



AGENDA
TUESDAY, DECEMBER 19, 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=8984>. 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, [December 5, 2023](#).
2. Approve the minutes of the Special City Commission Meeting held Tuesday, [December 12, 2023](#).

B. ***CLAIMS/PAYMENTS***

1. Approve [Claims Register No. 3049](#) authorizing and approving the payment of claims from November 29, 2023 – December 12, 2023, in the amount of \$5,661,508.08.

C. ***LICENSES***

1. [Approve](#) a ***Merchant Guard Agency*** License for calendar year 2024 for Defense Contracting Activity, LLC, 14101 Parke Long Court, Suite P, Chantilly, Virginia; a ***Tree Maintenance*** License for calendar year 2024 for Gier Tree Service, 3507 Musil Drive; Shiver Me Timbers, 4521 Freeman Road; and TreeMan-MHK, 2104 Fox Meadows; an annual ***Cereal Malt Beverages Off-Premises*** License for Walgreen’s #12814, 2719 Anderson Avenue; and an annual ***Cereal Malt Beverages On-Premises*** License for Axe to Grind, 1220 Moro Street.

D. ***SECOND AND FINAL READING***

1. Approve [Ordinance No. 7682](#) related to the Airport Advisory Board (AAB); and authorize the Mayor and City Clerk to execute the Bylaws of the Airport Advisory Board.
2. Approve [Ordinance No. 7683](#) relocating Chapter 2, Article VII, Division 2, “Investment of Idle Funds,” to Chapter 2, Article V, Division 4, and repealing and removing unused Chapter 2, Article VII, from the City Code.

E. ***FIRST READINGS***

1. Approve [first reading of an ordinance changing and designating the name of street right-of-way](#) from Anderson Avenue south of Triangle Park between Anderson Avenue and North Manhattan Avenue in the city of Manhattan, Riley County, Kansas, to Little Moro Street.
2. Approve [first reading of an ordinance amending Sections 31-31, 31-51, 31-52, 31-54, 31-129, 31-135, 31-136, and 31-137 of Chapter 31 of the Code of Ordinances](#), City of Manhattan, Kansas relating to the parking, standing, and stopping of vehicles in the city.
3. Approve [first reading of an ordinance creating a Partner City Advisory Board](#).

F. **RESOLUTIONS**

1. Approve [Resolution No. 121923-A](#) establishing and defining the boundaries of the city of Manhattan, Kansas, as of December 19, 2023.
2. Approve [Resolution No. 121923-B](#) continuing the temporary use permit process for the platforms downtown for dining and consumption of alcohol for 2024 and an application fee of \$1,000.00.
3. Approve [Resolution No. 121923-C](#) re-affirming expanded investment powers for the City of Manhattan based on final approved from the Pooled Money Investment Board.

G. **PROFESSIONAL SERVICES**

1. Approve, and authorize the Mayor and City Clerk to execute, an Agreement for Professional Services, in an amount not to exceed \$285,000.00, with Trivium Interactive, LLC, of Boston, Massachusetts, for the design and production of the [Stepping Into The Prairie Immersive Experience project \(PR2329\)](#); and approve, and authorize the Mayor and City Clerk to execute, an agreement with the Flint Hills Discovery Center Foundation to pay \$200,000.00 to the City for Project costs.
2. Accept staff's recommendation and authorize City staff to negotiate a contract(s) with Creol Consulting LLC, of Washington D.C., for an [Enterprise Resource Planning Solution](#).

H. **BID AND AWARD**

1. Find that SAK Construction, LLC, of O'Fallon, Missouri is the lowest responsible bidder and that awarding the contract to SAK is in the best interests of the City; and award and authorize the Mayor and City Clerk to execute a construction contract in the amount of \$615,364 with SAK Construction, LLC, of O'Fallon, Missouri, for the [2023 Sanitary Sewer Rehabilitation Project \(SS2303\)](#).
2. Find that Ebert Construction is the lowest responsible bidder who submitted a responsive bid, and award and authorize the Mayor and City Clerk to execute a construction contract in the amount of \$13,085,414.66 with Ebert Construction, of Wamego, Kansas; execute Contract Amendment No. 2 to the Engineering Services Agreement with BG Consultants, Inc., of Manhattan, Kansas, in the amount not to exceed \$327,071.00 for construction engineering services; approve Resolution No 121923-D authorizing the project improvements and issuance of General Obligation Bonds to finance the project; and authorize the Mayor to execute easements, as needed, for the [North Campus Corridor, Phase XI Project \(ST2207\)](#).
3. Authorize the Mayor to execute Change Order No. 3, resulting in a net increase in the amount of \$60,648.00 (+1.4%) to the contract with Ebert Construction, of Wamego, Kansas, for the [Manhattan Avenue, Campus Creek Road & Bayberry Lane Infrastructure Improvements Project \(ST2208\)](#).

