

**MULVANE CITY COUNCIL  
REGULAR MEETING MINUTES**

November 4, 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:** Tim Huntley, Todd Leeds, Grant Leach, Kurtis Westfall, Trish Gerber.

**OTHERS PRESENT:** Austin St. John, Debra Parker, J. T. Klaus, Chris Young, Joel Pile, Gordon Fell, Mike Robinson, Amber Roper, Sally Tatro, Toby Kuhn, Patricia Ponder, Cheryl Couch, Aaron Lonergan, Don Gish, Jonna Gish, Krystal Decker, Milt Bivens, Dottie Bivens, and other interest citizens.

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

**APPROVAL OF REGULAR MEETING MINUTES:**

MOTION by Leach, second by Gerber to approve the Regular meeting minutes dated October 21, 2024.

MOTION approved unanimously.

**CORRESPONDENCE:** Councilmember Leeds received an inquiry regarding a customer paying their utility bill through their bank and the payment taking several days for the City to post. City Clerk, Debra Parker, explained that if a customer pays their utility bill through their bank, that it goes to a payment processing center and a physical check is issued. The check may take up to 10 days to process and mail before the City receives payment. The customer's bank account shows the payment, but the City must wait on the check. Parker indicated that the customer may wish to sign up for ACH. This is a free service which will draft the customer's account on the 5<sup>th</sup> due date each month.

**PUBLIC COMMENTS:** None

**APPOINTMENTS, AWARDS AND CITATIONS:**

**1. 15 Year Service Award – Amber Roper:**

Mayor Allen presented Municipal Court Clerk, Amber Roper, with a 15-year service award and thanked her for her service.

**OLD BUSINESS**

**1. Discuss Letter to County Commission Regarding PUD:**

At the City Council meeting on October 7<sup>th</sup> and October 21<sup>st</sup>, several citizens were in attendance to discuss the rezoning of the property located west of the railroad tracks behind First St. This property is commonly known as Sandy Bottoms and is a recreational area for UTV's. The council heard from citizens both for and against the rezoning from RR Rural Residential to PUD for an outdoor recreation facility that may have indoor/outdoor entertainment (live music and alcohol).

This property is in Sedgwick County, and the City has no jurisdiction or zoning authority for the area. Some citizens against the rezoning are asking for City Representation at the County Commission meeting on November 13<sup>th</sup>.

The City Council discussed if they wished to provide a letter to the County Commission either for or against the rezoning or make no recommendation. City Attorney, J.T. Klaus, explained that any letter would need to be based on the factors involved. It was indicated that safety was still a concern. The owner of the property, Aaron Lonergan, advised that he is still working on obtaining a second access to the property, and had plans to request annexation.

There was no recommendation or motion from the council.

## **NEW BUSINESS**

### **1. 2025 Insurance Benefit Renewal:**

USI Employee Benefits Consultant, Sally Tatro, reviewed this item with the council. In 2024, the city renewed its medical plan with Blue Cross Blue Shield (BCBS) with a 9.9% decrease for a partially self-funded plan. The 2024 BCBS fully insured plan would have been a 5.1% increase.

The City budgeted for a 15% increase in health insurance premiums for 2025. The Department Heads make up the Health and Safety Committee and have discussed renewal options and recommendations with USI.

Tatro explained that BCBS develops rates for fully insured plans differently than partially self-funded plans. BCBS is offering a 12.8% increase for the 2025 renewal under the partially self-funded plan, or a decrease of -8.4% under the fully insured plan. Delta Dental will have a slight increase of 2.75%, and Surency Vision rates will remain the same for 2025.

The City will share the renewal costs for medical and dental with the employees on a 92 / 8 split for 2025. There will be no change to deductibles and other out-of-pocket costs. For employees enrolled in the city's medical plan, the city contributes \$1,000 for singles and \$1,500 for employees with dependents, into a Health Reimbursement Account.

City staff looked at additional ways to save money for City funded benefits by changing the FSA/HRA provider from Flexible Benefit Services to Surency, which provides a lower per participant monthly fee and changing the Life, AD&D, Short Term Disability from Reliance Standard to Mutual of Omaha, which provides a 10.3% rate decrease.

City staff along with USI, are recommending that the city renew the employee health insurance plan with Blue Cross Blue Shield (Fully Insured), Delta Dental for dental coverage, Surency for vision coverage and FSA/HRA Administration, and renew Life, AD&D, and Short-Term Disability with Mutual of Omaha effective January 1, 2025.

