

**MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES**

March 18, 2024

6:00 p.m.

The Mulvane City Council convened at the City Building at 211 N. Second at 6:00 p.m. Presiding was Mayor Brent Allen, who called the meeting to order.

**COUNCIL MEMBERS PRESENT:** Trish Gerber, Tim Huntley, Todd Leeds, Kurtis Westfall.

**OTHERS PRESENT:** Austin St. John, Debra Parker, J. T. Klaus, Mike Robinson, Chris Young, Joel Pile, Gordon Fell, Kaylie Mistretta, Brittany Kruger, Rachael Blackwell.

**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 March 4, 2024.

MOTION approved unanimously.

**CORRESPONDENCE:** Councilmember Leeds received an email regarding the crosswalk issue on Second Street. City staff is working on a proposal and will be bringing recommendations to the City Council for consideration. Councilmember Gerber was contacted by a business owner inquiring about the digging occurring in town. Gerber advised them it was for installation of fiber optics. The business owner was excited to have this service available. Councilmember Huntley was asked about the painting of streets at stop signs. Staff will be working on this project when temperatures warm up.

**PUBLIC COMMENTS:** None

**APPOINTMENTS, AWARDS AND CITIATIONS:** None

**OLD BUSINESS**

**1. IdeaTek Update:**

Representatives from IdeaTek were not present. City Administrator, Austin St. John, reviewed the progress of this project with the council. The project is moving fast and IdeaTek is working well with the Public Works Department on locates for the installation of conduit for fiber optics.

**NEW BUSINESS**

**1. RSVP Agreement Between Sedgwick Co. and Mulvane Sr. Center:**

Senior Center Director, Kaylie Mistretta, reviewed the Agreement with the council. The Mulvane Senior Center currently utilizes RSVP (Retired Senior Volunteer Program) volunteers who provide transportation services for seniors 60 years of age and older. The City originally signed an

agreement with the Sedgwick County Department on Aging in October, 2015 and then has renewed the agreement each year to provide the Senior Center with the reimbursement for volunteer drivers in the transportation program.

The agreement will compensate the Mulvane Senior Center on a fee-for-service basis, which is seven dollars (\$7) per single one-way ride, not to exceed \$2,500 per year. The Agreement between the Mulvane Senior Center and the Sedgwick County Department on Aging's Transportation Program must be renewed in order to continue to receive reimbursement.

Mistretta indicated this program is utilized a lot with well over 1,000 trips last year. The council asked if this program would be affected after we receive the transportation bus. Mistretta indicated the RSVP program would not be affected.

MOTION by Leeds, second by Westfall to enter into the Volunteer Transportation Services Agreement between the City of Mulvane, Kansas and the Department of Aging of Sedgwick County for reimbursing volunteer transportation services pursuant to the Retired Senior Volunteer Program and authorize the Mayor to sign.

MOTION approved unanimously.

## **2. Request for Street Closure:**

Mulvane Chamber Director, Brittany Kruger, reviewed this item with the council. The Mulvane Chamber of Commerce is planning to re-establish a farmers' market in the Mulvane Downtown. The current plan is to have vendor booths set up along Prather Street between the PIX and Nessly Auto Park.

Kruger is requesting permission to close a portion of Prather Street from 10:00 a.m. to 5:00 p.m. the second Sunday of each month beginning April 2024 through October 2024 for the purpose of holding the monthly "Market on Main." During the specified closure period, local two-way traffic on the remaining portion of Prather Street would be permitted for access of the six Prather St. residences.

Councilmember Westfall asked if there would be a better location where we would not have to close a street. Kruger indicated the proposed location would bring people downtown and had availability to restrooms at the Nessly Auto Park. The council asked how vendors would be contacted about the event and if notification would be given to the residents on Prather Street. Kruger indicated that she used to work for the Old Town Farm and Art Market in Wichita and knows several vendors which she has already contacted. Kruger will go door to door to notify residents along Prather Street and hand out information sheets.

MOTION by Leeds, second by Westfall to approve the closure of a portion of Prather Street on the second Sunday of each month from 10:00 a.m. through 5:00 p.m. beginning April 2024 through October 2024.

MOTION approved unanimously.

## **3. Credit Card Payment Processing:**

Finance Director, Rachael Blackwell, reviewed this item with the council. The City of Mulvane uses Tyler Technologies for accounting software, the platform is responsible for nearly all aspects of the city's bookkeeping. Tyler Technologies partnered with Elavon to provide integrated credit

card processing services, but recently elected to discontinue their relationship with Elavon effective December 31, 2024. As the partnership deadline between Tyler Tech and Elavon approaches, the level of support between the two companies has diminished. In addition to a lack of compatibility and lack of technical support, the city's credit card readers are at end-of-life and often malfunction. Attempts to replace credit card readers compatible with the current system have been unsuccessful.

