

**MULVANE CITY COUNCIL
REGULAR MEETING MINUTES**

November 6, 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.

COUNCIL MEMBERS PRESENT: Brent Allen, Tim Huntley, Nancy Farber Mottola, Kevin Cardwell.

OTHERS PRESENT: Austin St. John, Debra Parker, J.T. Klaus, Mike Robinson, Chris Young, Shon Gerber, Gordon Fell, Joel Pile, Branden Bohannon, Tori Bohannon, Taryn Bohannon, Sally Tatro, David Buche, Sheldon Howell.

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

APPROVAL OF REGULAR MEETING MINUTES:

MOTION by Mottola, second by Huntley to approve the Regular meeting minutes dated October 16, 2023.

MOTION approved unanimously.

CORRESPONDENCE: None

PUBLIC COMMENTS: None

APPOINTMENTS, AWARDS AND CITIATIONS:

Mayor Steadman presented Branden Bohannon with a Certificate of Appreciation for 10 years of service and thanked him for his dedicated service.

OLD BUSINESS

None

NEW BUSINESS

1. Review Employee Benefits for 2024:

Sally Tatro with USI reviewed the 2024 benefit options with the council and answered questions. Quotes for health insurance were received from BCBS and United Health Care. BCBS options included a 5.1% increase for a fully insured plan or a 9.9% decrease if renewing as a partially self-funded plan. Staff budgeted a 15% increase for the 2024 renewal. Also reviewed was the City's contribution to the employee's FSA account. Due to IRS limitations, this will be changed to a Health Reimbursement Account (HRA). Staff is requesting the addition of an Employee Assistance Program (EAP) as part of the 2024 benefits renewal and changing the company imposed waiting period from 60 days to 30 days.

Staff will research the differences between the fully insured and the partially self-funded plans, and the impact it may have on staff due to additional reporting requirements. Information for these options will be reviewed at the next City Council meeting.

The Delta Dental rates had a slight increase of 2.7% and the Surency Vision rates remained the same.

2. KPP Annual Meeting – Voting Delegates:

To vote at the KPP Energy Annual Member’s Meeting, each member city must designate a representative, and one or more alternates authorized to act in the absence of the designated representative, to serve on the KPP Energy’s Membership Committee. The governing body of each member city must appoint their representative and alternate(s).

MOTION by Mottola, second by Cardwell to designate Kevin Baker as the voting delegate and Bill Reekie as the alternate at the Annual KPP Energy Business meeting December 8, 2023.

MOTION approved unanimously.

3. Mulvane Patriots Team Proposal:

The Kansas Collegiate League Baseball (KCLB) is a summer collegiate baseball program that keeps baseball players active through the summer. The Mulvane Patriots Team will be a 501c3 non-profit entity under the Kansas Collegiate League Baseball umbrella. Sheldon Howell, KCLB Commissioner/President, presented a proposal to the council. KCLB would like to create a beer garden and requested a Cereal Malt Beverage (CMB) license from the City. A controlled area would be fenced off. CMB protocol would be followed with proper security. KCLB requested a 2-year commitment and asked for field expenses to be covered by the City and \$10,000 to cover startup expenses which includes uniforms and two (2) community buy outs. KCLB is proposing 10% of the ticket and beer sales be paid back to the City as part of the proposal. Also under consideration is another \$10,000 request if the City would like KCLB to host a firework show.

The council discussed the \$10,000 start-up costs and asked if it could be split between the 2-year commitment. The council would like to review the available balance in the Transient Guest Tax (TGT) fund before making any decisions. This item will be discussed at the next meeting after the requested information is available.

Councilmember Cardwell advised that since he is involved with the organization and on the Board, he will be abstaining from any discussion or voting on this matter.

4. KPP Solar Project:

The City of Mulvane is a member of KPP Energy, a Municipal Energy Agency, which manages the purchase of electricity for all its member cities. KPP wrote an application for a loan with a minimum of 20% loan forgiveness to construct a total capacity of 20 MW of solar array in nine KPP communities. KPP has asked if the City would like to participate in the project by allowing a 12 to 14-acre solar array on City property. Staff have identified some possible locations for the project. One possible location is a 20-acre lot of City-owned property, northwest of Emerald Valley Estates (originally referred to as the “Rivers Property”). The solar array would be installed and owned by KPP, and the maintenance would be paid for by KPP. The land would still be owned by the City.