MOTION by Leeds, second by Huntley to approve the 2025 Benefit renewal with Blue Cross Blue Shield, Delta Dental, Surency, and Mutual of Omaha as recommended by the City's Health and Safety Committee and Benefit Consultant effective January 1, 2025.

MOTION approved unanimously.

## **2. KDHE Illegal Dump Program:**

Environmental Compliance Specialist with KDHE, Toby Kuhn, presented this item to the council. The KDHE Illegal Dump Program is established by state statute and can only operate within a city or its extra-territorial area at the request of the local governing body. This program cleans up solid waste across the state. It cannot tear down buildings or other structures.

By state statute, KDHE can expend up to \$10,000 per site. A larger property can be split into two sites if needed due to the amount of solid waste present. The total costs of the cleanup are split 75% to KDHE and 25% to the local governing entity. The local 25% match is normally met by utilizing equipment, manpower, landfill space, etc. KDHE utilizes FEMA rates for equipment and manpower during the cleanup. For example, if a worker earns \$20 per hour, the FEMA cost reported to KDHE would be \$30 per hour. Any paid time incurred by city staff including administration, attorney, etc. are included in the match percentage.

KDHE is responsible for all interactions with the property owner. In some cases, law enforcement assistance may be needed, which would also count towards the 25% match. KDHE prepares the necessary paperwork to gain legal access to the property either via consent or Administrative Order. If the property owner contests the Administrative Order, the hearing is held in Topeka and KDHE staff attorneys provide the representation. The city would not be responsible for any legal representation or attendance at the hearing.

KDHE prepares all of the contract documents for the city to sign in order to expend funds on the site. A resolution will need to be passed by the local governing body.

The property located at 1481 N. Dollar Road has a large accumulation of waste tires, the property is in the Paradise Valley Addition and is not within the city limits but is in the extra-territorial jurisdiction (ETJ) of the city. The city has no nuisance code enforcement authority in the ETJ, however if the property owner is willing to work with the city and KDHE, the program could help to remove a public nuisance. KDHE wishes to partner with the city to remove the tires. The first step for KDHE involvement would be to complete the Illegal Dump Program Request Form. KDHE will reimburse the expenses via the Illegal Dump Program. The City of Mulvane would be required to pay the tire recycler with KDHE reimbursing those costs.

The City Council discussed providing resources and funds for a project outside the City limits. City Attorney, J.T. Klaus, advised that this is taxpayers' dollars, and the council would need to have justification in order to spend money outside the City limits. The City has no code enforcement for the area, and this should be the responsibility of Sumner Co. Kuhn advised that Sumner County requested that he ask the City of Mulvane for assistance. If the City does not wish to participate, Kuhn will go back to Sumner Co.

After much discussion, the City Council felt that there is justification to help since this would become a health and safety issue for the City if the tires were to catch on fire, and felt the cost to the City would be minimal.

MOTION by Leeds, second by Leach to participate in the KDHE Illegal Dump Program for the property located at 1481 N. Dollar Road subject to contract review by the City Attorney.

MOTION approved unanimously.

**3. Augusta Water Prepay Agreement:**

City Administrator, Austin St. John, reviewed this item with the council. In September 2024, the City of Augusta water transmission pipeline which supplies water to the City of Mulvane ruptured under the Walnut River. Augusta received an estimate from Nowak Construction for \$213,190 to repair the pipeline. The City of Augusta is requesting monetary assistance of \$100,000 from the City of Mulvane to help with the repair of the pipeline. This agreement will be a prepayment of the City's water bill from Augusta with a monthly discount and includes 2.99% interest. Augusta shall charge Mulvane only for water actually delivered during the Delivery Period which extends from November 15, 2024, through January 1, 2026, and shall apply the Monthly Discount during the Delivery Period.

MOTION by Huntley, second by Leeds to approve the Water Prepay Agreement with the City of Augusta, with the Mayor to sign.

MOTION approved 4 – 1 with Leach opposed.

**4. Emerald Valley 2<sup>nd</sup> Addition:**

City Attorney, J. T. Klaus, reviewed this item with the council. The City received two amended petitions and an amended Developers Agreement for the Emerald Valley 2<sup>nd</sup> Addition. The amended petitions reflect an increase in the Sanitary Sewer Improvements, and a decrease in the Water Improvements. Bond Counsel has prepared an amending resolution of advisability and an amending work ordinance. Suburban Land Development, LLC must submit a supplemental letter of credit in the amount of \$17,245 before any construction contracts are approved.

