



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 1, 2012***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, Deputy City Attorney Katharine Jackson, City Clerk Gary S. Fees, 12 staff, and approximately 95 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Pepperd led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Pepperd proclaimed May 5, 2012, ***Poppy Day***. Cindy Sicard, Poppy Chair, American Legion Auxiliary Post 17, and Graycn Evans, Poppy Princess, were present to receive the proclamation.

Mayor Pepperd proclaimed May 12, 2012, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator; Mary Beth Kieffer, Executive Director, Flint Hills Breadbasket; and other representatives were present to receive the proclamation.

Mayor Pepperd proclaimed May 14-20, 2012, ***National Salvation Army Week***. Major Jerry Curtright and Major Nancy Curtright, Manhattan Salvation Army, were present to receive the proclamation.

Mayor Pepperd recognized the 2011-2012 Manhattan High School Wrestling Head Coach Robert Gonzales on being named the Centennial League, Regional, and 2011-2012 Class 6A Coach of the Year by the Kansas Wrestling Coaches Association; and Nathan Broeckelman, Devin Scwhartz, Chad Lindsley, Tim McCarthy, and Bill Broeckelman on being named the 2011-2012 Class 6A Assistant Coaches of the Year by the Kansas Wrestling Coaches Association; and, congratulated the team members on an outstanding season.

## PROCLAMATIONS (CONTINUED)

Mayor Pepperd proclaimed May 20-26, 2012, *National Public Works Week*. Dale Houdeshell, Director of Public Works; Rob Ott, City Engineer/Assistant Director of Public Works; Rob Pugh, Assistant Director of Public Works-Utilities; and Jeff Walters, Street and Fleet Superintendent; City of Manhattan; Jeff Hancock and Buck Driggs, SMH Consultants; Brad Waller, Alfred Benesch and Company; Greg Fief, Schwab-Eaton; Nathan Bergman, Bartlett and West; Sam Malinowsky, Cook, Flatt, & Strobel Engineers; Thaniel Monaco, BG Consultants; and Mark Bachamp, Olsson Associates, were present to receive the proclamation.

## PUBLIC COMMENTS

Mayor Pepperd opened the public comments.

Russ Weisbender, 1812 Fair Lane, representing Overlay Properties, asked the Commission to consider a new project for the next phase of Prairie Lakes subdivision and requested that the Commission allow him to be the contractor through a development agreement to construct the infrastructure and provide back to the City upon completion. He then provided additional information on the project and said that he would be in further communication with the City.

Hearing no other comments, Mayor Pepperd closed the public comments.

## COMMISSIONER COMMENTS

Mayor Pepperd informed the community that the annual March of Dimes event was held last Saturday, April 28, 2012, and he congratulated Assistant City Manager Lauren Palmer and the City team in raising \$1,976.00. He stated the Mayor's Bike Ride would be held this Saturday, May 5, 2012, starting at 5:00 p.m. at City Hall, 1101 Poyntz Avenue.

## CONSENT AGENDA

(\* denotes those items discussed)

## MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, April 24, 2012.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2701

The Commission approved Claims Register No. 2701 authorizing and approving the payment of claims from April 18, 2012, to April 24, 2012, in the amount of \$2,026,010.08.

### LICENSE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Hy-Vee #1398, 601 3<sup>rd</sup> Place, and Short Stop #12, 2010 N. Tuttle Creek Boulevard.

### FINAL PLAT – LEE MILL HEIGHTS ADDITION, UNIT EIGHT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Eight, generally located in the vicinity of Miller Parkway and intersecting Laussac Drive, Lobdell Drive, Lesmer Court, and Lochenshire Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – INDEPENDENCE PLACE ADDITION, RESIDENTIAL PLANNED UNIT DEVELOPMENT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Independence Place Addition, Residential Planned Unit Development, generally located 600 feet northeast of the intersection of Scenic Drive and Powercat Place, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### RESOLUTION NO. 050112-A – REVISED PETITION – MILLER PARKWAY AND SCENIC DRIVE – STREET IMPROVEMENTS (ST0705)

The Commission found the revised petition sufficient and approved Resolution No. 050112-A, rescinding Resolution No. 032211-B, and finding the project advisable and authorizing construction for Miller Parkway and Scenic Drive Street Improvements (ST0705).

### ORDINANCE NO. 6948 – ISSUE GENERAL OBLIGATION BONDS – TECUMSEH-QUIVERA-HARTFORD ROAD – STORM WATER IMPROVEMENTS (SM0813)

The Commission approved Ordinance No. 6948 authorizing the issuance of General Obligation Bonds for the Tecumseh-Quivera, Phase I, and the Hartford Road Stormwater Improvements Project.