KPP would like to install and own/operate a 2 MW solar array in Mulvane. They are asking to utilize city owned land in exchange for a small discount on electricity. KPP would pay for anything related to the solar array, including zoning changes, permits and maintenance. (The City may be asked to waive some zoning or permit fees it might normally receive.) Where the solar array is placed could negatively impact an adjoining neighborhood. Before KPP would proceed with the project, it would evaluate the feasibility of the location. The site may not work if it is too shaded or not viable.

The cost of this project will be paid by the KPP through a USDA loan. The loan will be subsidized via loan forgiveness, and KPP will be eligible for tax credits for up to an additional twenty percent (20%). The cost will then be included in KPP Member City's electricity bill, as it will be included in the portfolio. KPP estimates the cost per kWh is approximately \$0.0343. KPP is also looking at discounting electricity for those communities that have agreed to allow the solar arrays to be built on their property and easement for as long as the array exists. The discussion of how much of a discount may be applied is still underway, but there was an inclination to utilize figures for rent for non-irrigated farmland estimated by the National Agricultural Statistical Service and Kansas State University. For Sedgwick County, non-irrigated farmland rent is estimated to be around \$50 per acre a month. Using this number, we would expect around \$7200 a year in discount for electricity. The universal average for all Members (if used instead) would be closer to \$42 per acre.

The City may legally grant an easement for this purpose. The reason for an easement would be that the property will be designated for municipal use, and the City can apply for a property tax exemption. The subject property would likely need to be rezoned to accommodate the solar array. Although the project will be KPP owned and considered "pooled capacity," it will be located "inside" the meter, such that the electricity will be used by Mulvane customers as a practical matter.

In order to begin the feasibility study, KPP will need the possible locations available. A second location discussed was the City property north of the wastewater treatment plant since it is reaching the end of its nutrient level from sludge application. This property, however, is in a major flood plain.

MOTION by Mottola, second by Huntley to authorize the City Administrator to indicate to KPP that the City of Mulvane, Kansas desires to be considered for further participation in the Solar project, subject to acceptance of final details, and that he explore the feasibility of locating the project on property that has yet to be determined.

MOTION approved unanimously.

ENGINEER

1. Project Review and Update:

Downtown Park - The Contractor has constructed the splash pad and associated underground water lines, concrete sidewalks, restrooms, screening fence and other site items. Finish work continues on the park walls, restrooms, and perimeter curb and gutters. Splash pad start-up, training and winterizing has been completed. The benches are backordered. The council asked about the ability to water any landscaping done after winterization of plumbing. Young advised the landscaping can be completed at a later date. The council asked about security cameras. The

pavilion was built with conduit in the mechanical room that would easily accommodate security cameras.

Young has been reviewing the Main and Prather intersection and has some concept plans to modify the radius entrance on the east side or the west side. Young will review the options with the council at a later date to see if modifications are desired.

Main "A" Sanitary Sewer Improvements - Phase 1 sanitary sewer installations are complete and have been placed in operation. The Contractor continues working to address remaining punch-list items including some pavement replacement installations.

Rock Road Force Main Modifications - Construction installations are complete, and the new force main is in operation. The Contractor is finishing some site work. A request for final inspection is expected within the next few weeks.

Pearl St. Water Line, College Ave. to Park Ave. - Design plans were completed and sent to KDHE on 9/20/23. KDHE returned comments on 10/3/23 and revised/final plans re-sent on 10/4/23. The City is waiting for KDHE approval to proceed with construction.

2. Phase 2 – Main A Sanitary Sewer Improvements – Review Bid and Notice of Award:

Bid opening for Phase 2 Main A Sanitary Sewer Improvements was October 19, 2023. Bids were received from Apex Excavating, LLC and Nowak Construction Co. Young reviewed the bid tabulation with the council. Apex Excavating total base bid - \$1,178,010.00 / Alternate alignment bid - \$1,161,060.00; Nowak Construction total base bid - \$1,578,422.05 / Alternate alignment bid - \$1,588,098.05. The low total base bid with alternate alignment was received from Apex Excavating, LLC for \$1,161,060.00. Staff recommends accepting the low bid from Apex Excavating and issue a Notice of Award.

MOTION by Huntley, second by Allen to issue a Notice of Award to Apex Excavating, LLC and authorize the City Administrator to sign.

MOTION approved unanimously.

CITY STAFF

City Clerk: Employee Handbook updates were sent out to the City Council for review and comment. Some requested updates will coincide with the 2024 Benefit Renewal. Staff will ask for adoption of the Handbook by the December 4th meeting to allow time for any 2024 Benefit changes to be processed effective January 2024.

