



AGENDA
TUESDAY, JANUARY 24, 2023
CITY COMMISSION ROOM
CITY HALL
1101 POYNTZ AVENUE
MANHATTAN, KS 66502

City Commission Meeting
6:00 P.M.

NOTE: Agenda items are available on the City's website at <https://www.cityofmhk.com/Archive.aspx?ADID=8574>. If you would like to provide public comment at the meeting for an item on the agenda, you may sign up-in person at the meeting. The guidelines for public comments can be found in Resolution No. 062122-B, <https://cityofmhk.com/meetingspolicy>. If you would like to provide written comment for an item on the agenda in lieu of coming to City Hall, comments may be submitted through the City's website at <https://cityofmhk.com/contactcommissioners> or by emailing or calling the Commissioners directly. Contact information for each Commissioner is located on the City's website at <https://cityofmhk.com/202/City-Commission>.

The City Commission Meeting will be televised live on local Cox Cable Channel 3, on the City's website at <http://cityofmhk.com/tv>, and also on Facebook at <https://www.facebook.com/Cityofmanhattan>. A recording will be made available on the City's website after the meeting.

1. CALL TO ORDER

2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM

3. PLEDGE OF ALLEGIANCE

4. COMMISSIONER COMMENTS



This meeting is being held in the City Commission Room at City Hall, 1101 Poyntz Avenue. In accordance with provisions of the ADA, every attempt will be made to accommodate the needs of persons with disabilities. Please contact the Human Resources Department (587-2443) for assistance.

5. CONSENT AGENDA

[Items on the Consent Agenda are those of a routine and housekeeping nature or those items which have previously been reviewed by the City Commission and may be approved in one motion. A Commissioner may request an item be removed for separate discussion and considered immediately following the Consent Agenda. [Comment from the public](#) related to any item on the Consent Agenda to the City Commission is allowed. Each person will be limited to one speaking opportunity for up to five (5) minutes for this section.]

A. ***MINUTES***

1. Approve the [minutes](#) of the Regular City Commission Meeting held Tuesday, January 3, 2022.

B. ***CLAIMS/PAYMENTS***

1. Approve [Claims Register No. 3020](#) authorizing and approving the payment of claims from December 21, 2022 – January 10, 2023, in the amount of \$2,279,707.80.
2. Approve [Claims Register No. 3021](#) authorizing and approving the payment of claims from December 28, 2022 – January 17, 2023, in the amount of \$5,085,230.70.

C. ***LICENSES***

1. [Approve](#) a *Merchant Guard Agency* License for calendar year 2023 for Securitas Security Services USA, Inc, 3641 SW Plass Avenue Suite150, Topeka; a *Tree Maintenance* License for calendar year 2023 for Hummel Tree Service, 608 Pottawatomie Avenue; Native Tree Works, LLC, 884 Norlin Road, Randolph and Outdoors Unlimited, 7113 McGeorge Road, Milford; and an annual *Cereal Malt Beverage Off-Premises* License for Casey's #3949, 221 Fort Riley Boulevard.

D. ***FINAL PLATS***

1. Accept the easements and rights-of-way, as shown, on the [Final Plat of Midtown-Aggieville](#), based on conformance with the Manhattan Development Code and approval by the Manhattan Urban Area Planning Board.

E. ***SET PUBLIC HEARING DATE***

1. [Set February 7, 2023, as the date to hold a public hearing levying special assessments](#) against the following benefitting property in seventeen (17) public improvement districts: ***Chapel Hill*** – Sanitary Sewer (SS1814), Street (ST1815), and Water (WA1817); ***Scenic Meadows, Unit Five (Fossilridge)*** – Sanitary Sewer (SS1812), Street (ST1812), and Water (WA1814); ***Scenic Meadows, Unit Three (Plumthicket)*** – Sanitary Sewer (SS1813), Street (ST1813), and Water (WA1815); ***St. Luke's*** Waterline (WA1920); ***Browning Avenue and Kelly Drive*** Storm Drainage (SM1807); ***Colbert Hills Addition, Unit Five*** – Sanitary Sewer (SS1917), Street (ST1907), and Water (WA1917); ***Stonehaven Amherst Avenue*** – Sanitary Sewer (SS1914) and Water (WA1914); and ***Stonehaven Addition, Unit Two (Amherst Avenue)*** – Storm Drainage (SM1902).

F. **SECOND AND FINAL READING**

1. Having found that no private rights will be injured or endangered by such vacation, and that the public will suffer no loss or inconvenience, [approve Ordinance No. 7625](#) vacating a portion of a utility easement located at Lot 3 Interlachen Addition (also known as 2905 Palmer Circle) Manhattan, Riley County, Kansas (VA2205).

