



***MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 3, 2019
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Michael L. Dodson and Commissioners Usha Reddi, Wynn Butler, Jerred McKee, and Linda Morse were present. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, City Attorney Katharine Jackson, Deputy City Clerk Brenda K. Wolf, 9 staff, and approximately 21 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Dodson led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Dodson opened the public comments and highlighted the process.

Anthony Nichols, 219 North Juliette Avenue, informed the Commissioners that on July 16, 2019, the contractor for the Kansas Department of Transportation Juliette Avenue Brick Restoration, Phase 3, project (ST1801) had violated City Ordinance 33-1 and his homeowner rights. He stated that the contractor had dug up the brick sidewalk in front of his house, ripped up a large visible root to a tree that is approximately 105 years old, didn't contact the City's Forestry Supervisor before digging therefore the Forestry Supervisor was not present when the contractor was digging, nor did the contractor have a permit issued by the City's Forestry Supervisor. He also stated that he was never notified of the work to be done on his property, the contractor dug in his yard, not just in the easement, and had an excavator two inches from his house. He wanted to ensure that the City Codes were enforced.

Charles Henry, 714 Fairman Drive, read a prepared statement regarding the flooding along the Wildcat Creek from increased runoff into the creek due to development and proposed the Commission adopt a policy to impose a considerably large stormwater charge for all new developments causing a decrease in desire to build new and therefore would encourage existing property to be improved and developed instead.

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

COMMISSIONER COMMENTS

Commissioner Morse expressed appreciation of the Riley County Police Department and other law enforcement agencies on the recent arrests in opioid distribution and hoped to see more of this type of collaboration in the future.

Commissioner McKee commented on flooding that the community has been experiencing since Labor Day in 2018. He stated that the flooding is not just adjacent to Wildcat Creek but is an ongoing problem due to change in the weather and the larger than normal amount of rain.

Commissioner Reddi stated that flooding is happening more often. She also stated that September is Suicide Prevention Month and that there is an increase in suicide rates. She commented that there is not enough staff and there needs to be more discussion with children and family. She encouraged individuals to reach out to someone if they are considering suicide.

Mayor Dodson stated that there will be a 9/11: A Day of Remembrance event on September 11, 2019, at 7:00 p.m., at Bishop Stadium, sponsored by the Flint Hills Volunteer Center, to remember those lost on September 11, 2001. He asked the City Manager to speak about issues happening in the city.

City Manager Fehr provided information on sites damaged in the city as a result of the flash flood during the early morning hours on Friday, August 30, 2019. He mentioned there were two sink holes, one that had collapsed weeks earlier on Hayes Drive and Bluemont Avenue just behind Staples and the most recent one on Hayes Drive north of Levee Drive; an old water manhole collapsed on 12th Street and Bertrand Street; and a traffic signal at the intersection of Tuttle Creek Boulevard and McCall Road that had sustained significant damage and was not fully functional due to the control box being damaged from flood waters. He stated that repairs are being made at each site, either by City crews or a contractor hired by the City. He also mentioned that five members of the Manhattan Fire Department left Monday, September 2, 2019, as part of a task force to assist with rescue operations in Florida. He stated that the Federal Emergency Management Agency (FEMA) will pay for all their costs, thus there is no expense to the City.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 20, 2019.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NO. 2920

The Commission approved Claims Register No. 2920 authorizing and approving the payment of claims from August 14, 2019 – August 27, 2019, in the amount of \$3,589,802.70.

LICENSES

The Commission approved annual Cereal Malt Beverages Off-Premises Licenses for Short Stop #26, 8207 South Port Drive, and Target Store T-1821, 800 Commons Place.

* ORDINANCE NO. 7445 – 2020 SALARIES

Commissioner Butler stated that the salaries of employees need to be looked at as the increase in the mill levy is a result of the increase in employees' salaries.

The Commission approved Ordinance No. 7445 establishing a new range of salaries for 2020 for City employees.

