

MULVANE CITY COUNCIL REGULAR MEETING MINUTES

February 5, 2024

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 Brent Allen, who called the meeting to order.

COUNCIL MEMBERS PRESENT: Trish Gerber, Tim Huntley, Grant Leach, Todd Leeds.

OTHERS PRESENT: Austin St. John, Debra Parker, Mike Robinson, Chris Young, Gordon Fell, Joel Pile, Kenneth Olsen, Kaylie Mistretta, Kevin Baker, Amy Baker, Jacob Coy, Steve Nichols, Kathy Sexton, Kevin Cardwell, Corie Rogers, Kendra Stacey, Andrea Walker, Ethan Kaplan, James Krstolich.

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

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Huntley, second by Leeds to approve the Regular meeting minutes dated January 17, 2024.

MOTION approved unanimously.

CORRESPONDENCE: Councilmember Huntley received a comment from a citizen that was happy with the addition of the Splash Pad and the name. Huntley received a question regarding lowering the mill levy. Mayor Allen received comments regarding the crossing on Second St. south of the Middle School. Drivers are not yielding the right-of-way to pedestrians. Councilmember Leeds received a comment regarding replacement of the Styx Creek Bridge in the Willowdell Addition which was washed away by the flood in 2016.

PUBLIC COMMENTS: Andrea Walker was present to address the council about the pedestrian crossing south of the Middle School. She is a crossing guard for the school and has seen several instances where drivers are not yielding to pedestrians. She feels this is a dangerous area, especially with school traffic. She suggested a flashing light be installed at that location or at the corner south at Miller Street.

APPOINTMENTS, AWARDS AND CITIATIONS:

1. **30 Year Service Award for Kevin Baker:** Mayor Allen presented Public Works/Utility Director, Kevin Baker, with a 30 Year Service Award and thanked him for his service.

OLD BUSINESS

1. **Enterprise Fleet Management Agreement:** At the January 17th council meeting, Kenneth Olsen with Enterprise Fleet Management gave a synopsis of a proposal to manage 36 vehicles for the City of Mulvane over the next five years in the company's lease, maintenance, and fuel programs. Olsen was present to answer additional questions from the council about the programs available. The initial plan proposed would be to order 16 vehicles to replace existing vehicles and

one new admin vehicle in 2024 to be purchased through Enterprise's Leasing Program. The fleet management programs offer the potential to save some money and time while ensuring the city has up-to-date equipment. The time savings would come from streamlined billing and processing as well as not having older vehicles in for maintenance. The council reviewed the positives and the negatives of the program. The council discussed the fluctuating interest rates, the buying and selling market, being locked into a lease for 5 years, how much maintenance is required for new vehicles, how this would affect the budget, and would like to see the fee schedule for costs of the program. After further discussion, the council would like to have more information before making a final decision. There was no action taken on this item.

NEW BUSINESS

1. Facility Agreement Between API and Mulvane Senior Center:

Senior Center Director, Kaylie Mistretta, was present to review the API Agreement with the council. The Mulvane Senior Center distributes and serves daily meals to both homebound and congregate seniors to ensure they receive nutritious meals. The only change to this agreement from previous years is an increase from \$7.25 to \$9.25 per hour pay rate.

MOTION by Leach, second by Huntley to approve the Agreement for Meals on Wheels and Friendship Meals for the Mulvane Senior Center between the City of Mulvane, Kansas and Aging Projects Inc. for the 2024 budget year.

MOTION approved unanimously.

2. Expansion of the Maintenance Shop:

Public Works Director, Kevin Baker, reviewed this item with the council. The current maintenance shop has inadequate space to work safely on the city's large trucks and equipment. Expanding the shop will allow more workspace, an office area, and more storage for maintenance supplies. The newly constructed 20' x 60' maintenance shop expansion will be directly attached to the current 40' x 60' shop providing 1,200 more square feet. The projected cost will include electrical components and lighting with the addition of an oil heater that will provide a cost-effective heating system while utilizing used oil as a fuel source.

Request for Proposals (RFPs) were sent to four (4) vendors. The proposals received are as follows:

Shop Expansion:

Farha Construction / \$310,800 to \$350,000

Smith Construction / \$135,945

(It was noted that Smith Construction was the original builder of the current facility).

Electric Installation including parts and labor:

Westfall Electric / \$14,136.65

Tracy Electric / \$15,287.00

Oil Heater:

Automotive Equipment / \$13,516.00

Councilmember Gerber inquired if the addition would be an adequate size for the long-term. Baker advised it will be sufficient for the future and commended mechanic Corie Rogers for his excellent work.

MOTION by Huntley, second by Leach to approve a 20' x 60' maintenance shop expansion at 410 W. Bridge in the amount of \$135,945.00 to Smith Construction with a contingency fund reserve of \$8,000 for incidentals.

MOTION approved unanimously.

MOTION by Huntley, second by Leeds, to approve installation cost of electric components, lighting, and labor for the maintenance shop expansion at 410 W. Bridge St. in the amount of \$14,136.65 to Westfall Electric.

MOTION approved unanimously.

MOTION by Leach, second by Leeds to approve the purchase of one (1) Energy Logic 140 H Oil Heater to be installed in the newly expanded maintenance shop from Automotive Equipment, Inc. in the amount of \$13,516.00.

MOTION approved unanimously.

3. Fiber Franchise Agreement with Idea Tek:

Ethan Kaplan and James Krstolich with Idea Tek were present to review the agreement with the council and answer questions. Idea Tek would like to install fiber optic internet throughout the City. Idea Tek can provide reliable, upgradeable fiber, with higher speeds at a lower cost to the consumer.

