

MULVANE CITY COUNCIL
REGULAR MEETING MINUTES

August 7, 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.

Councilmembers Present: Tim Huntley, Brent Allen, Kurtis Westfall, and Nancy Farber Mottola.

Others Present: Debra Parker, Kent Hixson, Chris Young, Joel Pile, J.T. Klaus, Rachael Blackwell, Gordon Fell, Mike Robinson, Jeri Myers, Mike Fells, Lowell Ester, Beckie Bowers, Shon Largent, Constance Largent, Bill Reekie, Nate Yarnell, Nick Ryan.

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

Approval of Regular Meeting Minutes Dated 7-17-23:

MOTION by Allen, second by Huntley to approve the Regular meeting minutes dated 7-17-23.
MOTION approved unanimously.

Correspondence: Councilmember Mottola was contacted by someone that had concerns regarding the entrance onto Prather St. from Main St. Councilmember Mottola received correspondence from an organization regarding concerns with the property tax rates. Mayor Steadman advised a call was received for assistance at Quad Co. due to a possible leak. The issue was taken care of.

Review and Closing of the Agenda: None

Appointments, Awards, and Citations:

Mayor Steadman awarded Fire Captain, Lowell Ester, with a twenty-year service award and thanked him for his service.

Mayor Steadman awarded Shon Largent of the Public Works Dept. with a ten-year service award and thanked him for his service.

LAND BANK

The City Council is also the Mulvane Land Bank Board of Trustees. All land acquisition-related invoices and other bills need to be approved and paid for by the Land Bank. The Land Bank is required to have an annual budget.

MOTION by Mottola, second by Huntley to recess the 8/7/23 City Council meeting and convene as the Mulvane Land Bank.

MOTION approved unanimously.

MOTION by Allen, second by Huntley to approve the 7/5/23 Land Bank Trustee meeting minutes.
MOTION approved unanimously.

MOTION by Allen, second by Mottola to recess the Mulvane Land Bank meeting for a period not to exceed one (1) minute for the purpose of conducting a public hearing regarding the 2024 proposed annual Land Bank budget.
MOTION approved unanimously.

There was no one present to speak at the public hearing. Board Chair Steadman closed the public hearing.

MOTION by Mottola, second by Allen to reconvene the 8/7/23 regular Land Bank meeting.
MOTION approved unanimously.

MOTION by Mottola, second by Huntley to approve the 2024 annual Land Bank budget as provided.
MOTION approved unanimously.

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

OLD BUSINESS

None

NEW BUSINESS

1. Transient Guest Tax Application – Mulvane Alumni Assoc.:

Beckie Bowers, Treasurer of the Mulvane Alumni Assoc., presented a request for transient guest tax funds to the council. There was a correction to the budget sheet removing the scholarship line item from expenses.

MOTION by Huntley, second by Westfall to authorize the City Administrator to approve the 2023 request from The Mulvane High School Alumni Assoc. for Transient Guest Tax funds in the amount of \$2,000.00.

MOTION approved 3-0 with Mottola abstaining.

2. Transient Guest Tax Application – Kansas Star Casino:

In 2008, the governing body of the City of Mulvane, Kansas passed Charter Ordinance No. 26 which established a 5% Transient Guest Tax (TGT).

In 2011, the City Council adopted a policy that defines how the Transient Guest Tax shall be used and disbursed. As required by State law, the policy specifies tax proceeds shall primarily be spent

on convention and tourism promotion primarily on activities and organizations which encourage increased lodging facility occupancy (i.e., stays at the Hampton Inn).

In 2022, the City Council amended the “Transient Guest Tax” Resolution. The amendment increased the Transient Guest Tax from 5% to 8% of gross receipts. The amendment restated the city’s intent to grant priority to request funds for convention and tourism to the Kansas Star for the first 5% of annual gross receipts. This priority will remain in effect until use of the Transient Guest Tax Funds by the Kansas Star reaches \$3,800,000. With the 2023 request of \$400,000.00 the total distribution to date is \$2,667,000.00.

MOTION by Allen, second by Huntley to authorize the City Administrator to approve the 2023 request from the Kansas Star Casino for Transient Guest Tax funds in the amount of \$400,000.00. MOTION approved unanimously.

3. Chamber of Commerce – Resolution for Special Event:

The 150th Annual Mulvane Old Settlers Celebration (MOS) will be held August 24-27, 2023. MOS consists of numerous events and activities generally held in the Mulvane Downtown and adjacent rodeo grounds. On Saturday, August 26, 2023, the City, Chamber of Commerce and Kansas Star Casino will jointly sponsor the Downtown Street Dance. The 2023 Street Dance will feature the Jack Fancy Band who will perform on a stage located near the intersection of West Main Street and North First Street from 9pm to midnight. The Mulvane Chamber of Commerce has made application to the City for a “Special Event” to offer for sale, sell, and serve alcoholic liquor and cereal malt beverages on Saturday, August 26, 2023 from 12:00 noon to 12:00 midnight in a designated area consisting of the 100 and 200 blocks of West Main Street, and Cobb Family Historical Park.