ORDINANCE NO. 7446 – ADOPT – AGGIEVILLE REDEVELOPMENT PLAN

The Commission approved Ordinance No. 7446 adopting the proposed Redevelopment Plan for the Aggieville Project Area in the Aggieville Redevelopment District in Manhattan, Kansas.

FIRST READING – FIRST AMENDMENT – KDHE LOAN - WASTEWATER TREATMENT PLANT MECHANICAL, ELECTRICAL AND PLUMBING IMPROVEMENTS (SS1712, CIP #WW179E) AND HEADWORKS PUMP STATION IMPROVEMENTS (SS1713, CIP #WW178E)

The Commission approved the first reading of an ordinance authorizing the execution of a First Amendment to the Loan Agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of increasing the funding amount for the Wastewater Treatment Plant Mechanical, Electrical and Plumbing Improvements (SS1712, CIP #WW179E) and Headworks Pump Station Improvements (SS1713, CIP #WW178E), through the Kansas Water Pollution Control Revolving Loan Fund the KWPCRF Project No. C20 2064 01.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 090319-A – LEVEE DECLARATION, ACCEPT ENGINEERING REPORT, APPOINT APPRAISERS – RAISE MANHATTAN LEVEE (SM1813)

The Commission approved Resolution No. 090319-A declaring it necessary to improve the levee, approving the Engineering Report and, per State Statute, appointing three disinterested householders (John Matta, Tom Phillips, and Karen McCulloh) serving as appraisers to appraise and report any special benefits that may accrue to any or all of the property resulting from the Manhattan Levee project (SM1813).

AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES – UNION PACIFIC RAILROAD REVIEW – RAISE MANHATTAN LEVEE (SM1813)

The Commission authorized the Mayor to execute an Agreement for Preliminary Engineering Services in an estimated amount of \$225,000.00 with the Union Pacific Railroad for the Manhattan Levee Project (SM1813) where the levee is crossed by the Union Pacific Railroad and for reviewing the proposed improvements.

REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – AGGIEVILLE HISTORIC DISTRICT SURVEY

The Commission authorized City Administration to advertise for Historic Preservation Consultants to conduct a historic resources survey of the Aggieville District area.

NEGOTIATE AGREEMENT – PROFESSIONAL SERVICES – KIMBALL AVENUE EXPANSION, FROM VANESTA DRIVE TO BERKSHIRE CIRCLE (ST1910)

The Commission authorized City Administration to negotiate an Agreement for Professional Engineering Services with Bartlett & West, of Manhattan, Kansas, for the Kimball Avenue, from Vanesta Drive to Berkshire Circle, study and design project (ST1910, CIP #EN098P).

AWARD CONTRACT – PAINTING OF CITY PARK POOL (CP1602)

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$136,158.00, with Insko Industries, Inc., of Shawnee, Kansas, for the painting of City Park Pool (CP1602), to be paid from excess Quality of Life project account funds.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – CDBG HOUSING REHABILITATION PROGRAM – 417 NORTH 4TH STREET

The Commission accepted the bid for the Community Development Block Grant Housing Rehabilitation Project located at 417 N. 4th Street; awarded and authorized the Mayor and City Clerk to execute a contract with Ben Kitchens Painting Co., Inc., of Junction City, Kansas, for the base bid in the amount of \$26,200.00 (Base Bid in the amount of \$25,800.00 and lead cost in the amount of \$400.00) and Addendum No. 1 in the amount of \$100.00, for a total contract in the amount of \$26,300.00; and authorized the Mayor and City Clerk to enter into contracts with contractor and the property owner for expenditure of CDBG Housing Rehabilitation funds.

CHANGE ORDER NO. 1 - CDBG HOUSING REHABILITATION PROGRAM – 417 NORTH 4TH STREET

The Commission approved Change Order No. 1 resulting in a net decrease in the amount of \$3,920.00, to the contract with Ben Kitchens Painting Co., Inc., of Junction City, Kansas resulting in a total contract price in the amount of \$22,380.00 for Community Development Block Grant Housing Rehabilitation project located at 417 N. 4th Street.