Since the City maintains ownership over the utility right of ways throughout the city limits, utility providers must request permission to install their equipment within the right of way. Additionally, the City also owns the utility poles. If any utility requires the use of the city's utility poles for their equipment, they must have a pole attachment agreement.

The council asked about a time frame for the work. Krstolich advised work would be done in zones with a time frame of 3 – 6 months to complete. City Administrator, Austin St. John, advised a negative to the project would be crowding on the existing poles, and another utility in the right of way to dig around. City Attorney, J.T. Klaus, advised this would be fast and less expensive for the consumer, but would generate less revenue in franchise fees, however, revenue would be generated from pole attachments.

The proposed franchise agreement includes a 5% franchise fee, and the pole attachment agreement includes a \$10 per pole attachment fee per year.

MOTION by Leeds, second by Leach to approve the Franchise Ordinance #1575 with Idea Tek and authorize the Mayor to sign.

MOTION approved unanimously.

ORDINANCE NO. 1575

A CONTRACT FRANCHISE ORDINANCE GRANTED TO IDEATEK TELCOM, LLC.
A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER

PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF MULVANE,
KANSAS.

MOTION by Leeds, second by Huntley to approve the pole attachment agreement with Idea Tek and authorize the Mayor to sign.

MOTION approved unanimously.

4. Transient Guest Tax Request from KACP:

Public Safety Director, Gordon Fell, presented the transient guest tax request from the Kansas Association of Chiefs of Police (KACP). The KACP is hosting their annual conference April 29th through May 2nd in Mulvane and is requesting \$2,000 in transient guest tax funds.

MOTION by Huntley, second by Leach to approve the transient guest tax application from KACP in the amount of \$2,000.

MOTION approved unanimously.

5. Transient Guest Tax Request from Marauders Car Club:

Steve Nichols and Kevin Cardwell from the Marauders Car Club were present to request transient guest tax funds for the annual Showdown in the Valley Car Show held at the Kansas Star Casino April 26th to 27th.

MOTION by Leeds, second by Gerber to approve the transient guest tax application from Marauders Car Club in the amount of \$2,000.

MOTION approved unanimously.

6. City Council Orientation:

Kathy Sexton, Senior Management Consultant from WSU, presented an orientation to the City Council. Topics included Roles and Duties, Effective Meetings, Media and Communications, and Dealing with Criticism.

LAND BANK

MOTION by Huntley, second by Gerber to recess the 2/5/2024 City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Huntley, second by Leach to approve the 1/3/2024 Land Bank Trustee meeting minutes.

MOTION approved unanimously.

City Attorney, J.T. Klaus, explained the Notice of Agreement and Right of First Refusal to the Board. On March 19, 2018, Carol Irvine, through her entity Lil' Deuce Scoop, (LDS) entered into a Real Estate Purchase Agreement with the Mulvane Land Bank for the property at 110 W. Main. Pursuant to a Special Warranty Deed to Lil' Deuce Scoop, the Land Bank was provided a Right of First Refusal with respect to the Property if at any time the owner wished to sell, lease, or transfer their interest in the Property. Ms. Irvine provided notice of intent to sell the property for a purchase price of \$100,000. The Land Bank will need to provide notice of its intent to exercise its right to purchase the Property or if the Land Bank does not desire to exercise its right, it may

consent to the Proposed Transfer and require LDS and the Proposed Buyer sign an agreement providing the Land Bank's Right of First Refusal remains intact for subsequent transfers of the Property.

MOTION by Leeds, second by Leach to approve the Notice of Agreement and Right of First Refusal and authorize the Chair to execute the same.

MOTION approved unanimously.

MOTION by Gerber, second by Huntley to adjourn the meeting of the Mulvane Land Bank Board of Trustees and can reconvene as the Mulvane City Council.

MOTION approved unanimously.

ENGINEER

1. Project Review and Update:

Phase 2 Main "A" Sanitary Sewer – Notice to Proceed with Apex will be presented at the next council meeting.

Pearl St. Water Line, College Ave. to Park Ave. – Working with Public Works on the project.

GIS Mapping – To be determined based on proposals received and approved.

Phase 1 Harvest Point Addition Infrastructure – Working on bid package for Infrastructure.

CITY STAFF

City Clerk: None

City Administrator:

KPP Solar Project – KPP have performed a site survey and have started an environmental study. Representatives from KPP will be at the next council meeting to present an easement for the project.

Financial Report – Review of the financial standing of each fund for the City. This report will be provided monthly so the council can see how the city is expending funds throughout the year.

The new Public Works/Utility Director, Jacob Coy, was introduced to the council.

City Attorney:

City Attorney, J.T. Klaus, requested an Executive Session for a period of twenty (20) minutes 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.

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 twenty (20) minutes

to include the Mayor, City Council, City Administrator, Director of Public Safety, City Attorney and Associate City Attorney, and to return to open session at approximately 10:20 p.m.
MOTION approved unanimously at 10:00 p.m.

MOTION by Gerber, second by Leeds to reconvene the City Council meeting.
MOTION approved unanimously at 10:25 p.m.

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

CONSENT AGENDA ITEMS:

MOTION by Leeds, second by Leach to approve consent agenda items 1-5.

1. Payroll dated 1/19/24 - \$243,190.14
2. Payroll dated 2/2/24 - \$244,732.90
3. Purchase of Sodium Hydroxide and Ferric Chloride from Brenntag - \$39,200.00
4. Liquor License for Empire Tacos
5. City Utility Bills - \$20,365.17

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

Council workshop is scheduled for Thursday, February 15th at 6:00 p.m. at the PIX.

Next City Council Meeting – Wednesday, February 21, 2024, at 7:30 p.m.

ADJOURNMENT:

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

MOTION approved unanimously at 10:26 p.m.

Debra M. Parker

Minutes by:
Debra M. Parker, City Clerk