



CITY OF LANSING
Council Chambers
800 1st Terrace
Lansing, KS 66043

COUNCIL AGENDA
Regular Meeting
Thursday, July 2, 2015
7:00 P.M.

WELCOME TO YOUR CITY COUNCIL MEETING

Regular meetings are held on the first and third Thursday of each month at 7 pm and are televised on Cable Television Channel 2 on Monday 7 pm, Tuesday 10 am & 7 pm, Friday 5 pm, Saturday 1 pm and Sunday 7 pm.

Any person wishing to address the City Council, simply proceed to the microphone in front of the dais after the agenda item has been introduced and wait to be recognized by the Mayor. When called upon, please begin by stating your name and address. A time designated "Audience Participation" is listed on the agenda for any matter that does not appear on this agenda. The mayor will call for audience participation. Please be aware that the city council and staff may not have had advance notice of your topic and that the city council may not be able to provide a decision at the meeting. If you require any special assistance, please notify the city clerk prior to the meeting.

Call To Order

Pledge of Allegiance

Roll Call

OLD BUSINESS:

1. Approval of Minutes

NEW BUSINESS:

Audience Participation

Presentations:

Council Consideration of Agenda Items:

2. Request for Special Use Permit (717 Holiday Drive)
3. Award of Bid – Construction of 7 Mile Creek Sanitary Sewer Action Plan
4. Change Order Request from Linaweaver Construction

Reports:

City Attorney; City Administrator; Councilmembers

Other Items of Interest:

Adjournment

TO: Tim Vandall, City Administrator
FROM: Sarah Bodensteiner, City Clerk
DATE: June 25, 2015
SUBJECT: Agenda Summary

Call To Order
Pledge of Allegiance
Roll Call

OLD BUSINESS:

- 1. **Approval of Minutes**
The regular meeting minutes of June 18, 2015, are attached.
 - **ACTION:** A motion to approve the regular meeting minutes for June 18, 2015, as presented.



NEW BUSINESS:

Audience Participation
Presentation

Items for Council Consideration:

- 2. **Request for Special Use Permit (717 Holiday Drive)**
 - A request has been received to house more than 4 animals: 2 dogs, 1 cat, and 10 adult rabbits that are a 4H project.
 - **MOTION:** To approve or deny the special use permit for 717 Holiday Drive.
- 3. **Award of Bid – Construction of 7 Mile Creek Sanitary Sewer Action Plan**
 - Three bids were received, all of which were below the engineering estimate.
 - The low bid of \$4,185,646.00 was submitted by Linaweaver Construction.
 - Bids were reviewed by the design engineer, and all information is correct.
 - The project will be complete in 270 calendar days.
 - **MOTION:** To approve the bid from Linaweaver Construction for the construction of the 7 Mile Creek Sanitary Sewer Action Plan (City Project 13-07), in the amount of \$4,185,646.00. (Four Million, One-Hundred Eighty-Five Thousand, Six Hundred and Forty-Six Dollars)
- 4. **Change Order Request from Linaweaver Construction**
 - Council was briefed by staff and Mark Linaweaver at the June 24 Work Session.
 - Consensus among the council was to approve the request.
 - Staff has discussed the change order with USD 469, and there were no objections to the payment.
 - **MOTION:** To approve the change order request from Linaweaver Construction of Lansing Kansas for construction of the 9B/9D Sanitary Sewer Interceptor Project (City Project 13-06), in the amount of \$116,096.48. (One hundred sixteen-thousand, ninety-six dollars and forty-eight cents)

Reports: City Attorney; City Administrator; Councilmembers
Proclamations
Other Items of Interest
Adjournment

TO: Tim Vandall, City Administrator 
FROM: Sarah Bodensteiner, City Clerk 
DATE: June 23, 2015
SUBJECT: Approval of Minutes

The regular meeting minutes for June 18, 2015, are enclosed for your review.

Action:
Staff recommends a motion to approve the regular meeting minutes for June 18, 2015, as presented.

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Call To Order:

The regular meeting of the Lansing City Council was called to order by Mayor Gene Kirby at 7:00 p.m.

Roll Call:

Mayor Gene Kirby called the roll and indicated which councilmembers were in attendance.

Councilmembers Present:

Ward 1: Kevin Gardner and Dave Trinkle
Ward 2: Andi Pawlowski and Don Studnicka
Ward 3: Jesse Garvey
Ward 4: Gregg Buehler and Tony McNeill

Councilmembers Absent: Kerry Brungardt

OLD BUSINESS:

Consent Calendar: Councilmember Buehler moved to approve the regular meeting minutes of June 4, 2015. Councilmember Studnicka seconded the motion. The motion was approved with Councilmember Garvey abstaining from the vote.

NEW BUSINESS:

Audience Participation: There was none.

Presentation: Presentation to David F. Anaya: Mayor Kirby presented David F. Anaya with a plaque of appreciation for his years of service on the Lansing Board of Zoning Appeals.

COUNCIL CONSIDERATION OF AGENDA ITEMS:

Board of Zoning Appeals Appointments: Councilmember Trinkle moved to appoint Mary L. Earls-Cummins and Thomas Smith to fill the two open positions on the Board of Zoning Appeals for a three-year term expiring April 30, 2018. Councilmember Studnicka seconded the motion. The motion was unanimously approved.

Municipal Court Defense Attorney Appointment: Councilmember Trinkle moved to appoint Geoffrey Sonntag as the Municipal Court Defense Attorney. Councilmember Buehler seconded the motion. The motion was unanimously approved.

Conditional Use Permit – Recreational Vehicle Parking at Parkwood Mobile Home Park:

Councilmember Studnicka moved to approve the Conditional Use Permit for Recreational Vehicle Parking at Parkwood Mobile Home Park at Gaslight and Helen Streets under the provisions that our City Codes are met and the park gets cleaned up a little bit.

- I drove through there a couple weeks ago and there are some things that I think the park has not done since we put the Main Street Project in and gated that with regard to the exit on the backside of the park down there.

Councilmember Gardner seconded the motion.

- Councilmember Gardner stated the 90 day, is that minimum, maximum, or is that just a guideline for the RV's that you're talking about.
 - Ron Bates Agent for Parkwood Mobile Home Park replied minimum.
 - Councilmember Gardner asked is the fee for that 90 days collected up front or month by month. I'm asking that because what if they book out after 60 days.
 - Ron Bates Agent for Parkwood Mobile Home Park replied I think they can only collect two months ahead.
 - Councilmember Gardner responded so when they first move in they get the 60 days worth and then you wait 60 days to collect the 30 [days]?
 - Mike Hooper from Parkwood Mobile Home Park replied yes, first we collect the 60 days then we collect the 30 days.
 - Councilmember Gardner asked if they are in violation who finds that?
 - Community Development Superintendent John Jacobson replied we'd bring that before you if they do not meet the criteria that is outlined then we bring that to you.
 - Councilmember Gardner replied so is that a complaint or some formal thing.
 - Community Development Superintendent John Jacobson replied it would be a formal complaint, either initiated by a Councilmen, person who signs a petition.
 - Councilmember Gardner responded who is responsible for the empty lots; the cleaning up of the empty lots, the operators?
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes.
 - Councilmember Studnicka stated the managers or whomever they have.

- Councilmember Gardner stated I had 1 more [question], the blockage, one side of it is blocked where you can't get in, the road closed sign. Has that always been there as I'm not familiar.
 - Community Development Superintendent John Jacobson stated that was a function of the Main Street Project. The traffic flow was changed because of that project.
 - Councilmember Gardner responded so there is just one way in and one way out for good. And will that Road Closed sign stay up until something goes in there.
 - Community Development Superintendent John Jacobson replied as far as I know that condition is going to exist as it is currently.
- Councilmember Pawlowski asked is there on-site management.
 - Ron Bates Agent for Parkwood Mobile Home Park replied no, there is not, and that's one of the reasons they want to do long term, it's not really set up to do shorter term. But they are there daily.
- Councilmember Trinkle asked can we get them to get a summary of what needs to be done to bring it up to snuff. I'm on board with Don, if we can get it cleaned up I don't see a reason we wouldn't support, I wouldn't support, I can't speak to everybody else. There are some things that I've seen, I've taken a drive through, and most of the feedback that I got is cleaning it up.
 - Councilmember McNeill stated that's part of the issue in my view too, if somebody is staying there long term, that somebody is going to want to care about keeping it up, you know, if I'm there for 90 days, I'm not sure I'd be overly caring about what my place looks like and my surroundings. I know I've had 3 letters from residents who, you know, part of their daily routine is to walk around the park and pick up trash and that it's all over the place. I'm not sure how bringing RV's in for 90 days at a time that are parking right next to a mobile home, how that's going to make an improvement to the area right now. How is that bringing any value to the neighborhood?
 - Ron Bates Agent for Parkwood Mobile Home Park replied it's bring in revenue.
 - Councilmember McNeill stated it's definitely bringing in revenue but only for the owners.
- Councilmember Trinkle stated I don't see anything detrimental about it if it's kept up. I mean if they promise, if it's supposed to be a certain way and it's not to City standards, then it needs to be taken care of. I have no problem with it if it's brought to City Code.
 - Mayor Kirby stated I think that's part of the issue, there is some question to whether or not it meets all the codes right now.
- Councilmember Pawlowski stated and this mobile home park existed before we changed our codes and I don't know if it was ever brought up to the current standard.
 - Councilmember Studnicka stated there were some improvements made from when we changed our codes back then when we did the Main Street Project.
 - Councilmember Pawlowski stated no, before that, like in the 90's.
 - Councilmember Studnicka replied oh, well I don't know about the 90's. Prior to the Main Street Project and even prior to the way the street is now where we've input the back entrance, there have been improvements to the park, some improvement to the park, but I think now, over the last few years since that project has been completed, there's been some things that have piled up and need to be looked at again. I'm just not sure why the City code officer has not been talking with the management team about that before this issue came up. But I still have nothing against, I would approve the short term lease, we've got a lot of contractors in the area, construction and otherwise who pull a fifth wheel up here or bring their mobile home up here to live in while they work here for 3 months, 5 months, whatever, I see no reason why they can't park in a spot that has electricity and sewer and water, etcetera.
 - Councilmember Trinkle stated what a better place set up for that instead of right outside of someone's house.
 - Councilmember Studnicka replied that's true.
 - Councilmember Pawlowski stated I have a friend who actually runs one of these and the County was very specific when she went for her permit and said you cannot mix the two. You cannot put mobile homes with RV's. They'd pull her permit because it's two separate groups of people and they didn't want them, I don't know cohabitating is not the right word. RV Park, Mobile Home Park two different things.
 - Councilmember McNeill stated that's why they are zoned that way. For example if you had two empty lots next to your residential house, would you be willing to let them pull RV's in there for 90 days at a time, right next door.
 - Councilmember Trinkle stated that's what I say what a better place if it's already at a trailer park.
 - Councilmember McNeill replied a mobile home is not an RV. They call them mobile homes, but they're really not mobile homes, I mean they are somebody's house, they just can't afford a two hundred thousand dollar house, so they get a mobile home.