* AMENDMENT TO BLUE TOWNSHIP WATER INTERLOCAL AGREEMENT

Commissioner McKee asked if the City was investing in any of the infrastructure and how advantageous it was for the City to extend the City infrastructure.

City Manager Fehr stated that the area targeted is west of Heritage Square and that the Rural Water District was amenable to the City extending its infrastructure and use City meters, and that it would be point of discussion in the future for the right to serve that area.

Commissioner Butler stated that he did not like the idea of cost, that the City's Water Plant was not designed to service Pottawatomie County nor should the City extend service, and that it would inhibit what capacity can be provided to those within the city.

City Manager Fehr stated that the Rural Water District's water line is not sized to service commercial customers and that it's not indifferent from what the City is currently doing in area; it's just helping to define the service aspect.

The Commission authorized the Mayor and City Clerk to execute an Amendment to the Blue Township Water Interlocal Agreement with Pottawatomie County Rural Water District No. 1 regarding water service connections.

CONSENT AGENDA (CONTINUED)

EASEMENT COUNT OFFER – 509 FAIR LANE (MAX BAYER TRUST) - 5TH STREET AND HOUSTON STREET STORMWATER IMPROVEMENT PROJECT (SM1701, CIP #SW052P)

The Commission accepted the counter offer in the amount of \$41,841.50 for the property located at 509 Fair Lane and authorized the Mayor and City Clerk to finalize and execute a Contract for Purchase of Interests in Real Estate for temporary and permanent easements for the 5th Street and Houston Street Stormwater Improvement Project (SM1701, CIP #SW052P).

EASEMENT COUNT OFFER – SOUTH 4TH STREET (WAMEGO SAND COMPANY) - 5TH STREET AND HOUSTON STREET STORMWATER IMPROVEMENT PROJECT (SM1701, CIP #SW052P)

The Commission accepted the counter offer in the amount of \$31,830.00 for the property at S. 4th Street, northwest of Riley Lane, and authorized the Mayor and City Clerk to finalize and execute a Contract for Purchase of Interests in Real Estate for temporary and permanent easements for the 5th Street and Houston Street Stormwater Improvement Project (SM1701, CIP #SW052P).

BOARD APPOINTMENTS – CITY/UNIVERSITY SPECIAL PROJECTS FUND COMMITTEE

The Commission approved the following appointments to the City/University Special Projects Fund Committee.

Appointment of Grace Palcic, 1835 Todd Road, to a one-year Student term. Ms. Palcic's term begins immediately, and will expire June 30, 2020.

Appointment of Aundrea Bruna, 2849 15th Road, Hanover, Kansas, to a one-year Student Term. Ms. Bruna's term begins immediately, and will expire June 30, 2020.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

After discussion, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0 with the exception of Item D, ORDINANCE NO. 7445 – 2020 SALARIES, which carried 4-1 with Commissioner Butler voting against the motion, and Item M, AMENDMENT TO BLUE TOWNSHIP WATER INTERLOCAL AGREEMENT, which carried 3-2 with Commissioners Butler and McKee voting against the motion.

PUBLIC HEARING

PUBLIC HEARING - DANGEROUS OR UNSAFE STRUCTURE LOCATED AT 3003 ANDERSON AVENUE

Darren Emery, Deputy Building Official, presented evidence as to why the structure is considered dangerous or unsafe. He then answered questions from the Commission.

Katie Jackson, City Attorney, provided clarification that only the owner and/or lienholder could speak at the Public Hearing.

Mayor Dodson opened the public hearing.

Mark Samarra, 117 Harvard Place, stated that there is no lien on the property, that he had plans to redo the structure before the flooding in September in 2018 and promised that the structure would be cleaned and repaired but would need till December 1, 2019. He then answered questions from the Commission.

