

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, SEPTEMBER 20, 2011***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, Wynn Butler, and Richard B. Jankovich were present. Also present were the Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 8 staff, and approximately 15 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Sherow led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Sherow proclaimed October 3, 2011, ***2011 World Habitat Day***. Shehanna Adams, Executive Director, Manhattan Area Habitat for Humanity, was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Jankovich provided an update on the Wildcat Creek Watershed Working Group and invited the public to attend the next meeting on Thursday, September 22, 2011, at 7:00 p.m., in the City Commission Room, 1101 Poyntz Avenue.

Mayor Sherow provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission discussed an upcoming meeting at the Riley County Commission Chambers regarding nuisances for bats and rodents and received an update on interviews for a new director of the Riley County Health Department. He encouraged the public to attend the Partner City Flag Plaza dedication in City Park at 7:00 p.m., on Thursday, September 22, 2011, with a reception to follow in the Jon & Ruth Ann Wefald Pavilion and GTM Family Center, and, informed the community that Friday, October 7, 2011, at 11:00 a.m., would be the cornerstone ceremony and building dedication for the Flint Hills Discovery Center.

**CONSENT AGENDA**  
(\* denotes those items discussed)

**MINUTES**

The City Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 6, 2011.

**CLAIMS REGISTER NO. 2680**

The City Commission approved Claims Register No. 2680 authorizing and approving the payment of claims from August 31, 2011, to September 13, 2011, in the amount of \$4,298,898.57.

**LICENSE – CEREAL MALT BEVERAGE OFF-PREMISES**

The City Commission approved an annual Cereal Malt Beverage Off-Premises License for Ray's Apple Market #447, 222 N. 6<sup>th</sup> Street, and Ray's Apple Market #448, 3007 Anderson Avenue.

\* **FINAL PLAT – BELLERIVE ADDITION**

Rob Ott, City Engineer, responded to questions from the Commission and provided clarification on the item.

The City Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Bellerive Addition, generally located northwest of the intersection of Grand Mere Parkway and Heartland Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**ORDINANCE NO. 6917 – AMEND – EMERGENCY SNOW ROUTES**

The City Commission approved Ordinance No. 6917 amending Sections 31-201 through 31-205 of the Code of Ordinances regarding Emergency Snow Routes.

**ORDINANCE NO. 6918 – AMEND – ADDRESS NUMBERING SYSTEM**

The City Commission approved Ordinance No. 6918 amending Article VII of Chapter 30 of the Code of Ordinances concerning the address numbering system.

**ORDINANCE NO. 6919 – ANNEX – MARLATT AVENUE RIGHT-OF-WAY (TUTTLE CREEK BOULEVARD TO CASEMENT ROAD)**

The City Commission approved Ordinance No. 6919 annexing the Marlatt Avenue right-of-way located between Tuttle Creek Boulevard and Casement Road, as requested by the Board of Riley County Commissioners.

**ORDINANCE NO. 6920 – MOBILE ICE CREAM VENDING OPERATIONS**

The City Commission approved Ordinance No. 6920 amending Chapter 24 relating to mobile ice cream vending operations.

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 092011-A – BELLERIVE ADDITION - STREET IMPROVEMENTS (ST1112)

The City Commission found the petition sufficient and approved Resolution No. 092011-A, finding the Bellerive Addition Street Improvements (ST1112) advisable and authorizing construction.

### RESOLUTION NO. 092011-B – BELLERIVE ADDITION – SANITARY SEWER IMPROVEMENTS (SS1119)

The City Commission found the petition sufficient and approved Resolution No. 092011-B, finding the Bellerive Addition Sanitary Sewer Improvements (SS1119) advisable and authorizing construction.

### RESOLUTION NO. 092011-C – BELLERIVE ADDITION – WATER IMPROVEMENTS (WA1113)

The City Commission found the petition sufficient and approved Resolution No. 092011-C, finding the Bellerive Addition Water Improvements (WA1113) advisable and authorizing construction.

### AGREEMENT – ENGINEERING SERVICES – BELLERIVE ADDITION IMPROVEMENTS (ST1112, SS1119, WA1113)

The City Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, of Manhattan, Kansas, to perform professional services for Bellerive Addition Street (ST1112), Sanitary Sewer (SS1119), and Water (WA1113) Improvements.

### CHANGE ORDER NO. 2 – K-18 SANITARY SEWER RELOCATION, PHASE III (SS0907)

The City Commission approved Change Order No. 2 for the K-18 Sanitary Sewer Relocation Project, Phase III, (SS0907) resulting in a net increase in the amount of \$116,224.00 (+5.9%) to the contract with Wildcat Construction, of Wichita, Kansas.

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### CHANGE ORDER NO. 1 – EAST MILLER RANCH SANITARY SEWER IMPROVEMENTS (SS0810)

Commissioner Jankovich announced that he had a conflict of interest and would abstain on this item.

Rob Ott, City Engineer, responded to questions from the Commission and provided additional information on the item.

## CONSENT AGENDA (CONTINUED)

\* **CHANGE ORDER NO. 1 – EAST MILLER RANCH SANITARY SEWER IMPROVEMENTS (SS0810) (CONTINUED)**

The City Commission approved Change Order No. 1 for the East Miller Ranch sewer project (SS0810), resulting in a net increase in the amount of \$37,838.68 (+1.9%) to the contract with Walters-Morgan Construction, of Manhattan, Kansas, to replace the Claflin Road Aerial crossing.