## CONSENT AGENDA (CONTINUED)

### NEGOTIATE CONTRACT – CENTRAL BASIN SANITARY SEWER IMPROVEMENTS (SS1113)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Bartlett and West Engineers, Inc., of Manhattan, Kansas, for the Central Basin Sanitary Sewer Improvements (SS1113).

### AWARD CONTRACT – MANHATTAN LEVEE IMPROVEMENTS (SM1003)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$306,718.80; awarded a construction contract in the amount of \$182,932.39 to Ebert Construction Company, of Wamego, Kansas; and authorized the Mayor and City Clerk to execute the contract with Ebert Construction Company for the Manhattan Levee Certification Project (SM1003).

### AWARD CONTRACT – KONZA WATER MAIN EXTENSION (WA1006)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$1,495,000.00; awarded a contract, subject to the approval of the Kansas Department of Health and Environment and Environmental Protection Agency, in the amount of \$1,274,675, to Middlecreek Corporation, of Peabody, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Konza Water Main Extension Project (WA1006).

### AWARD CONTRACT – US 24/MCCALL ROAD STORMWATER IMPROVEMENTS (ST0821)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$594,197.00; awarded and authorized the execution of a construction contract in the amount of \$450,803.06 to the lowest responsive bidder, Middlecreek Corporation, of Peabody, Kansas, for the US 24/McCall Road Stormwater Improvements (ST0821).

### CONTRACT AMENDMENT NO. 9 - US 24/MCCALL ROAD STORMWATER IMPROVEMENTS (ST0821)

The Commission approved and authorized the execution of Contract Amendment No. 9 in the amount of \$47,750.00 with Alfred Benesch and Company, of Manhattan, Kansas, for full-time construction-related engineering services for the US 24/McCall Road Stormwater Improvements (ST0821).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – STREET MAINTENANCE ASPHALT-MILL AND OVERLAY (ST1206)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$274,515.00; awarded a contract in the amount of \$271,343.00 to Shilling Construction Company, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for Street Maintenance Asphalt-Mill and Overlay Project (ST1206).

### AWARD CONTRACT – STREET MAINTENANCE PANEL REPLACEMENT (CANDLEWOOD AREA) (ST1204)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$313,302.00; awarded a construction contract in the amount of \$228,780.97 to Pavers, Inc., of Salina, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Street Maintenance Concrete Panels Project for the Candlewood and Gary Avenue area (ST1204).

### AWARD CONTRACT – STREET MAINTENANCE PANEL REPLACEMENT (AMHERST AREA) (ST1205)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$311,752.00; awarded a construction contract in the amount of \$248,934.40 for to Pavers, Inc., of Salina, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Street Maintenance Concrete Panels Project for the Amherst area (ST1205).

### AWARD CONTRACT – PEDESTRIAN UNDERPASS TO UNION PACIFIC DEPOT (SP1101)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$423,131.21; awarded a construction contract, subject to approval from the Kansas Department of Transportation, in the amount of \$380,805.37 to R.M. Baril Construction, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract with R.M. Baril for the Pedestrian Underpass to the Union Pacific Depot (SP1101).

### CONTRACT AMENDMENT NO. 1 – PEDESTRIAN UNDERPASS TO UNION PACIFIC DEPOT (SP1101)

The Commission approved and executed Contract Amendment No. 1 in the amount of \$39,860.00 with Alfred Benesch and Company, of Manhattan, Kansas, for full-time construction-related engineering services for the Pedestrian Underpass to the Union Pacific Depot (SP1101).

## CONSENT AGENDA (CONTINUED)

### **SUBMIT – CDBD – 2012 THIRD YEAR ANNUAL ACTION PLAN**

The Commission authorized the submission of the City of Manhattan Community Development Block Grant 2012 Third Program Year Annual Action Plan.

### **REQUEST FOR PROPOSALS – INSURANCE BROKER**

The Commission approved and authorized City Administration to solicit proposals for a Broker “Agent of Record” for the City’s Commercial Insurance Programs and Risk Management Services; and appointed Commissioner Matta to serve on the Selection Committee.

### **PURCHASE – POOL CHEMICALS**

The Commission authorized City Administration to purchase pool chemicals for the 2012 pool season from Edwards Chemicals, Inc., of Elwood, Kansas, at the quoted rates (*See Attachment No. 1*).

Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### **PUBLIC HEARING – POYNTZ AVENUE IMPROVEMENTS (ST1203)**

Jason Hilgers, Assistant City Manager, presented the item. He then responded to questions from the Commission.

Julie Govert-Walter, Executive Director, North Central-Flint Hills Area Agency on Aging, 401 Houston Street, informed the Commission that she appreciated the proposed improvements; however, she voiced concern with the lack of street lights at the intersection of Fourth Street and Houston Street, the increased number of traffic and speeds, drainage issues in the alley between the Flint Hills Center building and the Veterans of Foreign Wars building, and requested that a high priority be given to ensure accessibility for those with disabilities.