Darren Emery, Deputy Building Official, addressed questions from the Commission as to what would need to be done for the structure to be considered safe and secure.

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

RESOLUTION NO. 090319-B – DESIGNATED DANGEROUS OR UNSAFE STRUCTURE - 3003 ANDERSON AVENUE

The Commission were agreeable to extending the time allowed to commence repairs from November 1, 2019, to December 1, 2019, and asked what would happen after December 1, 2019, if repairs hadn't commenced or if not completed by the deadline.

Katie Jackson, City Attorney, answered the Commissioners questions for both incidences based on what the State Statutes states.

After discussion, Commissioner Butler moved to approve Resolution No. 090319-B finding the structure at 3003 Anderson Avenue unsafe or dangerous and setting a time frame of December 1, 2019, for repair or removal. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

REQUEST FOR PROPOSALS - PUBLIC ART EXHIBITION CALL FOR ART

Randi Clifford, Director of Recreation, presented item. He then answered questions from the Commission.

Mayor Dodson opened the public comments.

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., thanked Randi Clifford for communicating with Downtown. She then provided information to the Commission as to why the public art was recommended to be displayed along Third Street versus Poyntz Avenue.

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

After comments from Commissioner Morse and Commissioner Reddi, Commissioner Morse moved to accept the recommendation of the Arts and Humanities Advisory Board to authorize issuing the Call for Art/Request for Proposals for the City of Manhattan Juried Public Art Temporary Outdoor Sculpture Exhibition. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

AGREEMENT/SECOND AMENDMENT TO THE COVENANTS - LEE MILL VILLAGE HOMEOWNERS ASSOCIATION

Jason Hilgers, Deputy City Manager, recognized Bill Frost, Legal Counsel for the City, for his work on this item. He highlighted the changes made to the Covenants. He then answered questions from the Commission.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

After comments from Commissioner Morse and Commissioner Reddi, Commissioner Butler moved to authorize City Administration to finalize and the Mayor and City Clerk to execute a Second Restatement and Amendment of the Declaration of Covenants, Conditions and Restrictions for the Lee Mill Village Homeowner's Association (HOA) and the proposed Agreement with the HOA removing Lots 34-52 and Common Area Tracts 3 and 4 in Lee Mill Village, Unit Two, from the Covenants. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT/TASK ORDER NO. 5/RESOLUTION NO. 090319-C -
AIRPORT PARKING LOT IMPROVEMENTS (AP1801)

Jesse R. Romo, Airport Director, presented the item.

Jesse R. Romo, Airport Director, and Andrew Vidor, Walker Consultants, answered questions from the Commission.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

After comments from Commissioner McKee, Commissioner Butler, and Commissioner Morse, Commissioner Butler moved to accept the Airport Advisory Board's recommendation to implement a \$5.00 per day parking fee at the conclusion of the project and direct City staff to develop a parking management plan to be approved at a later date; accept the Engineer's Opinion of Probable Cost in the total amount of \$4,188,305.00 (Base Bid in the amount of \$1,767,400.00; Alternate No. 1 in the amount of \$1,255,900.00; and Alternate No. 2 in the amount of \$1,165,005.00); award and authorize the Mayor and City Clerk to execute a construction contract in the total amount of \$3,208,304.95 (Base Bid in the amount of \$1,348,474.95, Bid Alternate No. 1 in the amount of \$986,824.50 and Bid Alternate No. 2 in the amount of \$873,005.50) with Shilling Construction Co., Inc., of Manhattan, Kansas; authorize the Mayor to execute Task Order No. 5 in the amount of \$209,490.00 with Olsson, of Manhattan, Kansas, for Construction Administration Services; and approve Resolution No. 090319-C amending Resolution No. 022018-B authorizing and financing for the Airport Parking Lot Improvements project (AP1801). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:06 p.m. the Commission adjourned.


Brenda K. Wolf, CMC, Deputy City Clerk