- Councilmember Trinkle stated not necessarily, they say the snow birders buy motor homes and live in different places for 3 months at a time.
 - Councilmember McNeill replied right, but those are mobile homes, those are parks that allow you to drive yours in there, and we don't.
- Mayor Kirby stated there are parks made for that. I'm reading the conditional use checklist: Number 6D, you've got adequate utility, drainage, and other such necessary facilities have been or will be provided. Are they there or not currently?
 - Ron Bates Agent for Parkwood Mobile Home Park replied they are all there: sewage, electrical.
 - Mayor Kirby replied I just wanted to make sure they were there because it says that if they are not they will be. We currently have an RV in the park now, yes?
 - Ron Bates Agent for Parkwood Mobile Home Park replied that is correct.
 - Mayor Kirby asked is that RV in code violation.
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes.
- Mayor Kirby stated so that RV was put in there, it's a code violation, so it was put in there without anybody asking or knowing.
 - Ron Bates Agent for Parkwood Mobile Home Park replied yes sir.
 - Mayor Kirby stated another question I had was let's say you get somebody for 90 days and for whatever reason they decide they are not going to stay, are they allowed to then sublet it to somebody else.
Mike Hooper for Parkwood Mobile Home Park replied no.
- Councilmember Gardner stated the RV you have in there has a skirt around it, so somebody who brings an RV in there, will they be required to put a skirt around it or not, the ones that are going to be in there only for 90 days.
 - Mike Hooper for Parkwood Mobile Home Park replied probably not.
 - Councilmember Gardner stated so I'm assuming that one is going to stay there for a while because they put one around it.
- City Attorney Greg Robinson stated could you make sure people announce who they are before they speak or that they shouldn't speak from the audience for litigious reasons.
 - Mayor Kirby stated ok. I've been addressing my questions to him [Ron Bates],
 - Ron Bates Agent for Parkwood Mobile Home Park replied and for the record my name is Ron Bates and my address is 611 North 6th Street in Leavenworth.
 - Mayor Kirby stated I've been addressing my questions to Mr. Bates.
- Councilmember Pawlowski stated I just want to say that I talked to Ron about this before and we've had this come before us, we've turned it down, and we had a lengthy discussion about it. My concern is that I don't see the upside for the City of Lansing.
 - Councilmember Studnicka replied Sales Tax.
 - Councilmember Pawlowski responded really?
 - Councilmember Studnicka replied yeah, don't you spend money here in Lansing.
 - Councilmember Pawlowski responded there is only 1 IHOP, if they're going to IHOP they're going to Lansing.
 - Councilmember Studnicka replied don't you buy gas in Lansing.
 - Councilmember Pawlowski responded sometimes, QuikTrip usually.
 - Councilmember Studnicka replied what kind of return are you looking for Andi?
 - Councilmember Pawlowski responded I'm just looking for the upside. I see there is a lot of down side, the upside isn't there.
- Councilmember Trinkle stated what if we've got a contractor coming in working on the high school, has no place to park his mobile home.
 - Councilmember Pawlowski stated the high school is almost done.
 - Mayor Kirby stated yeah, but he's using that as an example.
- Councilmember McNeill stated the real question is, we have to look at the owners who are trying to make more profit off their property and the residents of which that is going to affect in my view, that's our decision. Not that we might get 12 more cents sales tax or 150. The two big issues in my perspective are owners who are trying to make a little more money versus the homeowners currently who do or do not want those things in their neighborhood. I have heard, like I said, I've got 3 letters from some of the surrounding neighborhoods and owners which right now, aren't sure.
- Mayor Kirby stated the ones I've heard from aren't in favor of it.
- Councilmember Gardner asked how many other trailer parks do we have in Lansing.

- Councilmember Pawlowski replied 5.
 - Mayor Kirby stated John [Jacobson] do you know. Total trailer parks in Lansing today.
 - Councilmember Pawlowski stated Steve [Wayman] wasn't it 5.
 - Community Development Superintendent John Jacobson replied 3.
 - Councilmember Pawlowski replied no there's 5.
 - Community Development Superintendent John Jacobson responded yes, there are a few that have a few trailers, but the major parks, there are 4. But he's [Steve Wayman] right, there are 5.
- Mayor Kirby stated ok any other questions or discussion. We have a motion to approve.
 - Councilmember Studnicka stated we have a motion and a second on the floor.
 - Councilmember Gardner said we have a second.
 - Mayor Kirby clarified to approve.
 - Councilmember Trinkle stated with the stipulation.
 - Mayor Kirby stated yeah, with stipulations and I think the stipulations need to be.
- City Attorney Greg Robinson interjected Mr. Mayor, when Mr. Bates went to the podium there was a motion almost immediately made and council discussion and Mr. Bates has been standing here chomping at the bit to do his presentation.
 - Mayor Kirby stated go ahead.
- Ron Bates Agent for Parkwood Mobile Home Park stated well I had a presentation, but I think it might be a little more productive to answer some of the questions or issues that were raised, and specifically on Mr. McNeill's questions about 3 months, that would be the minimum, and we don't really see, in the big markets we're looking at for this is CGSC students who come into the community, they bring their RV's. The off-housing authority on Post, who I've spoken with, receive calls all the time. There is a trailer park out on Tonganoxie Road that is full, it has a waiting list, and these types of trailers that these people would be bringing in, no disrespect to the current mobile home owners in the park, but they're worth, can be worth 2 or 3 times more than the value of the trailers. The type of people that bring these trailers in and own the types of RV's that we're hoping to attract, aren't the type that just show up. We're not looking for the guy with the pickup truck and a camper shell on the back. Their RV's have to be able to be hooked up, they would have to have all the plumbing that would come with those nice RV's and hook up to all the utilities. As far as the homeowners and what they think about it, currently there are 31 mobile homes in the park and this picture up on the screen there, for those of you who aren't familiar, that little rectangle down at the bottom, that's where the trailer park is. And the question was on Helen Street, Helen is blocked off right there on the upper left hand corner of that rectangle, so the entrance is from the other side. But that is the trailer park that we're talking about, the mobile home park. There are 35 mobile homes in that park and currently, 31 of them are occupied with 4 vacant, and we're asking for 14 spots in this. It holds 58 spots, we're asking for 14 to be allowed for RV. In that park 10 of the mobile homes have been there for more than 10 years, 12 of them have been there for more than 5 years, and then the other 4, I'm sorry the other 9 have been there less than 5 years, but most of them are getting close to the 5 year mark. And the general makeup of that community, 14 of the 31 homes are occupied by retirees, and actually currently, I believe at our last count, 7 children live in the park and 3 of those are teenagers and the rest are pre-teens. But to answer the question of what do they think about it, all but 2 of the 31 mobile home units were contacted as far as to get their opinion, we tried to get the 2, but just didn't make contact with them, we've got some over the road truckers, some people work night shifts. Every single one is in favor of this request. We've got a petition that has been signed by 26 of the units, 26 out of 31 signed the petition, and 3 told us verbally over the phone we think this is a good idea we don't have a problem with it. So the community inside the park itself is highly in favor of this. These types of RV's that we're talking about bringing in here would be an improvement to the community. These are just some pictures of the trailer park, and some of you have driven through it and if there are things that need to be addressed, things not up to code, those are certainly, those need to be brought up to code. This is the RV that is in the park and what I can tell the Council is that at the time that the people who own that RV who asked to place it in the park, the focus on the RV was its size, what it was equipped to do. It meets the qualifications of a mobile home and that was the focus of the owners when they were looking at it. They didn't thumb their nose at the Council or any of the authorities that are looking at that and saying hey we know we're not supposed to have RV's in here but we're going to do it anyway. I tend to agree that it's not allowed right now because it is an RV, but again the focus of the owners was is this a mobile home or isn't it. It does qualify as a mobile home, it meets all the criteria of a mobile home, but unfortunately it's an RV, and so to have an RV in a mobile home park you have to have a conditional use permit, and that's what we're here asking for, to get a conditional use permit. The types of RV's, and these are pictures here from Suncatcher Lake, based out on Tonganoxie Road, these are the types of RV's that we would hope to attract and would want to come to be in Lansing. We think Lansing has more to offer them than Suncatcher Lake does. It's 4 miles closer to the front

of the gate, you can't leave your place of residence here [Suncatcher Lake] and go to IHOP, but you can do it here [Lansing]. We think that if they are staying at the trailer park that they'll be shopping in Lansing and using the restaurants; that might not be a huge economic boon, but these would be quality people that we think would be good for the community. We think it would be convenient; anytime you have word of mouth from people saying this a good place come here, I don't see how that's a bad thing. You might not add up in the numbers but we think it would be good for the community as well as the owners of the park. This was just an aerial, a Google Maps view of that park and to show at this time they were full up, or 1 missing, but they always have a waiting list. We don't know how many are waiting, we don't know how many might come to Parkwood, all I can tell you is that when I spoke to the off-post housing office on fort, she was anxious to tell me that they have more RV storage now, they've made room for more RV storage on post, and to me that tells me that there are a lot of military folks with RV's that need to be somewhere, and if they had a place to park close, we think they would use it. So I think, Mayor the RV being there and in violation, that's absolutely right, it wasn't done intentionally and no disrespect was meant for that, it was a mistake and now we've got to face up to that, but if the City Commission approves this conditional use permit, that would solve that problem. As far as at the Planning Commission there was testimony from two neighbors about the trash that accumulates or that is generated out of the trailer park, I'm not for sure how they know where the trash is coming from, we can't dispute that it's not coming from people from the park, but given the makeup of that community, mostly retirees a few kids, it doesn't seem, I mean retirees aren't typically walking down the street putting trash in the gutter and neither would military officers who are here to go to the College on post, so we think this is actually a win for the City, and would be a good thing for the City as well as the park, and thank you for your time.