\* **CHANGE ORDER NO. 1 – AIRPORT PARKING LOT - MILL AND OVERLAY (ST1106)**

Commissioner Jankovich announced that he had a conflict of interest and would abstain on this item.

The City Commission approved Change Order No. 1 to the 2011 Mill and Overlay project (ST1106), resulting in a net increase in the amount of \$105,780.00 (+19.7%) to the contract with Shilling Construction, of Manhattan, Kansas, to provide for additional paved parking at the Manhattan Regional Airport.

\* **CHANGE ORDER NO. 2 – AIRPORT PARKING LOT – CONCRETE PANEL REPLACEMENT (ST1105)**

The City Commission approved Change Order No. 2 to the 2011 Concrete Panel Replacement project (ST1105), resulting in a net increase in the amount of \$41,850.00 (+14.87%) to the contract with Carley Construction, of Wamego, Kansas, to provide curb and gutter for additional parking as well as sidewalk extensions at the Manhattan Regional Airport.

**AWARD CONTRACT – K-18 UTILITIES RELOCATION, PHASE IV (WA1106, WA1109, SS1108)**

The City Commission accepted the Engineer's Estimate in the amount of \$1,494,927.50 and awarded a construction contract in the amount of \$1,149,152.58 to Tribal Construction Company, of Grove, Oklahoma, for the K - 18 Utility Relocation Project, Phase IV [Eureka Drive (WA1106); Miller Parkway (WA1109); and Arbor Drive (SS1108)].

**RESOLUTION NO. 092011-D – TEMPORARY NOTES – K-18 UTILITIES RELOCATION, PHASE IV (WA1106, WA1109)**

The City Commission approved Resolution No. 092011-D authorizing the issuance of temporary notes for the relocation of the water lines for the K - 18 Utility Relocation Project, Phase IV [Eureka Drive (WA1106) and Miller Parkway (WA1109)]

## CONSENT AGENDA (CONTINUED)

### FIRST READING – TEMPORARY NOTES – K-18 UTILITIES RELOCATION, PHASE IV (SS1108)

The City Commission approved first reading of an ordinance authorizing the issuance of temporary notes for the relocation of the wastewater lines for the K - 18 Utility Relocation Project, Phase IV [Arbor Drive (SS1108)].

### AWARD CONTRACT – CITY HALL HEATING, VENTILATION, AIR CONDITIONING (SP1113)

The City Commission awarded a contract in the amount of \$36,594.00 to Thermal Comfort Air, Inc., of Manhattan, Kansas, for the upgrade of the temperature control system and facility management control system at City Hall.

\* **KDOT AGREEMENT – US 24/TUTTLE CREEK  
BOULEVARD/MANHATTAN TOWN CENTER MALL ENTRANCE  
INTERSECTION IMPROVEMENTS (ST1107)**

Jason Hilgers, Assistant City Manager, responded to questions from the Commission.

Rob Ott, City Engineer, provided additional information on the item and responded to questions from the Commission.

The City Commission accepted the grant offer from KDOT; authorized the Mayor to execute City-State Agreement No. 146-11 for state-aid construction reimbursement for the US-24 and Manhattan Town Center Mall Entrance Intersection Improvements (ST1107); and directed City Administration to proceed in a manner that will facilitate construction of improvements at the intersection in summer 2013.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item K, CHANGE ORDER NO. 1 – EAST MILLER RANCH SANITARY SEWER IMPROVEMENTS (SS0810), and Item L, CHANGE ORDER NO. 1 – AIRPORT PARKING LOT - MILL AND OVERLAY (ST1106), which carried 3-0-1, with Commissioner Jankovich abstaining from the items due to a conflict of interest.

## GENERAL AGENDA

### AGREEMENT - TRAFFIC OPERATION FACILITY DESIGN-BUILD, PHASE 1, SERVICES (SP1112)

Rob Ott, City Engineer, presented the item. He then responded to questions from the Commission regarding the potential for expansion of the facility and explained the process and future actions to be taken by the City Commission.

After discussion, Commissioner Jankovich moved to approve the recommendation of the Selection Committee and authorize the Mayor and City Clerk to execute an Agreement in the amount of \$50,000.00 with Schultz Construction, of Manhattan, Kansas, for the Traffic Operation Facility (SP1112, (CIP TR013P)). Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

### SOUTH END PARK NAMING RECOMMENDATION

Curt Loupe, Director of Parks and Recreation, presented an overview on the item. He then responded to questions from the Commission and provided the naming recommendations from the Parks and Recreation Advisory Board.

Bob Workman, Director, Flint Hills Discovery Center, responded to questions from the Commission on the potential name of Blue Earth Plaza and provided additional information on the item.

After discussion and comments of the Commission, Commissioner Jankovich moved to approve naming the South End Redevelopment park Blue Earth Plaza. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

Mayor Sherow announced that Commissioner Matta was traveling and City Manager Fehr was attending a national conference and were unable to attend the meeting.

### ADJOURNMENT

At 7:44 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk