



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JUNE 17, 2014***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, Richard B. Jankovich, and John Matta were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 8 staff, and approximately 15 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Jankovich stated that he attended a Community Planning and Design Studio summer graduate level planning class at Kansas State University taught by Associate Professor Blake Belanger, Landscape Architecture/Regional & Community Planning. He informed the community that the students in the class are working on visioning plans in what Aggieville and the area could look like in the next 125 years. After their coursework is completed, Commissioner Jankovich stated that the students would do their presentations at a future Work Session. He also reminded the community that the first Citizen Forum regarding the Riley County Police Department (RCPD) would be held on Wednesday, July 2, 2014, from 6:00 p.m. to 7:00 p.m., in the Groesbeck Room in the Manhattan Public Library. He encouraged anyone wishing to talk about concerns or issues, positive or negative, about RCPD to come to the Forum.

Commissioner Reddi stated that The Wailin' Jennys concert at Arts in the Park was fantastic and that they donated part of their proceeds to the National Alliance of Mental Illness. She encouraged citizens to take advantage of the Arts in the Park events and other services provided in the community. She also informed citizens that this is an election year and highlighted the recent law passed regarding party affiliation changes, election deadlines, and election dates.

Commissioner McCulloh stated that she attended the opening of the Ice Age Imperials exhibit at the Flint Hills Discovery Center. She encouraged everyone to attend this fun and interactive exhibit.

## COMMISSIONER COMMENTS (CONTINUED)

Mayor Butler stated that Phil Anderson and his group of volunteers raising private funds for the bridge pier welcome sign are still short approximately \$3,000.00. He encouraged people to donate to this cause and to contact the Greater Manhattan Community Foundation.

### CONSENT AGENDA

(\* denotes those items discussed)

#### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 3, 2014.

#### CLAIMS REGISTER NO. 2764

The Commission approved Claims Register No. 2764 authorizing and approving the payment of claims from May 28, 2014, to June 10, 2014, in the amount of \$3,846,352.69.

#### LICENSES

The Commission approved a Fireworks Display License for July 3, 2014, for Manhattan Country Club, 1531 North 10<sup>th</sup> Street, and a Tree Maintenance License for the calendar year 2014 for Kyle's Tree Service, 2049 Hayes Drive.

#### FINAL PLAT – LEE MILL HEIGHTS, UNIT NINE

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

#### PUBLIC HEARING – VACATE DRAINAGE EASEMENT – LOT 1, MILLER RANCH, UNIT SIX

Mayor Butler opened the public hearing.

Hearing no comments, Mayor Butler closed the public hearing.

#### FIRST READING – VACATE DRAINAGE EASEMENT – LOT 1, MILLER RANCH, UNIT SIX

The Commission approved first reading of an ordinance vacating a portion of a drainage easement on Lot 1 in Miller Ranch, Unit Six, an addition to the City of Manhattan, Riley County, Kansas.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 061714-A – POLICY – CREATING A BENEFIT IMPROVEMENT DISTRICT**

The Commission approved Resolution No. 061714-A establishing a policy for a uniform process for creating a benefit improvement district.

### **SET PUBLIC HEARING DATE – LEVY – SPECIAL ASSESSMENTS (GOB 2014-C)**

The Commission set July 1, 2014, as the date to hold a public hearing levying special assessments against the benefiting properties for the following 17 projects, which have been completed: *Bellerive Addition – Sanitary Sewer (SS1119), Street (ST1112), and Water (WA1113); Lee Mill Heights Addition, Unit Seven – Sanitary Sewer (SS1117), Street (ST1110), and Water (WA1112); Lee Mill Heights Addition, Unit Eight – Sanitary Sewer (SS11306), Street (ST1307), and Water (WA1306); Miller Ranch Addition, Unit Five – Sanitary Sewer (SS1209), Street (ST1211), and Water (WA1214); Prairie Lakes Addition, Unit Six – Sanitary Sewer (SS1207), Street (ST1209), and Water (WA1208); and Scenic Meadows, Unit Three, Phase Two – Sanitary Sewer (SS1004) and Water (WA1004).*

### **RESOLUTION NO. 061714-B – PETITION – GRAND LUXE ADDITION – SANITARY SEWER IMPROVEMENTS (SS1408)**

The Commission found the petition sufficient and approved Resolution No. 061714-B finding the project advisable and authorizing construction for the Grand Luxe Addition Sanitary Improvements (SS1408).

### **RESOLUTION NO. 061714-C – PETITION – GRAND LUXE ADDITION – WATER IMPROVEMENTS (WA1407)**

The Commission found the petition sufficient and approved Resolution No. 061714-C finding the project advisable and authorizing construction for the Grand Luxe Addition Water Improvements (WA1407).

### **RESOLUTION NO. 061714-D – PETITION – GRAND LUXE ADDITION – STREET IMPROVEMENTS (ST1407)**

The Commission found the petition sufficient and approved Resolution No. 061714-D finding the project advisable and authorizing construction for the Grand Luxe Addition Street Improvements (ST1407).

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – GRAND LUXE ADDITION – SANITARY SEWER (SS1408), WATER (WA1407), AND STREET (ST1407) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$40,645.00 with SMH Consultants, of Manhattan, Kansas, to perform professional engineering services for the Grand Luxe Addition Sanitary Sewer (SS1408), Water (WA1407), and Street (ST1407) improvements.

### TASK ORDER NO. 12 – DESIGN AND BIDDING SERVICES – AIRPORT ROAD IMPROVEMENTS (ST1408, SM1403)

The Commission authorized the Mayor and City Clerk to execute Task Order No. 12 with Mead & Hunt, Inc., of Madison, Wisconsin, in the amount of \$157,285.00 for design and bidding services for Airport Road improvements (ST1408, SM1403).

### TASK ORDER NO. 13 – DESIGN AND BIDDING SERVICES – GENERAL AVIATION SITE AND UTILITY IMPROVEMENTS (AP1401, SM1403, WA1408, SS1409)

The Commission authorized the Mayor and City Clerk to execute Task Order No. 13 with Mead & Hunt, Inc., of Madison, Wisconsin, in the amount of \$103,987.00 for the design and bidding services for the General Aviation site and utility improvements (AP1401, SM1403, WA1408, SS1409).

### RESOLUTION NO. 061714-E – ISSUE TEMPORARY NOTES OR GENERAL OBLIGATION BONDS – AIRPORT ROAD IMPROVEMENTS (ST1408, SM1403)

The Commission approved Resolution No. 061714-E authorizing the issuance of temporary notes and/or general obligation bonds to pay for the Airport Road improvements (ST1408, SM1403).

### RESOLUTION NO. 061714-F – ISSUE TEMPORARY NOTES OR GENERAL OBLIGATION BONDS – GENERAL AVIATION AND FIXED-BASE OPERATOR IMPROVEMENTS (AP1401, SM1403, WA1408, SS1409)

The Commission approved Resolution No. 061714-F authorizing the issuance of temporary notes and/or general obligation bonds to pay for General Aviation and Fixed-Base Operator Improvements (AP1401, SM1403, WA1408, SS1409).

## CONSENT AGENDA (CONTINUED)

### SUPPLEMENT AGREEMENT NO. 2 – K-18/K-113 INTERCHANGE IMPROVEMENTS (ST1214)

The Commission authorized the Mayor and City Clerk to execute a Supplemental Agreement No. 2 with the Kansas Department of Transportation, and authorized City Administration to finalize and the Mayor and City Clerk to execute an Engineering Services Agreement in the amount of \$159,751.37 with Alfred Benesch & Company, of Manhattan, Kansas, for the K-18/K-113 Interchange Improvements project (ST1214).

### AWARD CONTRACT – DICKENS AVENUE SIDEWALK (SW1401)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$97,810.00; awarded a construction contract in the amount of \$54,310.00 to Manhattan Trenching, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract for the Dickens Avenue Sidewalk Project (SW1401).

### PURCHASE – CITY HALL HEAT PUMPS AND RELATED COMPONENTS (FR1402, CIP #BM005E)

The Commission authorized the purchase of heat pumps and related components in an amount not to exceed \$25,720.00 from Thermal Comfort Air, Inc., of Manhattan, Kansas.

### AGREEMENT – NORTH CAMPUS CORRIDOR STUDY

The Commission approved and authorized the Mayor and City Clerk to execute an agreement with Kansas State University for the North Campus Corridor Study and dedicated \$75,000.00 in Economic Development Funds to assist in financing the study.

### PERMANENT EASEMENT – COMMUNICATION TOWER AND UTILITIES (WA1114)

The Commission accepted a permanent easement that was granted to the City by Kansas State University for the Communication Tower & Utilities (Water Meter Replacement Project-WA1114); and authorized the Mayor and City Clerk to execute the permanent easement agreement.

### PURCHASE – SEWER MAINTENANCE DIVISION - SEWER TV TRUCK (UNIT #52) (CIP #WW004E)

The Commission authorized the purchase in the amount of \$174,000.00 of a Sewer TV Truck from RED Municipal & Industrial Equipment Co., of Kansas City, Missouri, to replace the existing Sewer Maintenance Unit #52 (CIP #WW004E).

## CONSENT AGENDA (CONTINUED)

\* **PURCHASE – ANIMAL SHELTER DIVISION - ¾-TON CARGO VAN (UNIT #84) (CIP #AS003E)**

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification regarding the bids and specifications received from Ed Bozarth Chevrolet, of Topeka, Kansas, and from Briggs Motor Company, of Manhattan, Kansas. He then responded to questions from the Commission regarding the recommendation provided in the City Commission Agenda Memo, and informed the Commission of the bid irregularity from Briggs Motor Company.

Eddie Eastes, Director of Parks and Recreation, and Ron Fehr, City Manager, provided additional information on the bids received, review of specifications, and clarification with Briggs Motor Company regarding their bid submittal, and the additional amount provided to include rear air conditioning.

Bill Raymond, City Attorney, informed the Commission they are not bound to recognize just the low bid and if the Commission recognizes the irregularity cited and decides to go ahead with another bid, the Commission has the discretion to ultimately make the decision on the award.

The Commission approved the purchase of a ¾-ton cargo van in the amount of \$19,635.00 from Briggs Motor Company, of Manhattan, Kansas, to replace Unit #84 (CIP #AS003E) for the Animal Shelter Division, to be paid from the Animal Shelter General Fund budget.

**AUTHORIZE – SUNGARD PUBLIC SECTOR RENEWAL**

The Commission authorized the City of Manhattan to renew the software upgrade, maintenance, and support services agreement for a term of July 1, 2014, to June 30, 2015, in the amount of \$72,970.88 with SunGard Public Sector, Inc., of Lake Mary, Florida.

**BOARD APPOINTMENTS**

The Commission approved appointments by Mayor Butler to various boards and committees of the City.

*Historic Resources Board*

Appointment of Tyler Holloman, 2323 Claflin Road, to a three-year Real Estate term. Mr. Holloman's term begins immediately, and will expire April 30, 2017.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Parks and Recreation Advisory Board*

Re-appointment of Linda Teener, 1900 Judson Street, to a four-year term. Ms. Teener's term will begin July 1, 2014, and will expire June 30, 2018.

Appointment of Mark Bachamp, 4292 S. Dam Road, to fill the unexpired term of Ashalen Sims. Mr. Bachamp's term begins immediately, and will expire June 30, 2015.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda with the exception of Item P, PURCHASE – ANIMAL SHELTER DIVISION - ¾-TON CARGO VAN (UNIT #84) (CIP #AS003E) where the City Commission recognized the irregularity of the bid and accepted the bid from Briggs Motor Company, of Manhattan, Kansas, with the changes that they (Briggs Motor Company) informed Parks and Recreation of, to include air conditioning and heating in the rear of the vehicle, adding approximately \$600.00 to the bid price. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### AWARD CONSTRUCTION CONTRACT; CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES - POTTAWATOMIE COUNTY RURAL WATER DISTRICT NO. 1 ELEVATED WATER STORAGE TANK (WA1307)

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, presented the project background and schedule; project costs; project funding; project financing options; interlocal agreement; and action items for the Commission to consider. He then responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on project financing options and potential service areas.

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, presented information on the second interim agreement and provided maps highlighting the proposed service areas. He then responded to questions from the Commission regarding the water storage tank.

Ron Fehr, City Manager, responded to questions from the Commission regarding the project timeline. He then provided additional information on the item and an update on the status of the sanitary sewer agreement with Pottawatomie County.

## GENERAL AGENDA (*CONTINUED*)

### **AWARD CONSTRUCTION CONTRACT; CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES - POTTAWATOMIE COUNTY RURAL WATER DISTRICT NO. 1 ELEVATED WATER STORAGE TANK (WA1307)** *(CONTINUED)*

After discussion and comments from the Commission, Commissioner Jankovich moved to accept the Engineer's Opinion of Probable Cost in the amount of \$2,022,061.00; award a construction contract, in the amount of \$1,711,319.00, to Phoenix Fabricators and Erectors, of Avon, Indiana; approve Contract Amendment No. 1 with Bartlett and West, Inc., of Manhattan, Kansas, for construction administration and observation services, for an amount not to exceed \$450,000.00; and authorize the Mayor and City Clerk to execute the documents for the Pottawatomie County Rural Water District No. 1 Elevated Water Storage Tank (WA1307). Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

### **AWARD CONTRACT - STREET MAINTENANCE ASPHALT PROJECT (ST1405)**

Rob Ott, Director of Public Works, presented an overview of maintenance priorities for concrete streets and asphalt streets for Public Works crews and private contractors; maps of targeted areas for concrete panel replacement, mill and overlay, and nova chip improvements; presented the benefits of thin asphalt overlays; presented base bid and budget considerations; and provided additional pavement segments under consideration and evaluated with computer modeling. He then responded to questions from the Commission regarding the timing of the street improvements given the ongoing construction, materials, and techniques that can be used, and the potential synergy to coordinate street projects with Riley County when possible.

After comments from the Commission, Rob Ott, Director of Public Works, presented options for a potential increase in sales tax to generate additional funds for street maintenance and timing considerations for a ballot question. He also presented an overview of estimated Pavement Condition Index (PCI) values based on an increase in the budget.

Jason Hilgers, Deputy City Manager, provided clarification on the estimated PCI values and approximate amount of revenue that would be generated for street repairs.

Rob Ott, Director of Public Works, presented considerations for the Commission regarding the timing of a sales tax vote for street maintenance and an overview of the local sales tax rates and comparative sales tax rates with cities in the state of Kansas.

## GENERAL AGENDA (CONTINUED)

### AWARD CONTRACT - STREET MAINTENANCE ASPHALT PROJECT (ST1405) (CONTINUED)

Ron Fehr, City Manager, provided additional information on the sales tax proposal for street maintenance. He provided clarification on the timing for the item to be placed on either the November 2014 or April 2015 ballot and discussed considerations to develop a ballot question.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding the motor vehicle tax.

After comments from the Commission, there was a consensus to revisit the potential for a ballot question to be developed and placed on an upcoming election for street maintenance after the 2015 City Budget is completed.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to accept the Engineer's Opinion of Probable Cost in the amounts of \$258,916.87 for mill and overlay and \$306,305.14 for the Ultra Thin Overlay, for a total of \$565,222.01; award a construction contract in the total amount of \$441,337.50 to Shilling Construction Co., Inc., of Manhattan, Kansas, for the Asphalt Street Maintenance (ST1405) project; and authorize the Mayor and City Clerk to execute the contract. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

### AWARD CONTRACT - STREET MAINTENANCE CONCRETE PANEL REPLACEMENT PROJECTS - NORTHVIEW AREA (ST1406) AND ANNEBERG PARK (ST1409, CIP #CP113P)

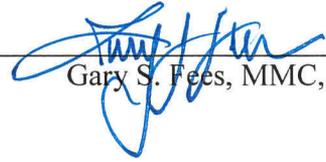
Rob Ott, Director of Public Works, presented an overview of the item. He then responded to questions from the Commission.

After discussion, Commissioner Jankovich moved to accept the Engineer's Opinion of Probable Cost in the amount of \$435,124.01 for the Northview area and \$74,120.22 for Anneberg Park, for a total of \$509,244.23; award a construction contract to Bayer Construction Company, Inc., of Manhattan, Kansas, for the Concrete Street Maintenance Project – Northview area (ST1406) and Anneberg Park (ST1409, CIP #CP113P), in the total amount of \$369,355.00; and authorize the Mayor and City Clerk to execute the contract. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding the painting of residential curbs and the proposed timeline for the Scenic Drive pavement maintenance project.

**ADJOURNMENT**

At 8:15 p.m., the Commission adjourned.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, MMC, City Clerk