- Mayor Kirby stated sorry I didn't get you in there sooner, but that's what his job is, to make sure I do mine.
- Ron Bates Agent for Parkwood Mobile Home Park stated the only last comment is there was a question about other mobile home parks in the community, Black's, is it called Blacks?
 - Councilmember Trinkle replied Oaklane.
 - Ron Bates Agent for Parkwood Mobile Home Park stated I believe they are already approved for 4 or 5 RV spots in there.
 - Councilmember Pawlowski stated you need to clarify that.
 - Community Development Superintendent John Jacobson stated those were in existence prior to the adoption of the current Zoning Ordinance so they are not operating under a conditional use permit, as that was a pre-existing condition.
- Ron Bates Agent for Parkwood Mobile Home Park stated we're not opposed to any conditions the Council wants to put on us, we're looking for long term, we don't want overnight, that's not the plan, we're not set up for that, we don't want to do it. We're not looking for special event, like race weekend or anything like that, we don't want that and we don't think it would be good for the trailer park or our current residents.
 - Councilmember Pawlowski asked would you turn them down.
 - Ron Bates Agent for Parkwood Mobile Home Park stated yes, yes we would and I think if we made that a condition of the permit, we don't have a problem with that because we're not going to allow it anyway, so we're not concerned about that. We need to comply with whatever you guys are willing to let us do, so that we can keep those spots open for the kind of tenants we want to attract.
- Councilmember McNeill stated just on that issue, who we want to attract and who actually moves in there are two different things. I mean you could paint the picture that you're going to bring in these really nice mobile homes or RV's into the park, but how are you, I mean there's no management, you just said there was no management in the park that's present.
 - Ron Bates Agent for Parkwood Mobile Home Park stated then I misspoke on that. They are not on site, but anybody who applies to bring in a mobile home, they have to provide proof of what they have, I believe Mike [Hooper] goes and looks at them usually.
 - Mike Hooper of Parkwood Mobile Home Park stated if they are local we get a picture of them, if they fill out an application with that information.
 - Ron Bates Agent for Parkwood Mobile Home Park stated but there's been plenty of instances where someone has wanted to move a mobile home in and they've said no because they were not good mobile homes. I've done legal work for the park for almost the entire time they've had it, the current owners have owned it for 21 years, I think I incorporated them, I've, I hate to use the word thrown, but I've evicted people, not because they didn't pay rent but because they were doing things that created problems in the mobile home park and created problems for other tenants, and that's not the type of park they want to run. And I think that one of the owners had spoken to, checked with the police to see if there had been, how things are going down there if they get a lot of police calls, and it is my understanding that things have gone

relatively well for a quite a period of time. it's got some flaws, it's got some work to do for the individuals who own the trailers, but there is a limit to what we can do to control that, but there are some improvements that can be made, it's generally a decent place to live and these people have lived there a long time, a lot of them.

- Community Development Superintendent John Jacobson stated as a by-product of the conditional use permit, the owner is required to keep a register of every one of these trailers that come in; they make the model, the year. They also, every one of them, have to have shower facilities operating because there is not a shower facility on site in this particular park. So every trailer that comes in has to have operating bathroom facilities and shower facilities, just something to keep in mind.
- Councilmember Pawlowski asked is there a storm shelter there.
 - Ron Bates Agent for Parkwood Mobile Home Park stated yes.
 - Councilmember McNeill stated yes.
- Councilmember Pawlowski replied where is that at?
 - Community Development Superintendent John Jacobson responded it's on the Northeast corner of the park.
 - Ron Bates Agent for Parkwood Mobile Home Park responded right where you come in on the left.
- Mayor Kirby stated ok we have a motion and that motion is, once again please, because it had some changes.
 - City Clerk Sarah Bodensteiner replied to approve the conditional use permit for recreational vehicle parking at Parkwood Mobile Home Park with improvements made in conjunction with the City Code.
 - Councilmember Studnicka stated what I'm saying is I want a Code Officer involved. There are some violations of our code in there now that he should have caught, they should have taken action on but he hasn't, so I just want to say in compliance with City Code, the motion was to approve. And they can talk to the owners, Mr. Wilk and Mr. Hooper there, or Public Works can talk to them about making that happen.
- Councilmember Trinkle stated and the permit, we can deny, we can refuse the permit for renewal too. Is it going to be yearly, how long will the permit be for?
 - Councilmember Pawlowski replied 5 years
 - Mayor Kirby stated it will be 5 years unless we revoke it, correct John?
 - Community Development Superintendent John Jacobson replied yes.
 - Councilmember Studnicka stated we can revoke it anytime.
- Councilmember Pawlowski stated so John, when we made the changes to this, and I think it was prior to your employment here even, when we made the changes to the mobile homes it was to make the lots bigger, does this now conform to that.
 - Community Development Superintendent John Jacobson replied to make the lot size bigger?
 - Councilmember Pawlowski responded yes, there was concern about fire and the lots being too close.
 - Community Development Superintendent John Jacobson replied that actually happened in 1997 and I'd been here already for 7 years, but not in this particular position, but yeah, the lot size for new homes that moved into the park, I think it's 18 feet or 20 feet versus the 17 feet that were in existence prior to that adoption; that separation between structures.
 - Councilmember Pawlowski replied and so is it that way now? Are all of them? I know some of them have been there since, I sold one of them in 1990 and it's still there, so I know that some of them have been there forever.
 - Community Development Superintendent John Jacobson responded the answer would be yes, the separation would be the same.
 - Councilmember Pawlowski replied but they do all conform now.
 - Community Development Superintendent John Jacobson replied the new ones that are moving in, yes.
 - Councilmember Pawlowski stated but the old ones don't, so how does that fit with moving RV's in.
 - Community Development Superintendent John Jacobson responded I would have to check, but I believe it is still is 20 foot separation rule between the RV and the adjoining structure; structure being trailer.
 - Councilmember Buehler stated so wait, you said the structure being trailer so does that mean that the RV's can be closer.

- Community Development Superintendent John Jacobson replied what that means is that if you have an adjoining deck, the deck wouldn't count as structure from separation between the RV and trailer.
- Councilmember McNeill stated I thought in the discussion area, is there anybody else who wants to talk, as I think there was a resident that we didn't hear from.
- Mayor Kirby stated sure, state your name and address please.
 - Lansing Resident stated my name is Nancy Hininger and my husband is out of town on work or else he'd be here too, but I did send a letter and bring it to the City Council because we were out of town at the last meeting. We just want to see Lansing move forward and improve the living conditions and home values for the residents. We pay taxes on 3 homes on the street and we just don't want to see the home values decline. We live in the middle of Lansing and the home we live in was built in 1899; we've lived there since 1969 when we bought the home. Regretfully the promises that were made by the developers at the end of Helen Street; when I bought my house it was just an open field down there, but we had big plans, wonderful things were going to happen down there, those promises haven't been kept. As you can see by driving through the park, it's for the most part the conditions are not good. There are a few homes that have been there a long time, that are on the West side that are well maintained, nicely maintained. But I just wondered, had a question for the owners does Deffenbaugh pick up the trash, do you have a private contractor, or do you just burn.
 - Valarie Hooper for Parkwood Mobile Home Park replied we have a private contractor.
 - Nancy Hininger stated like I said at the previous, at the Zoning meeting, when I drove through there was trash burning and I know you said you had a permit, but it puts out a bad odor when you're burning garbage. Also frequently on the weekends and again I can't say who owns the cats and dogs, but they are left out to roam the block. I just know the people that live on the street, so when I see people walking down the street and they drop their fast food containers in our yard or 1 of our tenants' yards, and then I go around and pick it up. I know my neighbors that live on the street, it's not my neighbors and it's not the retirees like you said, but its young people. So you mentioned also that you think that expensive RV's are going to come down there, I would be surprised. I've got a listing here, 3 pages long of RV parks in the area, and all of them have a lot of facilities that you don't have like laundry, play equipment, picnic areas, swimming pools, so on and so forth, so if you were coming to the area and going to be here for a while, I don't think you'd want to go to that park particularly, but maybe the rate would be better. So, I would just like the Council to consider the residents that live on the street and that's all I have to say, thank you.
- Councilmember McNeill stated I'll make 1 closing thing, I mean I think this was brought to us 3 years ago and at that time part of the issue was, 5 years ago, God I've been here too long, but one of the issues we had was the park wasn't up to code. So we come back 5 years later asking for the same exact thing and the park is still not up to code, so what are we saying? Not only that but they already violated the code by putting a RV in there and they are now coming later for permission to have RV's there. To me, it's a worse case scenario than the first time out. I mean we asked them to fix the park up, get it up to code, and I figured that was what was going to come back, but after driving through it and talking, and John just stated it isn't up to code so I mean, that's an issue in my mind. If they would have come back and it was all up to code and say look we're all ready to go with the RV thing, that might be in my view an option to say let's give it a shot, but currently I'm not.
 - Ron Bates Agent for Parkwood Mobile Home Park stated I wasn't here 5 years ago, but my clients are fairly adamant that the discussion at that time wasn't that there were code violations and that was the problem. The problem, 1 of the problems was that they were asking for.
 - Councilmember McNeill interjected the code violations that are there today are the ones that were there 5 years ago.
 - Ron Bates Agent for Parkwood Mobile Home Park replied and I don't know what code violations we're talking about, quite frankly. But last time they were also asking for all of the lots, so 30-some, 35, and it was suggested at that time was maybe you should be looking at a smaller number of lots like 25%, so that's what they did, they reduced it to that. As far as the code violations.
 - Councilmember McNeill responded it wouldn't take me 5 years to say yeah let's reduce it to 14.
 - Ron Bates Agent for Parkwood Mobile Home Park replied the need for those spaces we think now justifies it. We've waited until we thought that there would be the need. They get phone calls from people who want to come and they have to tell them we can't do it, and they've received enough phone calls now that they want to do it

so they can get those people to come in. And if there are code violations and it's contingent upon improving it or fixing it, then they'll have to fix them and if they don't fix them they lose the permit.