The Special Event Premises includes public property (streets, parks, and sidewalks) owned by the City which requires a designation of a “Special Event” to allow the consumption of alcoholic beverages under Section 600.150 and Section 600.180 of the Code of the City of Mulvane.

City Code makes provision for the issuance of temporary permits but does not normally allow the consumption of any alcoholic liquor or cereal malt beverage on public property within the City, except during “Special Events” of a specified time, place, and duration, upon approval by the governing body of the City. Approving the Resolution would designate the MOS Downtown Steet Dance as a “Special Event” and authorize the Mulvane Chamber of Commerce and any lawfully licensed permit holder to offer for sale, sell and serve alcoholic liquor and cereal malt beverages on the Special Event Premises during the specified time and duration of said event. Vehicular traffic is not allowed within designated Special Event Premises. The Resolution closes any streets or roads to vehicular traffic within the Special Event Premises from at least August 26, 2023, from 12:00 noon to 12:00 midnight.

Any and each applicant requesting a Temporary Event License shall pay the City, at the time of application, the required license tax (\$25 per day) as provided for in Section 100.240 of the Code of the City of Mulvane. In addition, per K.S.A. 41-1201 each applicant must electronically submit a state fee of \$25 per day for a State Temporary Event License. Both a City Temporary License

and Kansas Temporary Permit are required to offer for sale, sell and serve on the Special Event Premises.

It was noted that all applicants will share in the liability of the event. Exit point barricades and monitoring of the event were discussed.

MOTION by Allen, second by Mottola to approve Resolution No. 2023-3 authorizing a Special Event Premises on public property in connection with the community's Old Settlers Celebration for the sale and service of alcoholic liquor and cereal malt liquor within the city limits and closing portions of West Main Street to vehicular traffic during the specified Special Event.

MOTION approved unanimously.

RESOLUTION NO. 2023-3

A RESOLUTION OF THE CITY OF MULVANE, KANSAS AUTHORIZING A SPECIAL EVENT ON CITY PROPERTY IN CONNECTION WITH THE COMMUNITY'S OLD SETTLERS DAYS CELEBRATION FOR THE SALE AND SERVICE OF ALCOHOLIC LIQUOR AND CEREAL MALT LIQUOR WITHIN THE CITY LIMITS AND STREET CLOSING.

4. Fire Dept. - Forestry Grant:

This grant is funded by the Kansas Forest Service, which assists departments all over the State by providing funding and services. This grant threshold was \$10,000.00 with 50% to be reimbursed. The City of Mulvane's portion of this grant is \$4,987.34. It was determined to utilize this grant as an opportunity to purchase fittings, new hose, and a radio. This will allow worn and outdated equipment to be replaced. The City of Mulvane's portion will be funded through Fire Minor New Equipment in the amount of \$4,987.34.

MOTION by Huntley, second by Westfall to accept the quote from Feld Fire in the amount of \$3,083.21 for miscellaneous equipment for the Fire Dept.

MOTION approved unanimously.

MOTION by Huntley, second by Westfall to accept the quote from Motorola Solutions in the amount of \$6,890.63 for radio and accessories for the Fire Dept.

MOTION approved unanimously.

5. Fire Dept. - Firehouse Grant:

In 2005, the Firehouse Subs founders established the 501(c)(3), non-profit Firehouse Subs Public Safety Foundation. The charity provides lifesaving equipment, prevention education, scholarships and continued education, disaster relief for first responders and public safety organizations, as well as support for military veterans. Since inception, the Firehouse Subs Public Safety Foundation has awarded more than \$77 million to hometown heroes in all 50 states and Puerto Rico. More than 70% of the funds raised for the Firehouse Subs Public Safety Foundation come from the generosity of Firehouse Subs guests and the restaurant brand.

When the grant was submitted, our needs exceeded the grant, so changes were made to be below the \$25,000 grant threshold. A third tool (Push/Pull 40 in Ram) was removed to be competitive for the funding. The grant will be used to purchase a DeWalt Spreader, Cutter, and Accessories, fulfilling a critical need within the department. The 100% grant award will be \$24,275.00. The Fire Dept. would like to purchase the remaining tool to complete the set.

MOTION by Huntley, second by Allen to accept quote #273 from Rescue Specialists in the amount of \$24,275.00 to be reimbursed 100% from the Firehouse Subs Grant.

MOTION approved unanimously.

MOTION by Huntley, second by Allen to accept quote #279 from Rescue Specialists in the amount of \$9,450.00 for the purchase of a DeWalt 20v Push/Pull 40 in Ram.

MOTION approved unanimously.

6. Fire Dept. – FEMA Grant:

This grant is funded by FEMA/ Department of Homeland Security. This grant process started back in January 2023. Although there are many needs in public safety, radio upgrades are a top priority. Quotes were gathered and the grant was submitted for new radios and accessories in the amount of \$247,000.00 with a 5% match paid by the City of Mulvane.

With updated pricing and a few changes, the bid for the radios increased to \$258,700.97 with \$23,272.40 paid by the City of Mulvane. This will be for a total of forty (40) encrypted radios.

