700,000 to $1M. Updated amounts provided in their design-build agreement include $90,000 for preliminary design with a construction range of $1M to $1.2M.

In May of 2022 the City approved an Ordinance for a 1% sales tax to be used for various infrastructure projects including the proposed downtown park. The sales tax went into effect on July 1, 2022.

Council asked about funds being available to complete the remainder of the sales tax projects since the amount in the updated agreement had increased. Staff advised part of the increase may be due to adding a provision for restrooms. City Attorney, J.T. Klaus, advised the City would need to watch and monitor the funds spent out of the project fund. Any additional sales tax money that comes in after the end of 5 years or the debt is paid off, can only be used for specified projects.

MOTION by Allen, second by Huntley that the city enter into an agreement with Snodgrass & Sons, LLC for providing Design-Build Services for the “Downtown Splash Pad Park” project as presented.

MOTION approved unanimously.

1. **Sanitary Sewer Main "A" Project Phase 1 – Contract with APEX Excavating, L.L.C.:**

On December 14, 2022, the city received bids for constructing the first phase of improvements to their Main “A” sanitary sewer. This portion of Main “A” will replace and upsize sewer lines from the WWTP to June Ave. The low bidder was Apex Excavating, LLC, Wichita, Kansas. On December 19th, the City Council approved awarding the project to Apex and on December 20th contract documents and bond forms were sent to Apex for execution. Contract documents have been completed, signed, and returned by Apex, including Performance, Payment, and Statutory bonds.

To address existing contractor workloads and limitations in supply chain and labor resources, the City included a provision in the bid documents to delay issuing a Notice to Proceed for up to (120) days. This additional time would allow the Contractor to perform pre-construction work including shop drawing preparation and materials procurement before days are counted on their construction contract. Accordingly, a Notice to Proceed will be issued when requested by the Contractor or no later than May 16, 2023.

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, including approx. $2,092,915 for construction and $732,520 for project costs.

Apex Excavating’s low bid of $949,340 for Phase 1 represents approx. 45% of the total estimated construction costs for Main “A”. The Main “A” sewer improvement project includes a total of 11,384 LF of sewer pipe. Phase 1 improvements will construct 3,498 LF or approx. 31% of the total Main “A” sewer pipe.

MOTION by Mottola, second by Allen that the city approve a construction agreement with Apex Excavating, LLC. for Sanitary Sewer Main “A”, Phase 1 improvements in the amount of $949,340.00 and authorize the mayor to sign.

MOTION approved unanimously.­­

**City Clerk:** None

**City Administrator:** None

**City Attorney:** City Attorney, J.T. Klaus, requested an Executive Session for a period of fifteen (15) minutes.

1. Justification -  Discussion of matters involving non-elected personnel under K.S.A. 75-4319(b)(6);
2. Purpose – discuss non-elected personnel.

MOTION by Allen, second by Ford to recess this meeting to an Executive Session for the discussion of matters involving non-elected personnel under K.S.A. 75-4319(b)(6) for the purpose of discussing non-elected personnel for a period not to exceed fifteen (15) minutes, to include the Mayor, City Council, City Administrator, and City Attorney, and to return to open session at approximately 8:25 p.m.

MOTION approved unanimously at 8:10 p.m.

MOTION by Mottola, second by Ford to reconvene the City Council meeting.

MOTION approved unanimously at 8:25 p.m.

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

MOTION by Mottola, second by Ford to receive and file the Notice of Intent to retire from the City Administrator.

MOTION approved unanimously.

**Consent Agenda Items 1 - 3:**

MOTION by Mottola, second by Cardwell to approve Consent Agenda items 1 - 3.

1. Payroll dated 1-06-23 ($233,972.42).
2. Warrant Register ($1,065,386.91).
3. Police Dept. – Lexipol Subscription ($10,926.98).

MOTION approved unanimously.­­

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

* Next council meeting – Monday, February 6th @ 7:30 p.m**.**

**ADJOURNMENT:**

MOTION by Mottola, second by Allen to adjourn the city council meeting.

MOTION approved unanimously at 8:27 p.m.

Minutes by:

Debra M. Parker, City Clerk