- Councilmember McNeill asked before or after they bring them in.
- Councilmember Gardner stated I think the motion is before conditional permit.
 - Councilmember Trinkle stated it has to be up to code and then we'll go from there.
 - City Attorney Greg Robinson stated for clarification if you state it like that it has to be to code, and again, I don't know which code violation you're speaking of, but the one that we can say of as of right now would be the RV that they've already acknowledged as a violation, now with the language you're using Mr. Trinkle is that it has to be to code before we allow anything else, is that it means that you'll have to pull that one out, bring it to code before it comes back. I just want you to understand that by the language you're using you could be boxing in...
 - Councilmember Trinkle interjected drive through the park Greg and you'll know what I'm talking about, the trash, the trailer that has the plywood on the side of it with its windows broken out, that's stuff like that that needs to be taken care of. I mean you don't have to be an Einstein to know what we're talking about, but if they brought up to where it's decent, and make everybody happy and keep it that way, and I don't see, you know, that seems to be the problem, the trash and whatnot.
 - City Attorney Greg Robinson replied I have no dispute or issue with anything you put a condition on, I just wanted to clarify so that John's department can go out there and make sure that they're going and doing what you're doing to improve this action. For example, if you want to make it a condition that it be inspected by John's department to find any and all violations and then they must be corrected before any approval of an RV going in in the future if you do approve this, that may be a way to go, then you cover everything; they have to go inspect it, the find them all, and nothing happens until they are all fixed.
- Community Development Superintendent John Jacobson stated we can do a preliminary assessment, list out those items and make sure they are addressed before he moves any additional trailers in.
 - Mayor Kirby stated I'd rather see that all done before, but we're going to tell you what we want then in the meantime you're going to fix it and then we'll come back and; I would, if I had a vote I would say no until everything's been taken care of, let's not say we're going to let you do it now but you've got to be sure and do, I'm like you and let's get an inspector in there, find out what the issues are, get them taken care of.
 - Community Development Superintendent stated you can certainly assess a timeline to get all that done.
 - Mayor Kirby stated but the way the motion is right now, it's kind of vague.
 - Councilmember Trinkle stated well I opened the door we can tune it in a little bit. I got yelled at by the Attorney, I won't be able to sleep tonight because you got on me.
 - Mayor Kirby stated ok so we have a motion.
 - Councilmember Trinkle stated I don't know, you sounded real good Mayor with what you said, let's get a line drawn from somewhere.
 - Mayor Kirby stated well we have to vote on what we have, we have to vote on the motion that's up.
 - Councilmember McNeill stated or we can withdraw the motion if we wanted to.
 - Councilmember Gardner stated we can withdraw it.
 - Councilmember Trinkle stated let's withdraw the motion and then start fresh again.

Councilmember Gardner withdrew his second.

- Councilmember Pawlowski stated I move we deny the special use permit.
 - Councilmember Buehler stated but there's already a motion.
 - Councilmember Gardner stated we've got to withdraw it.
 - Councilmember Studnicka stated we've got to vote on this one first Andi.

Councilmember Gardner withdrew his second.

- Councilmember Buehler stated either we withdraw it or we vote.
- Councilmember Studnicka stated either I withdraw it or we vote on it.

Councilmember Studnicka withdrew his motion.

- Mayor Kirby stated you withdraw the second.
 - Councilmember Pawlowski stated he [Councilmember Gardner] did, Kevin did it.
 - Councilmember Gardner stated I withdrew before he withdrew.
 - Mayor Kirby stated so now we have no motion.

Councilmember Pawlowski moved to deny the Conditional Use Permit for Recreational Vehicle Parking at Parkwood Mobile Home Park at Gaslight and Helen Streets.

- Mayor Kirby stated we have a motion, we've got to have a second.

Councilmember Garvey seconded the motion.

- Mayor Kirby stated now we have a motion and a second, to deny.
 - Councilmember Gardner stated I thought we were going to let them work on it and then come back with a new proposal.
 - Councilmember Buehler stated and they can do that.
 - Councilmember Garvey stated they can re-apply after everything's fixed.
- Ron Bates Agent for Parkwood Mobile Home Park stated Mr. Mayor I thought the original motion, which I realize has been withdrawn, I thought that if they find, if they tell us we've got problems with the park, code violations that we can't put any trailers in there until we fix the code violations, so if that were the case, they give us a list and we would have to satisfy that list and in the meantime nothing is happening, so the way it's proposing now is that we will have to come back if it's denied after we've cleaned all the violations up, and it would seem to be more expedient, if the Body was inclined to grant us, if we didn't have the code violations, the conditional use permit.
 - Mayor Kirby stated that motion was withdrawn. We now have a motion to deny and a second, any discussion.
 - Councilmember Pawlowski stated I think we discussed.
- Councilmember Gardner stated can you go out and get a preliminary, like you were talking about John, a preliminary investigation.
 - Community Development Superintendent John Jacobson replied yes.
- Councilmember Studnicka stated I would suggest that we withdraw this second motion, we table this until the code enforcement people in Public Works can get in there, make the list, and get it fixed, and then bring it back.
 - Councilmember Garvey stated I think some people want to see a history of remaining compliant and not just cleaning it up and saying ok you're compliant, boom, here's your permit, we want to see a history before you issue the permit, see what I'm saying.
 - Councilmember Pawlowski stated we also have issues at other parks that we can't take care of now and you're expecting them to go in and do this when, we have a trailer in that one, we have 7 trailers in Black's Mobile Home Park, when they only have permits for 4. We have issues with the existing parks that we've got that we can't clean them up, and then we're going to layer this on top.
 - Councilmember Trinkle stated but we have a plan of stopping this one though. We have a way of not putting more trailers in, with the way we're doing it now. The others that we have, they do what they want, we haven't been able to stop them.
 - Councilmember Pawlowski stated exactly.
 - Councilmember Trinkle stated we're trying to do this the right way.
 - Councilmember Pawlowski stated but this one isn't clean either and it's not like it just appeared yesterday.
 - Ron Bates Agent for Parkwood Mobile Home Park stated just for the record I don't think we ever received any notice of non-compliance for anything.
 - Councilmember Pawlowski stated I'm sure that's true. I'm sure that's true Ron.
 - Councilmember Studnicka stated I'm sure that's a true statement.
 - Ron Bates Agent for Parkwood Mobile Home Park stated so we're being criticized, we want to show that history of compliance, we have a perfect history of compliance except for this RV that we put in there, which we messed up, we're sorry, but now we've got people in there that have given us permission to get a little more information where they have medical problems, and to become compliant we've got to kick them out of the park and clean everything up and wait for a period of time, I mean. We've never been cited in violation and yet it's being said we've got code violations
 - Councilmember Pawlowski stated I'm absolutely sure that's true.

- Ron Bates Agent for Parkwood Mobile Home Park stated so tell us the code violations and we'll fix them, but we've got a perfect record.
 - Councilmember Garvey stated just because you've never been fined doesn't mean you're compliant. I haven't got a ticket but that doesn't mean I don't speed.
- Councilmember McNeill stated John is there any record, could you address whether or not there have been any code violations.
 - Community Development Superintendent John Jacobson stated yes, there have been code violations in the park and in fact the last time that this was brought before the Council a list of those code violations was provided at that meeting, we can pull that it's public record, it was given to them as part of the process, I can pull that, but I'd have to go back and take a look at that. As far as the RV being put into the park, I'm making the assumption that you knew that that was a violation before, because you're here petitioning for the RV park, and if we go back through that, does it meet the criteria of a mobile home, it meets the basic measurements, it doesn't have the permanent electric Mike, it doesn't have the commercial grade skirting that's all part of that same designation for a mobile home, that's all listed in the same section of the code that you referenced. So there are a number of different things there, I mean we can go at this all day long, but the reality of this is yes, every mobile home park inherently has code enforcement issues and you can clean them up today, but it is still going to have code enforcement issues a week or two weeks from now, it's a constant battle to keep these things up to par. So yes, there are areas that have been cited, but there aren't any current actions there other than this particular RV. Does that answer the question?
 - Councilmember McNeill replied clearly.
 - Councilmember Studnicka stated we've got a motion and a second on the floor.
 - Mayor Kirby stated we've got a motion to deny and a second. Any other discussion.
 - Councilmember Trinkle so we're actually just denying it, flat out going to deny it.
 - Mayor Kirby replied yes, that's the motion.

The motion was approved with Councilmembers Trinkle, Gardner, and Studnicka voting against the motion.

REPORTS:

City Attorney: City Attorney had nothing to report.

City Administrator: Just a reminder that we have a Budget Work Session Wednesday and Thursday night next week at 7:00 p.m., I'm looking forward to it.

Governing Body: Councilmember Gardner stated thank you and congratulations to Dave and the 2 volunteers for the Board of Zoning and to Mr. Sonntag for stepping up at the Public Defender.

Councilmember Garvey stated ditto what Kevin said, that's it.

Councilmember Buehler stated again thanks to the volunteers, can't do it without them.

Councilmember McNeill stated I just want to make sure we're still, John we're still going to pursue getting a list to these guys so they can clean their stuff up and potentially come back.

- Community Development Superintendent John Jacobson stated yes, regardless of this action that's happening.
 - Councilmember Trinkle stated I don't think they realize that.
 - Councilmember McNeill stated they left too early before someone said that.
 - Community Development Superintendent John Jacobson stated they will.

Councilmember Studnicka stated I just think we're losing revenue and I've heard from other people, actually from residents that have retired and have \$150,000.00 RV, which is more expensive than my home, and they said there isn't a decent park here because our codes won't allow them to park here when they come back to visit for 30, 60, or 90 days. I think we're missing the boat.

- Councilmember Pawlowski stated but they can't park there for 30 or 60 days anyway.

ADJOURNMENT: Councilmember Studnicka moved to adjourn. Councilmember Trinkle seconded the motion. The motion was unanimously approved. The meeting was adjourned at 7:54 p.m.

ATTEST:

Louis E. Kirby, Mayor

Sarah Bodensteiner, City Clerk



CITY OF LANSING

ANIMAL PERMIT APPLICATION

Applicant Name: J COOPER (J. M. Cooper)

Address: 717 HOLIDAY DR LANSING KS 66043
Street City State Zip Code

Proposed Location (if different): _____
Street City State Zip Code

Mailing Address (if different): _____
Street City State Zip Code

Telephone (Day): 913 485 9934 Telephone (Evening): SAME Email: COOPJ65@GMAIL.COM

Property Owner Name: J COOPER Property Owner Telephone: 913 485 9934

Property Owner Address: 717 HOLIDAY DR LANSING KS 66043
Street City State Zip Code

Number of Each Type of Animal: 2-DOGS, 1-CAT, 10 ADULT RABBITS

General Description of Each Animal: DACHSHUNDS - HOUSE CAT - MINI Rex RABBITS
(approximately 20 rabbits)

Noises or Odors Anticipated: NORMAL BARKING FROM DOGS - NONE FROM OTHERS.