MOTION by Huntley, second by Allen to accept the quote from Motorola Solutions in the amount of \$258,700.97 for radio equipment for the fire department with \$235,428.57 reimbursed to the City of Mulvane.

MOTION approved unanimously.

ENGINEER

1. Project Review and Updates: City Engineer, Chris Young, reviewed the following projects with the council:

Downtown Park - Storm sewer installations are completed, and the Contractor is working to complete pavement installations (outside the park perimeter). The entry onto Prather St. and the turn radius was discussed.

Main "A" Sanitary Sewer Improvements - To date Apex Excavating has completed approximately 60% of the total pipeline installations and site work. Apex anticipates 4 -5 weeks to complete the project.

Rock Road Sewer Lift Station Force Main - Bid documents have been distributed to prospective bidders. A bid date has been set for August 15th and bids are scheduled to be presented to the City Council at the August 21st meeting.

2. Phase 2 - Sewer Main "A" Project:

Phase 1 is estimated to be completed and in service in the early fall of 2023. Phase 2 of the Main "A" improvements would construct new sewers from Boxelder to south of Poplar.

City staff recommended proceeding with the preparation of Phase 2 bid documents and establishing a financing plan for constructing the second phase of the Main "A" improvements. Young reviewed the projected costs and timeline with the council.

August 2023 - Complete Phase 2 bid documents, prepare updated cost options and establish a Phase 2 financing plan.

October 2023 - Bid Phase 2 Main "A" Improvements.

April 2024 - Complete Phase 2 Main "A" construction.

In May of 2021, the City Council approved the authorization of General Obligation Bonds to finance the Main "A" sewer improvement project. City staff estimates the GO bond balance (after Phase 1) will be approx. \$1,460,000. Phase 2 total project costs are estimated at \$1,299,131. This includes the preparation of Phase 2 bid documents, engineering oversight and administrative expenses.

2024 BUDGET WORKSHOP

Finance Director, Rachael Blackwell, reviewed the 2024 Budget with the council and answered questions. The 2024 budget shows a decrease in the tax rate from 57.570 to 57.300.

MULVANE HOUSING AUTHORITY

The City Council serves as the Mulvane Housing Authority. The primary purpose of the MHA is to oversee the 23-unit Quad County Manor Housing Complex.

MOTION by Mottola, second by Allen to recess the City Council Meeting and convene as the Mulvane Housing Authority.

MOTION approved unanimously.

MOTION by Mottola, second by Allen to approve the Mulvane Housing Authority Meeting minutes dated 7-17-23.

MOTION approved unanimously.

The MHA reviewed the Management Agreement and the Management Plan provided by Van Binsbergen & Assoc. City Attorney J.T. Klaus, indicated there would need to be some clarification on the termination provisions provided in the documents since they didn't coincide. Another item for clarification would be the office hours.

The MHA would like to see additional information from Convergent Investors regarding their interest in purchasing the property. City Administrator, Kent Hixson, will contact Convergent Investors for an update.

MOTION by Huntley, second by Mottola to adjourn the Mulvane Housing Authority meeting and reconvene the regular City Council meeting of 8-07-23.

MOTION approved unanimously.

CITY STAFF

Executive Session: Mayor Steadman entertained a motion to recess the City Council meeting to an Executive Session to discuss matters involving non-elected personnel pursuant to K.S.A. 75-4319(b)(1) for the purpose of discussing non-elected personal for a period not to exceed thirty (30) minutes to include the Mayor, City Council, and City Attorney.

MOTION by Mottola, second by Huntley to recess the City Council meeting to an Executive Session to discuss matters involving non-elected personnel pursuant to K.S.A. 75-4319(b)(1) for the purpose of discussing non-elected personnel for a period not to exceed thirty (30) minutes, to include the Mayor, City Council, and City Attorney, and to return to open session at approximately 9:45 p.m.

MOTION approved unanimously at 9:15 p.m.

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

MOTION approved unanimously at 9:47 p.m.

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

City Clerk: None

City Administrator: None

City Attorney: None

CONSENT AGENDA ITEMS 1 - 5:

MOTION by Mottola, second by Allen to approve consent agenda items 1 - 5.

1. Payroll dated 7-21-23 (\$251,821.52) and 8-04-23 (\$266,241.34).
2. Sewer Main "A" – Pay Appl. #3 to APEX (\$55,687.25).
3. Approve the purchase of 30,000 lbs. of caustic soda for \$19,000.00 from Brenntag Southwest, Inc.
4. City Utility Bills (\$21,193.77).
5. Downtown Park – Pay Appl. to Snodgrass Const. (\$158,120.08).

MOTION approved unanimously.

ANNOUNCEMENTS, MEETINGS, AND NEXT AGENDA ITEMS:

- Next regular council meeting – Monday, August 21st @ 7:30 p.m.

ADJOURNMENT:

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

MOTION approved unanimously at 9:48 p.m.

Debra M. Parker

Minutes by:

Debra M. Parker, City Clerk