Ron Fehr, City Manager, responded to questions from the Commission.

Mayor Pepperd opened the public hearing.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING – POYNTZ AVENUE IMPROVEMENTS (ST1203) (CONTINUED)

Calvin Emig, 3010 Prairie Star Drive, informed the Commission that he had mixed feelings about the project and had surveyed six of his tenants, with one supporting and five not supporting the project due to additional amount being paid by the property owners. He asked that if the City of Manhattan has money available and if the project is less than the bid amount, then the City pick up the additional five percent of the costs. He then responded to questions from the Commission and stated that his property taxes downtown have more than doubled in the last ten years and that he has more than paid for his share of this project with the improvements made to his properties, resulting in increased property taxes.

Diane Deaver, 1025 Quivera Circle, business owner at 317 Poyntz Avenue, informed the Commission that she was in favor for most of the project, but requested that the City do something with the trees in order to not block business signs or awnings.

Hearing no other comments, Mayor Pepperd closed the public hearing.

### RESOLUTION NO. 050112-B/DESIGN CONTRACT – BENEFIT DISTRICT - POYNTZ AVENUE IMPROVEMENTS (ST1203)

Jason Hilgers, Assistant City Manager, responded to questions from the Commission regarding the principle amount and project financing.

After discussion and comments from the Commission, Commissioner Sherow moved to approve Resolution No. 050112-B finding the project advisable and creating a benefit district to improve Poyntz Avenue and authorize City Administration to finalize and the Mayor and City Clerk to execute the design contract in the amount of \$259,015.00 with Bowman Bowman Novick, Inc., of Manhattan, Kansas. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

### ECONOMIC DEVELOPMENT APPLICATION: ICON ENTERPRISES, INC. D/B/A CIVICPLUS

Commissioner Jankovich announced that he had a conflict of interest with the requestor and would recuse himself on the item. He then stepped down from the dais.

Lauren Palmer, Assistant City Manager, introduced the item.

Lyle Butler, President, Manhattan Area Chamber of Commerce, presented background information and provided an overview of the item. He informed the Commission that the Manhattan Chamber stands solidly behind this company and supported the request being made in order to keep and grow the company in downtown Manhattan. He encouraged the Commission to support the item.

## GENERAL AGENDA (CONTINUED)

### ECONOMIC DEVELOPMENT APPLICATION: ICON ENTERPRISES, INC. D/B/A CIVICPLUS (CONTINUED)

John Pagen, Vice President Economic Development, Manhattan Area Chamber of Commerce, provided an overview on CivicPlus, market analysis for CivicPlus, expansion plans and commitment of capital, number of employees and wages, and an overview on the six strategies for Advantage Manhattan.

Lauren Palmer, Assistant City Manager, presented the economic development proposal, components of the Economic Development Fund (EDF) funding criteria; proposed incentives package, including a forgivable loan, partial tax abatement and Industrial Revenue Bonds; capital investment requirements; job and wage projections; wage structure; employee benefits; annual accountability and clawback provisions; and, risk review conducted by Springsted, Inc., the City's financial advisor.

Ward Morgan, Chief Executive Officer, CivicPlus, 1208 Greystone Place, provided additional background information on CivicPlus and informed the Commission their firm needs to expand its workforce and offices to accommodate the company's growth. He stated that it takes a lot of people to build a lot of websites and that they need high-end people, which is their most precious resource. He stated that their firm is competing against other companies to get high level people and wants to build a new building downtown that will attract quality employee candidates, while building on the growth of the downtown redevelopment area.

Brian Rempe, Chief Technology Officer, CivicPlus, informed the Commission that he graduated from Kansas State University and started with CivicPlus in 2008. He provided an update on the current number of employees and clients with CivicPlus. He provided additional information about their company and stated that he was confident their firm would meet and exceed the goals presented.

Brent Bowman, Bowman Bowman Novick, Inc., (BBN) presented a rendering of the proposed building and provided an overview on interior and exterior elements. He informed the Commission that they have been working with Brian Rempe on programming areas in the building and are excited to be involved with this project.

Jackie Hartman, Director of Community Relations, Kansas State University, informed the Commission that it is the desire of the University to elevate the experience of its students and to make sure students can have quality employment and good salaries upon graduation. She said that Manhattan is the number two place for students staying after graduation and stated that CivicPlus has hired 22 K-State graduates.

## GENERAL AGENDA (CONTINUED)

### ECONOMIC DEVELOPMENT APPLICATION: ICON ENTERPRISES, INC. D/B/A CIVICPLUS (CONTINUED)

Debbie Nuss, 1419 Humboldt Street, speaking on behalf of Manhattan Living Wage Coalition Committee, informed the Commission that paying good wages and Living Wage Policies are good for both businesses and for the community. She stated that the Manhattan Living Wage Coalition has requested that companies being considered for tax dollars from the City must pay a minimum hourly wage of \$12.00 an hour. She then informed the Commission that the Manhattan Living Wage Coalition supports the request of CivicPlus due the company's wage levels and benefits being provided.

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the proposed agreement.

Lauren Palmer, Assistant City Manager, responded to additional questions from the Commission regarding the proposed tax abatement, term of the abatement, and portion of the building that would be eligible for abatement.

Ron Fehr, City Manager, responded to questions from the Commission.

Brent Bowman, BBN, provided additional information on the office space design and requirements for CivicPlus, both initially and based on future projections.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission and provided additional information on the projected returns.

Ron Fehr, City Manager, informed the Commission that with any tax abatement proposal, the State of Kansas is the big winner in regards to immediate payback. He informed the Commission that they will look at the tax abatement portion of the proposal and provide additional information and clarification before second reading of the item.

After discussion and comments from the Commission, Commissioner Sherow moved to schedule May 15, 2012, as the date for a final determination on an economic development incentive package for ICON Enterprises d/b/a CivicPlus. Commissioner Matta seconded the motion.

After additional discussion and comments from the Commission, on a roll call vote, motion carried 4-0.

At 9:15 p.m., the Commission took a brief recess.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - FLOOD MODELING PROJECT UPDATE

Commissioner Jankovich returned to the dais.

Chad Bunger, Planner II, introduced the item.

Joe File, AMEC Earth and Environmental, presented the development of existing and future condition floodplains, project scope, process summary, Manhattan Urban Area Comprehensive Plan Future Land Use map, future conditions hydrology and hydraulics, and depth grid maps. He then responded to questions from the Commission.

Chad Bunger, Planner II, provided additional information on the maps and presented potential strategies to improve or reduce the Future Condition Flood Plains. He then responded to questions from the Commission.

Rob Ott, City Engineer, provided information on the three Wildcat Creek gauges at Keats, Scenic Drive, and Seth Childs locations. He then responded to questions from the Commission regarding the benefits of detention ponds.

Joe File, AMEC Earth and Environmental, provided additional information on the item and Future Conditions Maps for Wildcat Creek, Little Kitten Creek, CiCo Tributary, Virginia-Nevada Tributary, Rolling Hills Tributary, and Marlatt Ditch. He reiterated the significant benefits in the use of detention areas and then responded to additional questions from the Commission.

Rob Ott, City Engineer, responded to questions from the Commission regarding the Stormwater Management Master Plan.

Chad Bunger, Planner II, provided additional information on the depth grid maps and evaluation tools available to better evaluate key flood areas.

Commissioner Jankovich, Co-Chair of the Wildcat Creek Watershed Working Group, provided additional information on the presentations made at the last Wildcat Creek Watershed Working Group meeting and informed the Commission that the Working Group would be developing recommendations to bring forward for the City and Riley County Commissions consideration. He then thanked City staff, the Wildcat Creek Working Group, the presenters and consultants that have provided valuable information, and the students and faculty members at Kansas State University that have assisted in this process.

**ADJOURNMENT**

At 10:28 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

## QUOTE SUMMARY

### POOL CHEMICALS

COMPANY	PRODUCT	QUOTE
Energy Center, Manhattan, KS	Muriatic acid 50 gallon drum	\$189.00 / \$.37/lb
	Soda bicarbonate, 50#	\$24.00/\$.48/lb
	Calcium chloride, 50#	\$18.00/\$.36/lb
	Soda ash, 50#	\$22.50/\$.45/lb
	Cyanuric acid, 45#	\$69.00/\$1.53/lb
	Liquid chlorine 55 gallon drum (special order)	
Harcros Chemicals, Wichita, KS	Soda bicarbonate, 50#	\$16.50/\$.33/lb
	Calcium chloride, 50#	\$16.50/\$.33/lb
	Soda ash, 50#	\$17.50/\$.35/lb
	Cyanuric acid, 45#	\$49.50/\$.67/lb
	Liquid chlorine (not available)	
	Muriatic acid (not available)	
<b>*Edwards Chemical, Elwood, KS</b>	<b>Muriatic acid 50 gallon drum</b>	<b>\$114.40/\$.22/lb</b>
	<b>Soda bicarbonate, 50#</b>	<b>\$12.50/\$.25/lb</b>
	<b>Calcium chloride, 50#</b>	<b>\$13.35/\$.267/lb</b>
	<b>Soda ash, 50#</b>	<b>\$15.40/\$.308/lb</b>
	<b>Cyanuric acid, 45#</b>	<b>\$47.00/\$.94/lb</b>
	<b>Liquid chlorine</b>	<b>\$1.66/gallon</b>

\*Recommend Purchase