Housing Arrangements for All Such Animals including Safety or Structure, Locks, Fencing, etc.: DOGS & CAT INSIDE PETS. BACK YARD IS FENCED. RABBITS HOUSED IN HUTCHES

Interest in Such Animal(s): DOGS & CAT PETS - RABBITS ARE 4-H PROJECT.

Any Information Regarding Vicious or Dangerous Propensities of All Such Animals: NONE

Safety Precautions to be Taken: LOCKED GATES.

Prior Incidents Involving Public Health or Safety: NONE

LICENSE INFORMATION

Type of License: One Dangerous Animal (\$20.00) More than One Dangerous Animal (\$25.00) More than Four Animals (\$25.00) Renewal: Yes No

I declare under penalty of false statement that, to the best of my knowledge and belief, the statements made herein are true and correct.

Signature: J Cooper Date: 6-10-15

No license shall be issued until the applicant or premise complies with all codes and ordinances of the City of Lansing. The Police Department may also review this application and schedule an inspection prior to license approval.

FOR OFFICIAL USE ONLY:	
Application Received By: <u>[Signature]</u> <u>6/11/15</u> <small>Signature Date</small>	Additional Information Required: <input type="checkbox"/> Copy of Insurance <input type="checkbox"/> Indemnity Statement <input type="checkbox"/> Vaccination Information <input type="checkbox"/> Spay/Neuter Information <input type="checkbox"/> Identification Photographs
Cost: <u>25</u> License Period: <u>annual</u>	Inspection Scheduled: _____
Amount Received: <u>25</u> <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit	Permit Approved: _____ Police Signature: _____



Lansing Police Department
 800 1st Terrace
 Lansing, KS 66043

Animal Permit
 Review & Supplemental
 Narrative

Type of Permit: More Than 4 Animals Dangerous Animal(s)
 Kennel Other _____

Applicant's Name (LAST, First MI.) **Cooper, J. M.** Report Date (MM/DD/YYYY): **06/22/2015**
 Applicant's Address (Street, City, Zip): **717 Holiday Dr., Lansing, KS. 66043**

Permit Application Initiated By:
 Voluntary Compliance Observed Violation Citizen Complaint

Adjoining Residential Contact Interview: Contact #: 1	Interview Date (MM/DD/YYYY): 06/22/2015	Interview Time (HHMM): 1517	Acquainted w/Applicant: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Made contact with Jessica Steed at 871 Holiday Dr, she had no concerns.

Adjoining Residential Contact Interview: Contact #: 2	Interview Date (MM/DD/YYYY): 06/22/2015	Interview Time (HHMM): 1520	Acquainted w/Applicant: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:
Made contact with Carol Barksdale at 715 Holiday Dr., she had no concerns.

Adjoining Residential Contact Interview: Contact #:	Interview Date (MM/DD/YYYY):	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:

Adjoining Residential Contact Interview: Contact #:	Interview Date (MM/DD/YYYY):	Interview Time (HHMM):	Acquainted w/Applicant: <input type="checkbox"/> Yes <input type="checkbox"/> No	Years Acquainted:
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Contact's Comments/Concerns:

In Current Ordinance Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Areas Of Non-Compliance: <input type="checkbox"/> Animal Tags <input type="checkbox"/> Insurance <input type="checkbox"/> Vaccinations <input type="checkbox"/> Signage	Additional Comments: <input type="checkbox"/> Fencing <input type="checkbox"/> Permit <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____
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Results of Applicant Interview & Property Inspection / Officer's Narrative:
This permit is an initial request for housing/maintaining more than four animals (domesticated dogs, cats, and rabbits).
717 Holiday Drive is a single family residence.
The backyard in enclosed by a 6 foot privacy fence and the rear of the residence.
On 06/22/2015 the residence was inspected.

Submitted By: D. Asmus	Date: 06/22/2015	Reviewed By:	Date:
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Lansing Police Department
 800 1st Terrace
 Lansing, KS 66043

Animal Permit
 Review & Supplemental
 Narrative

The rabbits (primary reason for seeking this permit) will be housed in wooden & mesh, open air hutches. The hutches are situated along the exterior of the back yard along the privacy fence and underneath an elevated wooden deck extending off the rear of house.

The back yard was neat and had a maintained appearance. No excessive odors or wasted debris was observed or detected.

There have been no prior issues/complaints related to this permit request, or the housing, care, and/or maintenance of associated animals.

On 06/24/2015 at about 0845 hours I contacted Mr. Cooper by phone. I inquired as to his full name. Cooper told me he had no first or middle name, and his name was "J. M. Cooper". Mr. Cooper also said he would maintain about 20 rabbits total.

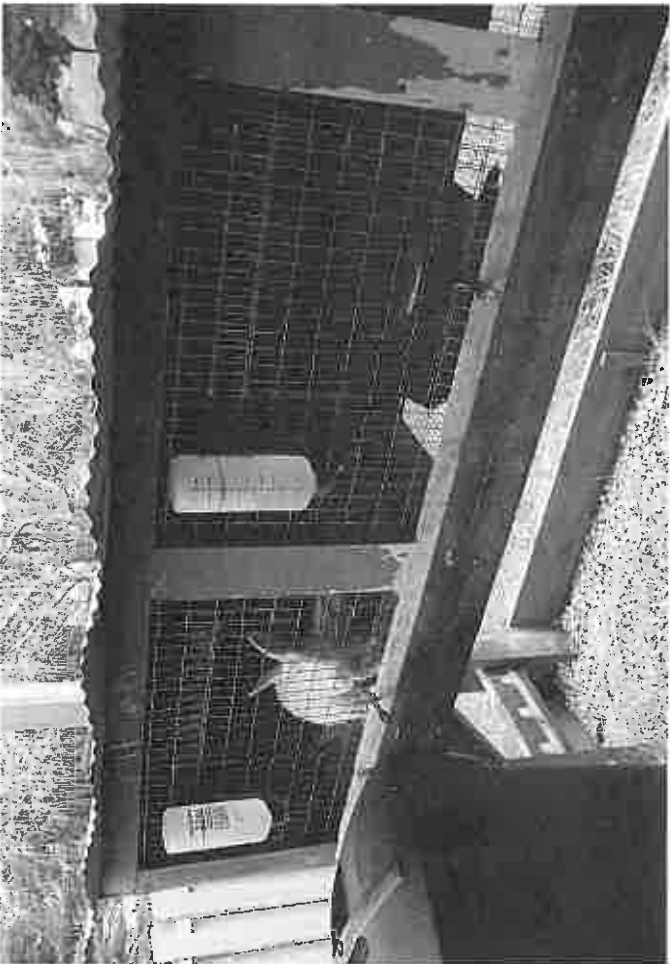
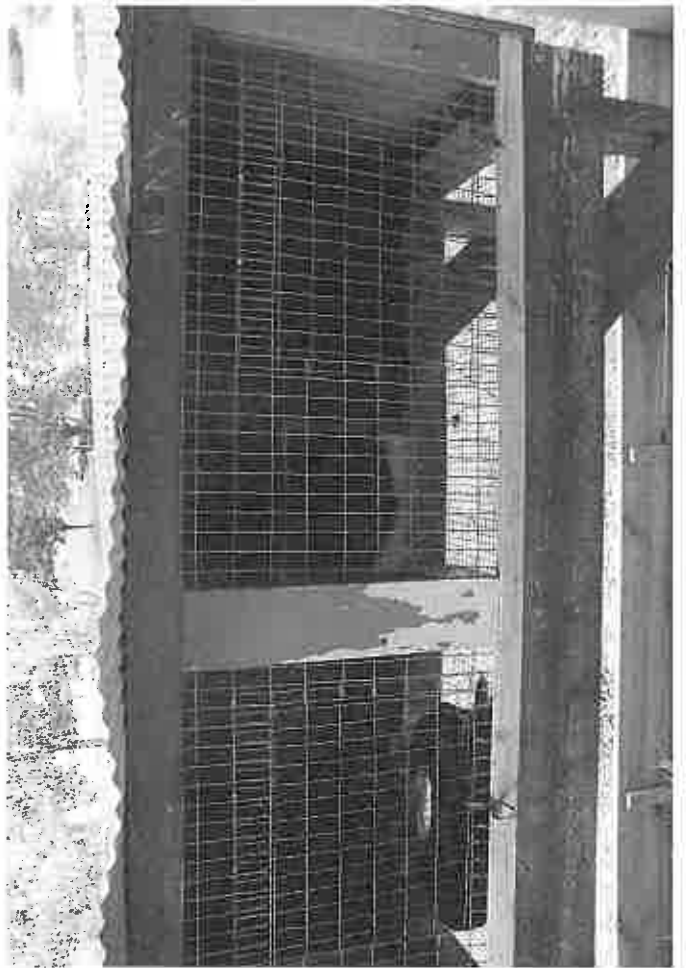
Council Presentation (MM/DD/YYYY & HHMM): 07/02/2015	Applicant Notified (of Council Presentation) On (MM/DD/YYYY & HHMM): 06/22/2015
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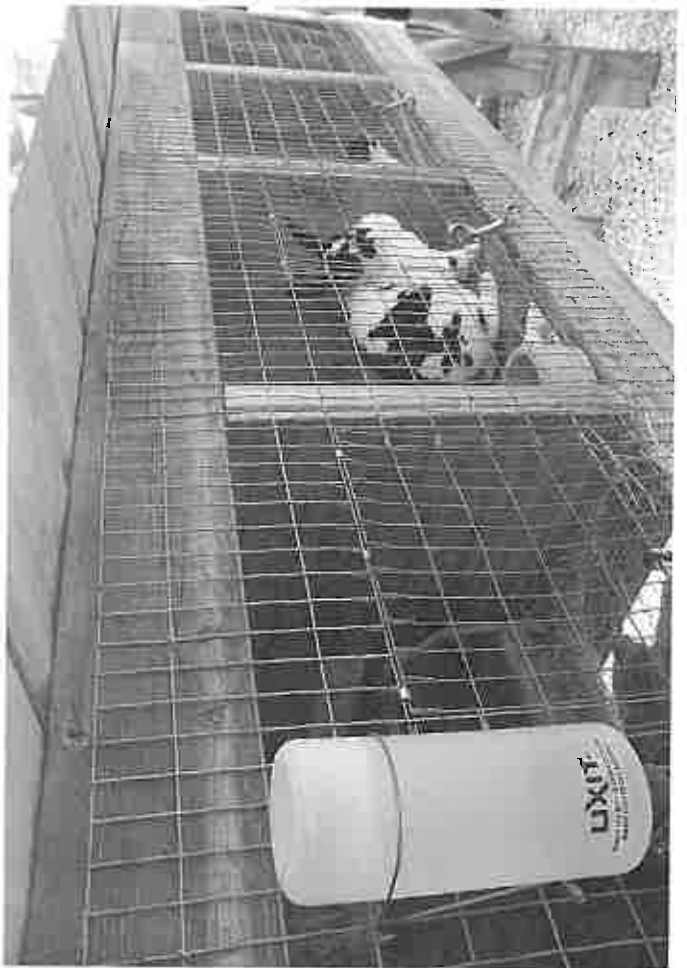
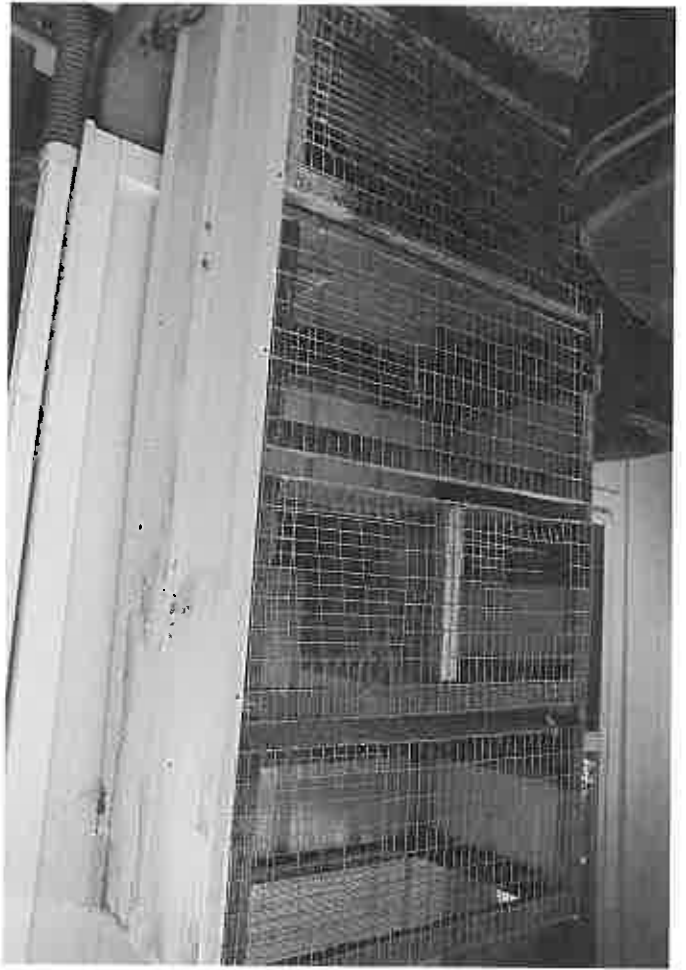
Submitted By: D. Asmus	Date: 06/22/2015	Reviewed By:	Date:
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June 22, 2015