G. **FIRST READINGS**

1. Approve first reading of an ordinance repealing and [terminating the contract franchise ordinance](#) in Sections 15-345 to 15-370 of Article XVII of Chapter 15 of the [Code of Ordinances](#), City of Manhattan, Kansas.
2. Approve first reading of an ordinance for the [dissolution of the Arts and Humanities Advisory Board](#).

H. **RESOLUTIONS**

1. Approve [Resolution No. 012423-A](#) for the dissolution of the Bicycle and Pedestrian Advisory Committee.

I. **BID AND AWARD**

1. Find that Ebert Construction Co., Inc., of Wamego, Kansas, is the lowest responsible bidder which submitted a responsive bid; that the bid is over the Engineer's Opinion of Probable Cost (\$1,120,127.50), but that awarding the bid to Ebert Construction Co., Inc. is in the best interests of the City; award, and authorize the Mayor and City Clerk to execute a construction contract, in the amount of \$1,369,198.28 with Ebert Construction Co., Inc., of Wamego, Kansas; and approve Resolution No. 012423-B authorizing the [US-24 and Levee Dr Improvements Project \(ST2101\)](#) project.
2. Authorize the Mayor to execute Change Order No. 1, resulting in a net increase in the amount of \$112,000.00 (+15.9%), to the construction contract with T & M Concrete Construction, of Junction City, Kansas, for the [2022 Concrete Maintenance, Phase I Project \(ST2201\)](#).
3. Authorize the Mayor to execute Change Order No. 1, resulting in a net increase in the amount of \$97,816.70 (+18.7%) to the construction contract with T & M Concrete Construction, of Junction City, Kansas, for the [Concrete Panel Replacement-Allison Avenue and DeHoff Drive Project \(ST2111\)](#).

J. **GRANTS**

1. Authorize City Administration to submit an application to the Kansas Department of Transportation for the Federal-Aid Safety Grant for the [Casement Road and Hayes Drive Improvement Project \(ST2302\)](#).

K. **MISCELLANEOUS AGREEMENTS**

1. Authorize the Mayor and City Clerk to execute an Agreement with Susanne Michele Ott for [outside city limits sanitary sewer system](#) connection for the property located at 2922 Nelsons Landing, Manhattan, Kansas, Riley County.
2. Approve the application for the Douglass Center Historical Sculptures and authorize City staff to finalize and the Mayor and City Clerk to execute an [Agreement for Donation of Public Artwork](#).

3. Approve and authorize the Mayor and City Clerk to execute a [City-University Special Projects Agreement for 2023](#).

L. **MISCELLANEOUS**

1. Authorize City staff to finalize and the Mayor and City Clerk to execute the documents necessary to [waive the City's state law right to vacate the foreclosure sale at Lot 25](#) in the Merion Addition.

M. **PURCHASES**

1. Authorize City Administration to Pre-Purchase watermain materials for the [Fremont Street Waterline Improvements Project \(WA2205\)](#).

N. **APPOINTMENTS**

1. Approve the following [appointments by Mayor Hatesohl](#) to various boards and committees of the city.
 - a. Appointment of Alen Rizza to the Aggieville Business Improvement District Advisory Board.
 - b. Appointment of Jolene Roberts to the Downtown Business Improvement District Advisory Board.

6. ITEM REMOVED FROM CONSENT AGENDA

7. GENERAL AGENDA

[[Comment from the public](#) related to any item on the General agenda to the City Commission is allowed. Each person will be limited to one speaking opportunity for up to five (5) minutes for each item in this section.]

A. **CONTINUE CONSIDERATION OF A REQUEST FROM THE K-STATE FOUNDATION FOR AN INDUSTRIAL REVENUE BOND REQUEST AND ABATEMENT AGREEMENT**

1. Remove item from the table; and
2. Approve Resolution No. 012423-C authorizing the issuance of \$30 million in Industrial Revenue Bonds and a Property Tax Abatement for 1960 Kimball, LLC; and authorize City Administration to finalize and the Mayor and City Clerk to execute an Economic Development Agreement with 1960 Kimball, LLC.

B. **CONSIDER AMENDING MANHATTAN DEVELOPMENT CODE**

[Manhattan Urban Area Planning Board recommends approval]

1. Approve first reading of an ordinance amending the Manhattan Development Code, as presented in the Staff Report, and recommended by the Manhattan Urban Area Planning Board.

C. **CONSIDER AN ORDINANCE PROHIBITING A CITY COMMISSIONER FROM HOLDING A DUAL OFFICE**

1. Adopt first reading of an ordinance amending Sec. 2-15 prohibiting dual office holding as a city commissioner while simultaneously serving in other local, state or federal elective office.

8. ADJOURNMENT

- A. Move to adjourn the January 24, 2023, City Commission Meeting.