The City Council must formally accept the amended petitions requesting the changes in estimated costs for the water and sanitary sewer improvements in the Subdivision and adopt the amending resolution and amending ordinance in order to special assess the costs of the improvements to the Addition.

MOTION by Huntley, second by Westfall to accept the two amended petitions for the Emerald Valley Second Water Line Improvements and Emerald Valley Second Sewer Improvements.

MOTION approved unanimously.

MOTION by Huntley, second by Gerber to approve the amended Developer's Agreement and authorize the Mayor to sign.

MOTION approved unanimously.

MOTION by Huntley, second by Leach to adopt Resolution No. 2024-12, amending Resolution No. 2024-4 regarding the advisability of Emerald Valley Second Water Line Improvements and Emerald Valley Second Sewer Improvements.

MOTION approved unanimously.

RESOLUTION NO. 2024-12

A RESOLUTION AMENDING RESOLUTION NO. 2024-4 OF THE CITY OF  
MULVANE, KANSAS.

MOTION by Huntley, second by Leeds to adopt Ordinance No. 1593, amending Ordinance No. 1582 regarding the construction of the Emerald Valley Second Water Line Improvements and Emerald Valley Second Sewer Improvements.

MOTION approved unanimously.

ORDINANCE NO. 1593

AN ORDINANCE AMENDING ORDINANCE NO. 1582 OF THE CITY OF  
MULVANE, KANSAS.

**ENGINEER**

**1. Project Review and Update:**

Phase 3 Main “A” Sanitary Sewer – Final plans and bid documents have been completed and the project is currently being advertised for bids. An additional week to prepare bids has been requested. An addendum will be issued extending the bid date to November 14<sup>th</sup>. Phase 2 Warranty Work to repair a portion of First St. is ready to begin.

Phase 1 Harvest Point Addition Infrastructure – The Contractor has completed sanitary sewer installations and is working on storm sewer installations. Bids for Street Improvements are scheduled for November 21<sup>st</sup>.

**CITY STAFF**

**City Clerk:**

**1. KPP Energy Voting Delegates:** The KPP Energy Annual Members Meeting is December 13, 2024. Voting delegates for the meeting need to be selected by the member city’s governing body.

MOTION by Leeds, second by Huntley to appoint Austin St. John as the representative voting delegate and Jacob Coy as the alternate voting delegate at the KPP Energy Annual Members Meeting.

MOTION approved unanimously.

MOTION by Leeds, second by Westfall to appoint Bill Reekie as the second alternate voting delegate at the KPP Energy Annual Member Meeting.

MOTION approved unanimously.

**City Administrator:** None

**City Attorney:**

**1. Executive Session:** City Attorney, J.T. Klaus, requested an Executive Session for a period of fifteen (15) minutes to discuss matters pertaining to land acquisition.

MOTION by Leeds, second by Leach, to recess this meeting to an Executive Session to discuss matters pertaining to the acquisition of real property pursuant to K.S.A. 75-4319(b)(6) for the purpose of discussing the acquisition of land for a period not to exceed fifteen (15) minutes and to reconvene at approximately 7:35 p.m. to include the Mayor, City Council, City Administrator, and the City Attorney.

MOTION approved unanimously at 7:20 p.m.

MOTION by Gerber, second by Leach to reconvene the City Council meeting.

MOTION approved unanimously at 7:35 p.m.

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

**CONSENT AGENDA ITEMS:**

MOTION by Leeds, second by Gerber to approve consent agenda items 1-7.

1. Payroll Dated 10/25/24 - \$243,849.83
2. City Utility Bills for September - \$17,360.73
3. Library Collection Items - \$11,000.00
4. Connecting Link Agreement.
5. Purchase of Utility Poles from Stella-Jones Corp. - \$21,200.88
6. CMB License renewals for Casey's and Jump Start.
7. Liquor License Renewal for Farber Mottola LLC dba Luciano's.

MOTION approved unanimously.

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

Next City Council Meeting – Monday, November 18, 2024 – 6:00 p.m.

**ADJOURNMENT:**

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

MOTION approved unanimously at 7:39 p.m.

Minutes by:

*Debra M. Parker*

Debra M. Parker, City Clerk

Minutes approved by the City Council November 18, 2024.