Mr. Tony Zell
Wastewater Utility Director
Wastewater Utility Department
800 First Terrace
Lansing, KS 66043

Re: Recommendation of Award
Project No. 13-07
7-Mile Sanitary Sewer Improvements

Dear Tony:

Please be advised that we have completed our review of the bid form submitted by Linaweaver Construction, Inc. (LCI) for the 7-Mile Sanitary Sewer Improvements project. (Bid tab enclosed.)

Mr. John Will of LCI was contacted on June 18, 2015 to discuss the bid that LCI submitted for the subject project. Mr. Will indicated that LCI had reviewed their bid proposal and was comfortable with their amount shown on the bid. Mr. Will indicated that LCI was currently working on a project for the City of Lansing and was looking forward to continuing that relationship with the City on this challenging project.

Based on the information attained by GBA related to LCI, we can find no evidence that would indicate that LCI would not be able to complete Project No. 13-07 (7-Mile Sanitary Sewer Improvements) in a timely and efficient manner. Therefore, we recommend that Project No. 13-07 be awarded to Linaweaver Construction, Inc. with a base bid in the amount of \$4,185,646.00.

If you have any questions regarding this issue, please give me a call.

Sincerely,

GEORGE BUTLER ASSOCIATES, INC.

Timothy M. Schneller, P.E.
Associate / Project Manager

Enclosure

cc: Mark Linaweaver -- SRC
Colleen Conner, P.E. - GBA
Gary Beck, P.E. - GBA

original remarks & comments
for a higher priority project

2501 Road - Brentwood
Lenexa, Kansas
66219-3745

913.492.0400
913.677.2200 fax

GBA Companies
Lenexa, KS
Kansas City, MO
O'Fallon, MO
St. Louis, MO
St. Joseph, MO
Omaha, NE
Rock Island, IL
Brentwood, CO

www.gbainc.com

June 17, 2015

7-Mile Sanitary Sewer Improvements			Landscape Construction			Resurfacing Construction			Holloway Construction			Engineer's Estimate		
Item No.	Description	Approx. Quantity	Unit	Price	Extension	Unit	Price	Extension	Unit	Price	Extension	Unit	Price	Extension
1	Mobilization (Maximum of 5% of Bid Amount)	1	L.S.	\$100,000.00	\$100,000.00									
2	Traffic Control	1	L.S.	\$5,000.00	\$5,000.00									
3	Construction Staking	1	L.S.	\$18,000.00	\$18,000.00									
4	Cleaning and Grubbing	1	L.S.	\$200,000.00	\$200,000.00									
5	Temporary Construction Fence	6,692	L.F.	\$3.00	\$20,076.00									
6	6" dia. Sewer Pipe (0' to 8' Depth)	35	L.F.	\$150.00	\$5,250.00									
7	12" dia. Sewer Pipe (0' to 8' Depth)	187	L.F.	\$30.00	\$5,610.00									
8	15" dia. Sewer Pipe (0' to 8' Depth)	2,207	L.F.	\$45.00	\$99,315.00									
9	18" dia. Sewer Pipe (0' to 8' Depth)	1,513	L.F.	\$40.00	\$60,520.00									
10	21" dia. Sewer Pipe (0' to 8' Depth)	26	L.F.	\$95.00	\$2,470.00									
11	36" dia. Sewer Pipe (0' to 8' Depth)	748	L.F.	\$40.00	\$30,000.00									
12	36" dia. Sewer Pipe (0' to 8' Depth)	57	L.F.	\$140.00	\$8,000.00									
13	36" dia. Sewer Pipe (0' to 8' Depth)	7,858	L.F.	\$80.00	\$628,640.00									
14	24" dia. Bored Steel Casing Pipe with 12" dia. Carrier Pipe	150	L.F.	\$1,225.00	\$183,750.00									
15	18" dia. Bored Steel Casing Pipe with 36" dia. Carrier Pipe	220	L.F.	\$780.00	\$171,600.00									
16	18" dia. Sewer Pipe in 30" Steel Casing Pipe (Open Cut)	30	L.F.	\$160.00	\$4,800.00									
17	36" dia. Sewer Pipe in 50" Steel Casing Pipe (Open Cut)	30	L.F.	\$80.00	\$2,400.00									
18	6" PVC Service Line	282	L.F.	\$40.00	\$11,280.00									
19	6" PVC Service Line	14	L.F.	\$30.00	\$420.00									
20	Trenching (8' - 10' Depth)	864	L.F.	\$30.00	\$25,920.00									
21	Trenching (10' - 12' Depth)	781	L.F.	\$30.00	\$23,430.00									
22	Trenching (12' - 14' Depth)	1,511	L.F.	\$40.00	\$60,440.00									
23	Trenching (14' - 16' Depth)	2,302	L.F.	\$50.00	\$115,100.00									
24	Trenching (16' - 18' Depth)	1,450	L.F.	\$60.00	\$87,000.00									
25	Trenching (18' to 20' Depth)	809	L.F.	\$70.00	\$56,630.00									
26	Trenching (20' to 22' Depth)	1,319	L.F.	\$90.00	\$118,710.00									
27	Trenching (22' to 24' Depth)	498	L.F.	\$100.00	\$49,800.00									
28	Trenching (24' to 26' Depth)	56	L.F.	\$150.00	\$8,400.00									
29	Trenching (26' to 28' Depth)	75	L.F.	\$175.00	\$13,125.00									
30	Trenching (28' to 30' Depth)	28	L.F.	\$200.00	\$5,600.00									
31	Trenching (30' to 32' Depth)	27	L.F.	\$250.00	\$6,750.00									
32	4'-0" dia. Standard Manhole (0' to 8')	20	EA.	\$4,200.00	\$84,000.00									
33	5'-0" dia. Standard Manhole (0' to 8')	13	EA.	\$4,800.00	\$62,400.00									
34	6'-0" dia. Standard Manhole (0' to 8')	16	EA.	\$8,200.00	\$131,200.00									
35	8'-0" dia. Standard Manhole (0' to 8')	10	EA.	\$1,715.00	\$17,150.00									
36	4'-0" dia. Standard Manhole Extra Depth	25.8	V.F.	\$175.00	\$4,515.00									
37	5'-0" dia. Standard Manhole Extra Depth	124.0	V.F.	\$217.00	\$26,908.00									
38	6'-0" dia. Standard Manhole Extra Depth	167.2	V.F.	\$450.00	\$75,240.00									
39	8'-0" dia. Standard Manhole Extra Depth	7.2	V.F.	\$900.00	\$6,480.00									
40	Service Line Cleanouts	4	EA.	\$130.00	\$520.00									
41	Concrete Encasement	747	L.F.	\$2.00	\$1,494.00									
42	Diets Checks	7	EA.	\$2,500.00	\$17,500.00									
43	Construction to Existing Manholes	4	EA.	\$1,200.00	\$4,800.00									
44	Erosion Control	1	L.S.	\$30,000.00	\$30,000.00									
45	Permanent Seeding	23	Acres	\$1,400.00	\$32,200.00									
46	Temporary Seeding	23	Acres	\$700.00	\$16,100.00									
47	Soil	6,610	S.Y.	\$5.00	\$33,050.00									
48	Curb Replacement	56	L.F.	\$40.00	\$2,240.00									
49	Flowable Fill Under City Streets	450	C.Y.	\$85.00	\$38,250.00									
50	Pavement Repair	4,640	S.Y.	\$45.00	\$208,800.00									
51	Remove and Replace Curb Inlet	50	LF	\$50.00	\$2,500.00									
52	Remove and Replace Guardrail	50	LF	\$40.00	\$2,000.00									
53	Stream Bank Restoration Zone 1 w/ Seed Shrub, & Trees	2,000	S.Y.	\$4.00	\$8,000.00									
54	Stream Bank Restoration Zone 2 w/ Seed Only	1,040	S.Y.	\$5.00	\$5,200.00									
55	Stream Bank Restoration Zone 3 w/ Seed Only	570	S.Y.	\$4.00	\$2,280.00									
56	Stream Bank Restoration Zone 4 w/ Seed, Shrubs, & Trees	9,987	S.Y.	\$14.00	\$139,818.00									
57	Type II Erosion Control Blanket	300	S.Y.	\$3.00	\$900.00									
58	Stream Bank Restoration Rock Toe	1	C.Y.	\$50.00	\$50.00									
59	Bypass Pumping	1	L.S.	\$65,000.00	\$65,000.00									
60	Abandon Existing Manholes	13	EA.	\$1,500.00	\$19,500.00									
61	Remove Existing Manhole	27	EA.	\$2,700.00	\$72,900.00									
62	Remove Existing Pipe	5,626	L.F.	\$1.00	\$5,626.00									
63	Junction Structure	1	L.S.	\$308,000.00	\$308,000.00									
GRAND TOTAL BASE BID:														\$4,185,646.00
Resurfacing Construction														\$4,681,822.00
Holloway Construction														\$5,190,469.00
Engineer's Estimate														\$5,027,600.00

BID FORM

CITY OF LANSING, KANSAS
PROJECT NO. 13-07
7 MILE SANITARY SEWER IMPROVEMENTS

CITY: CITY OF LANSING, KANSAS

Name of Bidder: LINAWEAVER CONST. INC.

