



**AGENDA**  
**TUESDAY, SEPTEMBER 20, 2022**  
**CITY COMMISSION ROOM**  
**CITY HALL**  
**1101 POYNTZ AVENUE**  
**MANHATTAN, KS 66502**

**City Commission Meeting**  
**6:00 P.M.**

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NOTE: Agenda items are available on the City's website at <https://cityofmhk.com/Archive.aspx?ADID=8428>. 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.

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**1. CALL TO ORDER**

**2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM**

**3. PLEDGE OF ALLEGIANCE**

**4. RECOGNITION**

A. Professional Recognition.



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. COMMISSIONER COMMENTS

## 6. 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, September 6, 2022.

### B. *CLAIMS/PAYMENTS*

1. Approve [Claims Register No. 3012](#) authorizing and approving the payment of claims from August 31, 2022 – September 13, 2022, in the amount of \$6,616,225.80.

### C. *LICENSES*

1. Approve an annual [Cereal Malt Beverage Off-Premises License](#) for Target Store T-1821, 800 Commons Place.

### D. *BUDGET RELATED*

1. Approve [first reading of a salary ordinance](#) establishing a new range of salaries for 2023.

### E. *SECOND AND FINAL READING*

1. Approve [Ordinance No. 7593 rezoning the MCM Industrial Park](#) from Pottawatomie County A1, Agricultural, and CH, Highway Commercial, to City of Manhattan ICS, Industrial/Commercial Service, based on findings in the Staff Report and recommendation by the Manhattan Urban Area Planning Board.
2. Approve [Ordinance No. 7594 amending Article XIX of Chapter 15 of the Code of Ordinances, establishing a contract franchise](#) and authorizing MCImetro, LLC, to construct, maintain, and operate as a provider of telecommunications services in the public right-of-way, and authorize the Mayor and City Clerk to execute a Franchise Agreement with MCImetro, LLC.

### F. *FINAL PLATS*

1. Accept the easements and rights-of-way as shown on the [Final Plat of the MCM Industrial Park](#), based on conformance with the Manhattan Development Code.

G. **RESOLUTIONS**

1. Approve [Resolution No. 092022-A which approves the sale of St. Joseph Village back to Via Christi Village Manhattan, Inc.](#) and authorizes the Mayor and City Clerk to execute the necessary termination documents.

H. **PROFESSIONAL SERVICES**

1. Authorize City Administration to finalize and the Mayor and City Clerk to execute an Agreement for Professional Engineering Services with Carollo Engineers, Inc., of Kansas City, Missouri, in an amount not to exceed \$781,684.00, for the [Wastewater Treatment Plant \(WWTP\) Solids Treatment Upgrade and Expansion Project](#) (SS2207, CIP #WW202P, WW204P).

I. **BID AND AWARD**

1. Accept the Engineer's Opinion of Probable Cost in the amount of \$3,321,395; award and authorize the Mayor and City Clerk to execute a construction contract with Walters Morgan Construction, of Manhattan, Kansas, in the amount of \$2,552,000.00; and approve Resolution No. 092022-B authorizing the improvements and authorizing the improvements and issuance of general obligation bonds to finance the [Water Treatment Booster Station Upgrades Project \(WA2021\)](#).
2. Accept the Engineer's Opinion of Probable Cost in the amount of \$851,003.50 for the Base Bid and \$90,000.00 for Alternate No. 1; find that Ebert Construction, of Wamego, Kansas, is the lowest and best responsible bidder; find that all bids exceed the Estimate; award and authorize the Mayor and City Clerk to execute a Construction Contract in the amount of \$1,023,848.01 for the Base Bid, which exceeds the Engineer's Opinion of Probable Cost, and \$66,695.00 for Alternate No. 1; and that awarding the contract for the [600 Block of Poyntz Avenue Project \(ST2008\)](#) is in the best interest of the City.
3. Reject all bids for the [1200 Block Alley between Thurston Street and Vattier Street \(ST2005, SW2004, SS2209\)](#); approve a construction contract in the amount of \$208,006.00 for stormwater and sanitary sewer improvements for the alley pursuant to direct negotiations with J&K Construction of Junction City, Kansas; and repeal Resolution No. 090120-A.

J. **MISCELLANEOUS AGREEMENTS**

1. Authorize City Administration to finalize and the Mayor and City Clerk to execute a [Development Agreement with Midwest Concrete Materials, of Manhattan, Kansas, for the Hill Springs Parkway \(ST2209\)](#).

K. **MISCELLANEOUS**

1. Authorize City Administration to initiate solicitation of interest forms for the [Downtown Plan Steering Committee composition](#).

L. **PURCHASES**

1. Authorize the [purchase of a John Deere 1600 Terrain Cut Wide Area Mower](#), in the amount of \$79,859.33, from Prairieland Partners, LLC, of Wamego, Kansas, and authorize the Mayor and/or City Clerk to execute a lease purchase agreement and all necessary document with Clayton Holdings, LLC.

**7. ITEM REMOVED FROM CONSENT AGENDA**

**8. PUBLIC HEARING**

[The hearing procedure and public participation will be based upon the legal requirements for the required hearing.]

A. **CONSIDER [AMENDING ABBOTT'S LANDING PUD FOR A TROPICAL SMOOTHIE CAFÉ DRIVE THROUGH](#)**

*[Manhattan Urban Area Planning Board recommends approval]*

1. Conduct a public hearing; and
2. Approve the first reading of an ordinance amending Ordinance No. 7104 and the Final Development Plan of Abbott's Landing PUD, to establish a Tropical Smoothie Café drive-through restaurant, generally located to the northeast of the intersection of McCall Road and Alvin's Place, based on the findings in the Staff Report and the recommendation of the Manhattan Urban Area Planning Board. ...

**9. 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 [ADOPTING 2023 BUDGET, 2023-2027 CAPITAL IMPROVEMENT PROGRAM, AND AMENDED 2022 BUDGET](#)**

1. Approve Ordinance No. 7595 adopting the 2023 City Budget.
2. Approve Resolution No. 092022-C adopting the 2023-2027 Capital Improvement Program.
3. Approve Ordinance No. 7596 amending the 2022 City Budget for the Fire Pension KP&F Fund, Sales Tax Fund, Special Sunset Zoo Fund, Aggieville Business Improvement District Fund, and Downtown Business Improvement District Fund.

**B. CONSIDER WATER AND SEWER RATE INCREASES AND OTHER ORDINANCE MODIFICATIONS FOR 2023**

1. Approve the first reading of ordinances amending applicable sections of Chapter 32 of the Code of Ordinances to modify regulations and charges for water service installations, modifying regulations, rates and charges for monthly water services, modifying regulations, charges, credits, and exemptions for system development charges, and modify charges for Kansas One-Call Fees, all effective January 1, 2023.

**C. CONSIDER STORM SEWER RATE INCREASES FOR 2023**

2. Approve the first reading of an ordinance amending applicable sections of Chapter 32 of the Code of Ordinances to modify stormwater rates as recommended, effective January 1, 2023.

<b>10. <u>ADJOURNMENT</u></b>
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- A. Move to adjourn the September 20, 2022, City Commission Meeting.