A “Meet and Greet” is scheduled for the new City Administrator, Austin St. John for Wednesday, November 8th from 11:30 – 1:30 at the Pix Community Center. All City Employees are invited to attend. Lunch will be provided.

City Administrator:

1. WAMPO Regional Transit Implementation – On October 26th, Austin St. John attended a kickoff meeting organized by the Wichita Area Metropolitan Planning Organization (WAMPO) regarding regional transit implementation. This meeting included communities from all over the

Wichita metropolitan area. The goal of the meeting was to start a conversation regarding the need of a regional transit system between the outlying communities and Wichita. The plan for this group is to meet at least quarterly to continue discussions and implement public meetings to figure out where there is a need for transit and how best to implement the program. This process might include local surveys of communities to identify needs.

2. Council Chambers Audio/Video – WAV Services out of Derby came to City Hall to evaluate the audio/visual components in the council chambers and what it would take to get it working as it is currently set up. After further discussion with the mayor and staff about the needs of the city for the council chambers, St. John also asked WAV to include the ability to conduct video conferences. The video conferences would be helpful if the council needed someone to speak at a council meeting but would not have to be present. It is also beneficial for the municipal court as first appearances in court are allowed to be conducted via video conference and would reduce the amount of transportation required if a person is incarcerated. The quote for repairing the system and adding the teleconferencing capabilities is \$9,562. St. John authorized WAV start the process and order the equipment. Once in, the project will take two or three days to complete. WAV Services came recommended from the City of Derby as they did work on the Derby council chambers. If the council were to want to live stream/record meetings, this system would be expandable to include those capabilities. Council asked if other quotes had been received. Kent Audio Visual gave a quote of \$12,940.17 to upgrade the system. Other vendors contacted did not come to evaluate the system.

3. Railroad Crossing - On November 14-15th, BNSF will be closing the underpass on Highway 53 west of Fire Station 1. On November 18-19th, BNSF will be closing the railroad crossing west of 1st Street.

City Attorney:

Executive Session #1 – City Attorney, J.T. Klaus, requested an Executive Session to discuss matters deemed privileged in the Attorney/Client Relationship for the purpose of consultation with the City Attorney.

MOTION by Cardwell , second by Mottola 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 and to reconvene at approximately 9:30 p.m. to include the Mayor, City Council, City Administrator, and City Attorney.

MOTION approved unanimously at 9:10 p.m.

MOTION by Mottola, second by Cardwell to reconvene the regular meeting of the City Council.
MOTION approved unanimously at 9:30 p.m.

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

Executive Session #2 – City Attorney, J.T. Klaus, requested an Executive Session to discuss matters involving nonelected personnel for the purpose of discussing a personnel issue.

MOTION by Huntley, second by Mottola to recess this meeting to an Executive Session to discuss matters involving nonelected personnel pursuant to K.S.A. 75-4319(b)(1) for the purpose of discussing a personnel issue for a period not to exceed fifteen (15) minutes and to reconvene at

approximately 9:45 p.m. to include the Mayor, City Council, City Administrator, and City Attorney.

MOTION approved unanimously at 9:30 p.m.

MOTION by Mottola, second by Cardwell to reconvene the regular meeting of the City Council.

MOTION approved unanimously at 9:47 p.m.

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

CONSENT AGENDA ITEMS:

MOTION by Mottola, second by Cardwell to approve consent agenda items 1-9.

1. Payroll dated 10-27-23 - \$233,354.58
2. Pay Application #5 -Main "A" SS – Apex - \$124,222.71
3. Invoice from JCI for repair of pump at WWTP - \$13,305.00
4. Purchase of Sodium Hydroxide and Ferric Chloride from Brenntag totaling \$25,700.00
5. CMB Licenses for Casey's, Pizza Hut, Jump Start, and Dillons
6. Liquor License for Kansas Star Casino
7. Pay Application #6 – Snodgrass Construction - \$198,420.28
8. Pay Application #1 – Nowak Construction - \$113,022.90
9. Lexipol – Renewal of Law Enforcement Manuals and Training - \$11,582.60

MOTION approved unanimously.

ANNOUNCEMENTS, MEETING, AND NEXT AGENDA ITEMS:

Next City Council Meeting – Monday, November 20, 2023, at 7:30 p.m.

City Attorney, J.T. Klaus, recommended contacting the City of Andover if we had questions regarding self-funded health plans. They recently made this transition.

ADJOURNMENT:

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

MOTION approved unanimously at 9:50 p.m.

Debra M. Parker

Minutes by:
Debra M. Parker, City Clerk