Address of Bidder: 719 E. GILMAN ROAD, LANSING, KS
66043

Bid Proposal Amounts:

The undersigned, having examined the Contract Documents and the site of the proposed work and being familiar with all the conditions affecting the construction of the proposed project, hereby proposes and agrees to provide and furnish all labor, material, equipment, supervision and other items necessary to perform and complete, in a workman-like manner, all work required by the Contract Documents, at the prices stated below. Stated sums include fees, insurance payroll taxes, labor and performance bonds, and all other charges applicable to materials, appliances, labor and all charges that may be levied.

The Contractor acknowledges the Entire Project is defined into Phase 1, Phase 2 and Phase 3 with a total project time limit of 270 Calendar Days to Substantial Completion of the Entire Project.

In the following proposals, the amounts shall be shown in both words and figures. In the case of discrepancy between the words and the figures, the words shall govern.

Addenda:

The Bidder hereby acknowledges receipt and inclusion in the Bid Proposal the following addenda (number and date).

Addenda No. 1 Dated JUNE 12, 2015

Addenda No. 2 Dated JUNE 16, 2015

Addenda No. _____ Dated _____

Addenda No. _____ Dated _____

CITY OF LANSING, KANSAS
 PROJECT NO. 13-07
 7 MILE SANITARY SEWER IMPROVEMENTS
 SCHEDULE OF PRICES

ITEM NO.	BID ITEM DESCRIPTION	APPROX. QTY.	UNIT	UNIT PRICE	EXTENSION
1	Mobilization (Maximum 5% of Bid Amount)	1	L.S.	\$100,000.00	\$100,000.00
2	Traffic Control	1	L.S.	\$5000.00	\$5000.00
3	Construction Staking	1	L.S.	\$16,000.00	\$16,000.00
4	Clearing and Grubbing	1	L.S.	\$200,000.00	\$200,000.00
5	Temporary Construction Fence	6,692	L.F.	\$3.00	\$20,076.00
6	8" Dia. Sewer Pipe (0' to 8' Depth)	35	L.F.	\$15.00	\$525.00
7	12" Dia. Sewer Pipe (0' to 8' Depth)	187	L.F.	\$30.00	\$5610.00
8	15" Dia. Sewer Pipe (0' to 8' Depth)	2,207	L.F.	\$30.00	\$66,210.00
9	18" Dia. Sewer Pipe (0' to 8' Depth)	1,513	L.F.	\$40.00	\$60,520.00
10	21" Dia. Sewer Pipe (0' to 8' Depth)	26	L.F.	\$55.00	\$1430.00
11	36" Dia. Sewer Pipe (0' to 8' Depth)	748	L.F.	\$140.00	\$104,720.00
12	54" Dia. Sewer Pipe (0' to 8' Depth)	57	L.F.	\$360.00	\$20,520.00
13	36" Dia. Sewer Pipe (0' to 8' Depth) w/ Special Trench	7,658	L.F.	\$160.00	\$1,225,280.00
14	24" Dia. Bored Steel Casing Pipe with 12" Dia. Carrier Pipe	150	L.F.	\$485.00	\$72,750.00
15	54" Dia. Bored Steel Casing Pipe with 36" Dia. Carrier Pipe	220	L.F.	\$760.00	\$167,200.00
16	18" Dia. Sewer Pipe in 30" Steel Casing Pipe (Open Cut)	30	L.F.	\$160.00	\$4800.00
17	36" Dia. Sewer Pipe in 50" Steel Casing Pipe (Open Cut)	30	L.F.	\$500.00	\$15,000.00
18	6" Dia. HDPE Service Line by Trenchless Methods	292	L.F.	\$40.00	\$11,680.00
19	6" PVC Service Line	14	L.F.	\$30.00	\$420.00
20	Trenching (8' - 10' Depth)	964	L.F.	\$30.00	\$28,920.00
21	Trenching (10' - 12' Depth)	791	L.F.	\$40.00	\$31,640.00

ITEM NO.	BID ITEM DESCRIPTION	APPROX. QTY.	UNIT	UNIT PRICE	EXTENSION
22	Trenching (12' - 14' Depth)	1,511	L.F.	\$ 40.00	\$ 60,440.00
23	Trenching (14' - 16' Depth)	2,302	L.F.	\$ 50.00	\$ 115,100.00
24	Trenching (16' - 18' Depth)	1,450	L.F.	\$ 60.00	\$ 87,000.00
25	Trenching (18' - 20' Depth)	909	L.F.	\$ 70.00	\$ 63,630.00
26	Trenching (20' - 22' Depth)	1,319	L.F.	\$ 80.00	\$ 105,520.00
27	Trenching (22' - 24' Depth)	498	L.F.	\$ 100.00	\$ 49,800.00
28	Trenching (24' - 26' Depth)	56	L.F.	\$ 150.00	\$ 8,400.00
29	Trenching (26' - 28' Depth)	75	L.F.	\$ 175.00	\$ 13,125.00
30	Trenching (28' - 30' Depth)	28	L.F.	\$ 200.00	\$ 5,600.00
31	Trenching (30' - 32' Depth)	27	L.F.	\$ 250.00	\$ 6,750.00
32	4'-0" Dia. Standard Manhole (0' to 8')	20	EA.	\$ 3,200.00	\$ 64,000.00
33	5'-0" Dia. Standard Manhole (0' to 8')	13	EA.	\$ 4,200.00	\$ 54,600.00
34	6'-0" Dia. Standard Manhole (0' to 8')	16	EA.	\$ 5,800.00	\$ 92,800.00
35	8'-0" Dia. Standard Manhole (0' to 8')	10	EA.	\$ 8,200.00	\$ 82,000.00
36	4'-0" Dia. Standard Manhole Extra Depth	26.8	V.F.	\$ 1,450.00	\$ 38,860.00
37	5'-0" Dia. Standard Manhole Extra Depth	124.0	V.F.	\$ 175.00	\$ 21,700.00
38	6'-0" Dia. Standard Manhole Extra Depth	167.2	V.F.	\$ 250.00	\$ 41,800.00
39	8'-0" Dia. Standard Manhole Extra Depth	77.2	V.F.	\$ 450.00	\$ 34,740.00
40	Service Line Cleanouts	4	EA.	\$ 900.00	\$ 3,600.00
41	Concrete Encasement	747	L.F.	\$ 130.00	\$ 97,110.00
42	Ditch Checks	7	EA.	\$ 2,500.00	\$ 17,500.00
43	Connection to Existing Manhole	4	EA.	\$ 1,200.00	\$ 4,800.00
44	Erosion Control	1	L.S.	\$ 30,000.00	\$ 30,000.00

ITEM NO.	BID ITEM DESCRIPTION	APPROX. QTY.	UNIT	UNIT PRICE	EXTENSION
45	Permanent Seeding	23	ACRE	\$ 1800.00	\$ 41,400.00
46	Temporary Seeding	23	ACRE	\$ 1200.00	\$ 27,600.00
47	Sod	6,610	S.Y.	\$ 5.00	\$ 33,050.00
48	Curb Replacement	58	L.F.	\$ 40.00	\$ 2,320.00
49	Flowable Fill Under City Streets	450	C.Y.	\$ 85.00	\$ 38,250.00
50	Pavement Repair	4,640	S.Y.	\$ 45.00	\$ 208,800.00
51	Remove and Replace Curb Inlet	1	EA.	\$ 3500.00	\$ 3500.00
52	Remove and Reinstall Guard Rail	50	L.F.	\$ 50.00	\$ 2500.00
53	Stream Bank Restoration Zone 1 w/ Seed Only	2,030	S.Y.	\$ 4.00	\$ 8120.00
54	Stream Bank Restoration Zone 1 w/ Seed, Shrubs, & Trees	1,040	S.Y.	\$ 8.00	\$ 8,320.00
55	Stream Bank Restoration Zone 2 w/ Seed Only	570	S.Y.	\$ 4.00	\$ 2,280.00
56	Stream Bank Restoration Zone 2 w/ Seed, Shrubs, & Trees	9,987	S.Y.	\$ 14.00	\$ 139,818.00
57	Type II Erosion Control Blanket	578	S.Y.	\$ 3.00	\$ 1,734.00
58	Stream Bank Restoration Rock Toe	300	C.Y.	\$ 50.00	\$ 15,000.00
59	Bypass Pumping	1	L.S.	\$ 65,000.00	\$ 65,000.00
60	Abandon Existing Manholes	13	EA.	\$ 1500.00	\$ 19,500.00
61	Remove Existing Manhole	27	EA.	\$ 1000.00	\$ 27,000.00
62	Remove Existing Pipe	5,626	L.F.	\$ 2.00	\$ 11,252.00
63	Junction Structure	1	L.S.	\$ 308,000.00	\$ 308,000.00
GRAND TOTAL BASE BID					\$ 4,185,646.00

Bid includes general requirements, all supervision, overhead and profit.