Tyler Technologies is discontinuing their partnership with Elavon because credit card verification processes are not being followed in accordance with accepted standards. Failure to follow specific standards leaves the city vulnerable to fraudulent credit card charges and charge back fees. After the December 31, 2024, deadline, the city will be unable to process or post credit card payments directly to customers accounts because Tyler Technologies will no longer be partnered with Elavon.

The city processes approximately 850 credit card payments each month. Staff recommends maintaining the ability to process and post credit card payments directly to customers account with Tyler Technologies. Tyler Technologies intends to partner with Chase Bank to provide integrated credit card processing services. The transition to the new system would cause the city's payment processing system to be down for less than one day. The transition would be scheduled during off-peak time to minimize customer inconvenience.

The transition to Tyler Technologies' new integrated partnership would help make the City of Mulvane PCI Compliant with credit card transactions. (PCI compliance is compliance with The Payment Card Industry Data Security Standard, a set of requirements intended to ensure that all companies that process, store, or transmit credit card information maintain a secure environment.)

Credit card fees will be directly passed on to the customer when paying with a card and not absorbed by the City. The City will need to make a one-time purchase of two card readers (for use by the municipal court and utilities) for a total of \$1,058.00. There will be a recurring annual fee of \$360.00 for services provided.

MOTION by Gerber, second by Huntley to approve the agreement with Tyler Technologies for Tyler Payments.

MOTION approved unanimously.

#### **4. Noise Ordinance:**

City Attorney, J.T. Klaus, reviewed the proposed ordinance with the council. The City Code of the City of Mulvane does not currently address the prevention or minimization of "noise" pollution. The City received several complaints from residents about loud music from a local business being played well past 10:00 p.m.

The proposed City Code amendment would provide the Police Department with an objective, constitutional method for dealing with noise pollution. Noise ordinances require the acquisition of a decibel meter and are the subject of constitutional challenges. The City Attorney has attempted to include suitable exemptions but may not have included all possible exclusions.

The City Attorney reviewed the exceptions included in the ordinance. There was also discussion about the enforcement of the ordinance, purchase of a decibel meter, calibration of the meter, and

officer training. Council thought it would be better to have the ordinance and not need it than to need it and not have it. Staff felt that good communication and working with organizers of large events was key in controlling noise complaints. The council would like to see the time in the ordinance changed to 7:00 a.m. to 10:00 p.m. during the week, and 7:00 a.m. to 12:00 a.m. (midnight) on Friday and Saturday. The City Attorney will make the requested changes to the ordinance for council's consideration at the next regular meeting.

MOTION by Leeds, second by Westfall to table the review of the city's noise ordinance until the next City Council meeting.

MOTION approved unanimously.

#### **5. APPA Mutual Aid Agreement:**

City Administrator, Austin St. John, reviewed this item with the council. KPP Energy is assisting member communities in attaining the APPA Reliable Public Power Provider (RP3) designation. The RP3 program provides guidance for public power providers to be reliable, safe, encourage workforce development, and improve systems.

There are multiple steps to achieve the RP3 designation. One of the steps includes signing on to a national mutual aid agreement. One of the options of a national mutual aid agreement is the one provided by APPA.

The APPA Mutual Aid Agreement provides guidance for supplying mutual aid to those requesting. The Agreement does not require aid to be provided every time it is called for, it merely agrees on the manner of payment and how services will be charged. This agreement will fulfill one of the requirements in attaining the RP3 designation through APPA.

The Agreement does not commit any resources from the City of Mulvane but provides the City a choice to provide resources if mutual aid is requested.

MOTION by Huntley, second by Gerber to approve the APPA Mutual Aid Agreement with the Mayor to sign.

MOTION approved unanimously.

#### **6. Consideration of Schmeidler Estates Dedications:**

Planning and Zoning Director, Joel Pile, reviewed this item with the council. The Mulvane Planning Commission voted to recommend approval of the Schmeidler Estates Final Plat at the regular meeting on February 8, 2024. This plat is a small tract plat outside of the city limits, but within three miles of the city limits. The governing body must agree to accept the dedications, if any, shown on the plat or refer the plat back to the Planning Commission. The plat is required to go before the Sedgwick County Commission for review and acceptance of any dedications. The gross acreage of the plat is 154.24 acres with eleven (11) total number of lots.

MOTION by Leeds, second by Huntley having reviewed the final plat for the Schmeidler Estates filed as S/D 2023-03, I move to accept the dedications, if any, shown on this plat and authorize the Mayor to sign.

MOTION approved unanimously.

## ENGINEER

### **1. Project Review and Update:**

Phase 2 Main "A" Sanitary Sewer – The Contractor has completed construction at Bridge St./K-53 and Boxelder. The boring under the BNSF has been initiated.

GIS Mapping – City staff received two proposals for the Request for Proposal (RFP). Proposals are being reviewed.

Phase 1 Harvest Point Addition Infrastructure – Water line plans have been completed and sent to KDHE for approval. Staff is working on Bid Package No 1.