I. **MISCELLANEOUS AGREEMENTS**

1. Approve contracts as budgeted in the 2024 City Budget and authorize the Mayor and City Clerk to [execute said contracts with the following agencies](#):

Flint Hills Area Transportation Agency; Aggieville Business Association; Downtown Manhattan Inc.; the Manhattan Arts Center; the Riley County Historical Society (Wolf House Museum); and the Manhattan Area Technical College.

2. Authorize the Mayor and City Clerk to execute the [2024 Aggieville and Downtown Business Improvement District contracts](#).
3. Accept the Selection Committee's recommendation and authorize the Mayor and City Clerk to execute a Service Agreement to include the City of Manhattan, Kansas Software Provisions Addendum with All Funeral Services, LLC, of New York, New York, for the purchase and implementation of a [Cemetery Management Program](#).
4. Approve the purchase of six (6) temporary easements from three (3) landowners and authorize the Mayor and City Clerk to execute all necessary documents related to the City's acquisition of easements for the [Juliette Brick Restoration, Phase IV, Project \(ST1902\)](#).
5. Authorize the Mayor and City Clerk to execute a modified [Employment Agreement between the City of Manhattan and City Manager Ronald R. Fehr](#), beginning with the first pay period of 2024.

J. **APPOINTMENTS**

1. Approve the following [appointments by Mayor Hatesohl](#) to various boards and committees of the City.
 - a. Appointment of Carrie Rowe to the Aggieville Business Improvement District Advisory Board.
 - b. Re-appointment of Connie Hamilton to the Board of Zoning Appeals.
 - c. Appointment of Jerome Miratsky to the Cemetery Board.

6. <u>ITEM REMOVED FROM CONSENT AGENDA</u>

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. CONSIDER AN AMENDMENT TO THE PHASE 1 DEVELOPMENT AGREEMENT (MIDTOWN) AND A PHASE 2 DEVELOPMENT AGREEMENT (HANDI-CORNER) WITH MIDTOWN LAND COMPANY, LLC**
1. Approve, and authorize the Mayor and City Clerk to execute, a First Amendment to the Phase 1 Development Agreement, and also a Phase 2 Development Agreement with Midtown Land Company, LLC; Approve Resolution No. 121923-E with the intent of issuing up to \$40 million for the Midtown Project (Phase 1); and Approve Resolution No. 121923-F with the intent of issuing up to \$40 million for the Handi-Corner Project (Phase 2).
- B. CONSIDER 2024 CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT AND FORT RILEY PROMOTION AGREEMENTS & TOURISM AND CONVENTION CONTRACT AND RECEIVE THE YEAR END REPORTS FOR JOINT ANNUAL ECONOMIC DEVELOPMENT, FORT RILEY LIASON & CONVENTION & VISITORS BUREAU FOURTH QUARTER REPORT**
1. Receive the Annual Joint City Economic Development Reports and authorize City Administration to finalize and the Mayor and City Clerk to execute the Fort Riley Promotion, Economic Development, and Tourism and Convention contracts for 2024 with the Manhattan Area Chamber of Commerce.
- C. CONSIDER ANNEXING A TRACT OF LAND CURRENTLY REFERRED TO AS THE HARTFORD HILLS ADDITION**
[Manhattan Urban Area Planning Board recommends approval]
- REQUESTED ACTION BY APPLICANT:**
1. Approve first reading of an ordinance annexing an approximately 91.8-acre tract of land, generally located adjacent to the northwestern boundary of the Manhattan city limits at the western terminus of Victory Drive, into the city limits.

D. CONSIDER REZONING A TRACT OF LAND CURRENTLY REFERRED TO AS THE HARTFORD HILLS ADDITION FROM RILEY COUNTY AG, AGRICULTURE DISTRICT, TO CITY OF MANHATTAN RL-A, LOW DENSITY RESIDENTIAL ATTACHED DISTRICT, AND A SECOND TRACT OF LAND FROM RILEY COUNTY AG, AGRICULTURE DISTRICT, TO CITY OF MANHATTAN RM, MEDIUM-DENSITY RESIDENTIAL DISTRICT

[Manhattan Urban Area Planning Board recommends approval]

REQUESTED ACTION BY APPLICANT:

1. Approve first reading of an ordinance rezoning a 91.8-acre tract of land, generally located adjacent to the northwestern boundary of the Manhattan city limits at the western terminus of Victory Drive, from Riley County AG, Agriculture District, to City of Manhattan, RL-A Low-Density Residential Attached District, and RM, Medium-Density Residential District, based on findings in the Staff Report and recommendation by the Manhattan Urban Area Planning Board.

8. ADJOURNMENT

- A. Move to adjourn the December 19, 2023, City Commission Meeting.