West Main Street Drainage Improvements – Continuing to work on bid documents.

### **2. Pay Application #1 for Sanitary Sewer Main "A" Phase 2:**

Pay Application #1 from Apex Excavation represents 14.4% of the total contact amount. Staff has verified the quantities requested and agree with the account of \$167,259.18.

MOTION by Huntley, second by Leeds, to approve pay application #1 from Apex Excavating LLC in the amount of \$167,259.18 for Phase 2 Main "A" Sanitary Sewer Improvements.

MOTION approved unanimously.

## CITY STAFF

**City Clerk:** None

**City Administrator:** City Administrator, Austin St. John, reviewed the Financial Report with the council.

**City Attorney:**

**I. Executive Session:** City Attorney, J.T. Klaus, requested an Executive Session for a period of ten (10) minutes to discuss matters pertaining to the acquisition of real property pursuant to K.S.A. 75-4319(b)(6); for the purpose of discussing acquisition of land.

MOTION by Huntley, second by Westfall to recess this meeting to an Executive Session for a period of ten (10) minutes to discuss matters pertaining to the acquisition of real property pursuant to K.S.A. 75-4319(b)(6); for the purpose of discussing acquisition of land, to include the Mayor, City Council, City Administrator and the City Attorney, and to reconvene in open session at approximately 7:25 p.m.

MOTION approved unanimously at 7:15 p.m.

MOTION by Huntley, second by Leeds to reconvene the regular meeting of the City Council.

MOTION approved unanimously at 7:25 p.m.

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

## RETURN TO OLD BUSINESS

**1. IdeaTek Update:** Representatives from IdeaTek arrived.

MOTION by Huntley, second by Leeds to return to Old Business Item #1 to allow IdeaTek to present an update.

MOTION approved unanimously.

IdeaTek Public Relations Manager, James Krstolich and Construction Project Manager John Murrow, reviewed the construction update with the council. The backbone infrastructure, which extends from Country Walk Lane and Rock Road to Central Ave. and East Main Street, has been successfully completed by J&S. This backbone serves as the primary framework for the subsequent phases of construction, providing essential support and connectivity which was essential to being the first phase of the project.

Other areas currently under construction are Fairview Addition, Hunters Point, and Woodlands Addition. It is anticipated that this project will consist of nineteen (19) different phases. Construction is expected to be completed by September 30<sup>th</sup> unless progress is hampered by unforeseen circumstances. There are two boring companies in town working on this project. IdeaTek is very appreciative of the hard work from Public Works Department employees for their work on locates.

IdeaTek is currently testing an 8 GB product and is excited to be in town. A ribbon cutting is scheduled for April 9<sup>th</sup>. IdeaTek is hoping to have service available to customers in September.

### Return to City Attorney

#### **City Attorney:**

**2. Executive Session:** City Attorney, J.T. Klaus, requested an Executive Session for a period of twenty (20) minutes to discuss matters pertaining to nonelected personnel pursuant to K.S.A. 75-4319(b)(1) for the purpose of discussing personnel issues.

MOTION by Huntley, second by Leeds to recess this meeting to an Executive Session for a period of twenty (20) minutes to discuss matters pertaining to nonelected personnel pursuant to K.S.A. 75-4319(b)(1); for the purpose of discussing personnel issues, to include the Mayor, City Council, City Administrator, Director of Public Safety, and the City Attorney, and to reconvene in open session at approximately 8:00 p.m.

MOTION approved unanimously at 7:40 p.m.

MOTION by Huntley, second by Westfall to reconvene the regular meeting of the City Council.

MOTION approved unanimously at 8:07 p.m.

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

MOTION by Huntley, second by Leeds to recess this meeting to an Executive Session for a period of ten (10) minutes to discuss matters pertaining to nonelected personnel pursuant to K.S.A. 75-4319(b)(1); for the purpose of discussing personnel issues, to include the Mayor, City Council,

City Administrator, Director of Public Safety, and the City Attorney, and to reconvene in open session at approximately 8:20 p.m.

MOTION approved unanimously at 8:10 p.m.

MOTION by Huntley, second by Leeds to reconvene the regular meeting of the City Council.

MOTION approved unanimously at 8:25 p.m.

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

**CONSENT AGENDA ITEMS:**

MOTION by Huntley, second by Gerber to approve consent agenda items 1-3.

1. Payroll Dated 3/15/24 - \$240,917.78
2. Warrant Register for February - \$1,098,358.04
3. Everyg Bill for 110 N. Oliver - \$10,282.63

MOTION approved unanimously.

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

There will be no council workshop in March.

Next City Council Meeting – Monday, April 1, 2024, at 6:00 p.m.

**ADJOURNMENT:**

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

MOTION approved unanimously at 8:26 p.m.

*Debra M. Parker*

Minutes by:  
Debra M. Parker, City Clerk