Base Bid: FOUR MILLION, ONE HUNDRED EIGHTY FIVE THOUSAND, SIX HUNDRED DOLLARS (\$4,185,646.00)
FORTY SIX DOLLARS AND NO CENTS

Time of Commencement, Completion and Damages:

- a. The Bidder agrees that if awarded the Contract, he will complete the work in accordance with these documents. The expected Contract Award date shall be no earlier than July 2, 2015 with a Notice to Proceed being issued no earlier than August 3, 2015.
 1. The Bidder hereby agrees to commence work under the Contract within seven (7) days after the date of a "Notice to Proceed", unless otherwise stipulated in that notice.
- b. Time is expressly declared to be of the essence in completion of the work covered by these Contract Documents and the Contractor shall be liable for actual damages for delay in completion of work. Where additional time is allowed under the agreement for the completion of the work, the new time limits shall be of the essence of the agreement.
- c. Substantial Completion of the Work: The undersigned will have the work ready for the Final Inspection and Owner's acceptance in accordance with these documents.
 1. Substantial Completion of all work items for Entire Project (Phase 1, Phase 2, and Phase 3) shall be within **270** Calendar Days of the Notice to Proceed.

General Agreements:

- b. The undersigned further declares that he has carefully examined the specifications, form of contract, and special provisions, and that he has inspected the actual location of the work, together with the local sources of supplies, and has satisfied himself as to all quantities and conditions, and understands that in signing this proposal, he waives all right to plead any misunderstanding regarding the same.
- c. The Bidder acknowledges that the CITY reserves the right to waive informalities and to reject any or all bids.
- d. The Bidder agrees that sub-contractors must be approved by City of Lansing, Kansas. In correlation with this agreement, the Contractor shall submit a list of sub-contractors and their project duties complete with references for verification.
- e. Bidder understands Bids will be received in accordance with City of Lansing Purchasing Policy.
- f. The Bidder agrees that his/her bid shall not be withdrawn or altered for a period of sixty (60) calendar days after the last date scheduled for the submission of bids.
- g. By signing this bid, each Bidder certifies that this bid has been arrived at independently, without consultation, communication or agreement as to any matter relating to this bid with any other Bidder or with any competitor.
- h. **Liquidated Damages. CITY and CONTRACTOR recognize that time is of the essence of this Agreement and that if the Work is not completed within the time specified herein, plus any extensions thereof allowed in accordance with**

the Contract Documents, CITY and CONTRACTOR agree that as liquidated damages for delay, but not as a penalty, CONTRACTOR shall pay CITY One Thousand Dollars (\$1,000.00) for each and every calendar day beyond the substantial completion date that expires following the time indicated in CONTRACTOR's bid for completion of the Work.

THE UNDERSIGNED hereby agrees, when these requirements have been completed, to furnish the required bond and to enter into a contract within ten (10) days from and after the acceptance of this proposal and further agrees to substantially complete the entire work covered by this proposal 270 Calendar Days after Notice to Proceed.

Enclosed is security in the sum of 5% of the total bid in the form of a bid bond submitted herewith in accordance with the Instruction to Bidders, which the undersigned agrees to be forfeited to and become the property of the City of Lansing, Kansas, as liquidated damages should this proposal be accepted and the contract awarded to him, and he fails to enter into a contract in the form prescribed and to furnish the required bond within ten (10) days as above stipulated, but otherwise the proposal guarantee shall be returned to the undersigned upon execution of the contract and delivery of the approved bonds to the City of Lansing, Kansas.

THE UNDERSIGNED understands that the right is reserved by the City of Lansing, Kansas, to reject any and all bids, and attached hereto is an affidavit in proof that the undersigned has not colluded with any persons in respect to this bid or any other bid or the submitting of bids for the contract for which this bid is submitted.

The Bidder is prepared to submit a financial statement on request.

DATED THIS 16 DAY OF JUNE, 2015

Contractor: LINAWEAVER CONST. INC.

Address: 719 E. GILMAN ROAD

City and State: LANSING, KS 66043

Telephone Number: 913 351 3474

By: 
Signature of Authorized Officer

Title: VICE PRESIDENT

 **AIA® Document A310™ – 2010**

Bid Bond

CONTRACTOR:

(Name, legal status and address)
 Linaweaver Construction, Inc.
 719 Gilman Rd
 Lansing, KS 66043

SURETY:

(Name, legal status and principal place of business)
 Merchants Bonding Company (Mutual)
 2100 Fleur
 Des Moines, IA 50321

OWNER:

(Name, legal status and address)
 City of Lansing, Kansas
 800 First Terrace
 Lansing, KS 66043

BOND AMOUNT: Five percent (5%) of amount bid*

PROJECT:

(Name, location or address, and Project number, if any)
 7 Mile Sanitary Sewer Improvements
 City Project No. 13-07

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

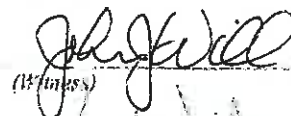
Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 17th day of June, 2015



(Witness)



(Witness)



(Principal) *(Seal)*

VICE PRESIDENT

(Title)



(Surety) *(Seal)*

Attorney in fact, David S. Salavitch

(Title)

**MERCHANTS
BONDING COMPANY
POWER OF ATTORNEY**

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

David S Salavitch

of Lee's Summit and State of Missouri their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

TWO MILLION FIVE HUNDRED THOUSAND (\$2,500,000.00) DOLLARS

and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Authority is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 13th day of August, 2014.



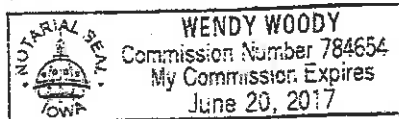
MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*
President

STATE OF IOWA
COUNTY OF POLK ss.

On this 13th day of August, 2014, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



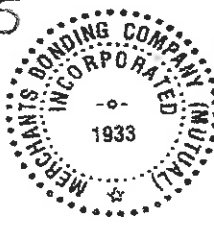
Wendy Woody

Notary Public, Polk County, Iowa

STATE OF IOWA
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 17th day of June, 2015



William Warner Jr.
Secretary

LINAWEAVER CONSTRUCTION, INC.

719 E. GILMAN ROAD
LANSING, KANSAS 66043
PHONE: (913) 351-3474
FAX: (913) 351-2749

City of Lansing
Wastewater
Lansing, KS 66043
ATTN: Tony Zell

05/11/2015

RE: Change Order Request to Project No 13-06 Lansing 9-D & 9-B Watershed Sanitary Sewer Interceptor

Linaweaver Construction, Inc. is requesting a change order to the contract dated October 16, 2014 for Project No 13-06 Lansing 9-D & 9-B Watershed Sanitary Sewer Interceptor for the following reasons:

During the bidding process the City of Lansing furnished Linaweaver Construction with boring logs that were produced by Alpha Omega GeoTech, Inc. During construction Linaweaver encountered material, specifically rock, at elevations not consistent with the borings. Also there was a lack of boring reports specifically from Structures 9D-4 to 9B-3, which was where a large majority of rock was found.

During my explanation I want you to keep in mind the following:

#1. The difference between "refusal" and "rock" in regard to a boring report. Refusal means it is unknown what is below the ground surface, but something will not allow penetration. Rock means something hard was hit and usually fragments are pulled back making the determination of rock below fairly obvious.

I'm going to attempt to explain my bidding process on this project and how I averaged the material Linaweaver Construction would be digging using the information provided to me in the plans and boring logs. I will then present to you what was actually found from manhole 9D-1 to 9B-3.

Bidding Information:

Plan Boring B-1 Bore is at MH 9D-1 and shows the water tables being at 15' below the surface with lean clay to the bottom of the bore.

Plan Boring B-2 Bore is at MH 9D-2 and shows no water and auger refusal at 14.5' deep. *In this area I thought there may be rock or concrete or something similar that we would have to contend with, so I figured 50cy @ \$100.00 per cy = \$5,000.00.*

Plan Boring B-3 Bore is at MH 9D-3 and shows the water table at 9' deep and lean clay down to black shale 5.5' below the manhole which was elevation 803, however rock was discovered at elevation 811. ****This is very important because there are no additional borings until 147th Street, MH 9B-3.***

From years of experience in dealing with rock excavations I have found that in low lying areas, specifically creek channels, rock runs flat or at a gradual slope. When estimating such areas I usually figure a variance of 1 to 2 foot up or down if I do not have any boring logs to review. The only information I had for subsurface conditions from MH 9-D3 to MH 9B-3 in preparing the bid was a Wildcat Dynamic Cone at MH B-2 that shows a dense material at 5' deep. The next two closest

borings provided were at structures 9D-3, which shows black shale at 804 and the boring provided at structure 9B-3, which shows a hard shale (diggable) material at 827 which was actually found to be Limestone (non-diggable) at 829.

With the information provided there was no evidence that I would encounter any limestone (non-diggable) rock (which was encountered at MH 9B-3 at elevation 829). After putting all of this together I concluded that the material encountered at MH B-2 with the Wildcat Dynamic Cone was possibly floating rock (a piece of rock that has broken away from other larger rocks at one time, or that the creek moved), or a piece debris buried from previous excavations.

In conclusion, with the lack of information (bore logs) provided from MH-9D-3 to MH 9B-3 I priced this run of pipe as having no rock in the excavation from MH 9D-3 to MH 9B-3 since we were following the creek bed and no limestone rock was present in the boring results provided. The below is a description of what was actually discovered during the pipe installations at specific borings.

Actual conditions:

Plan Boring B-1 Same as above - correct.

Plan Boring B-2 MH 9D-2 shows auger refusal at 14.5 feet deep. *Actual rock was encountered at 11.5 feet deep. Instead of running 50' each way of MH 9D-2 like I figured about 150' out of MH 9D-1 we encounter rock and it ran all the way to MH 9D-2 (284' long) from 1' deep to the MH at 4' deep (the plan bore was wrong by 3').*

Plan Boring B-3 MH 9D-3 shows boring terminated at 20.5' deep (no refusal), which is 5.5' below the manhole. *We started at MH 9D-2 in rock 4' deep and we stayed in rock 4' deep all the way to manhole 9D-3 (the plan boring was wrong by at least 9' - 10'). This was the last boring provided to me at this point.*

Log Boring B-2 MH 9B-3 boring shows that there is no rock or refusal at elevation 826.5'. *After we figured out that the plan borings were incorrect we dug test holes to see what was actually correct. At MH 9B-3 we dug a test hole and rock was present at 829' (which is wrong by a minimum of 2.5'). The Table #1 Boring B1 that shows refusal at elevation 830', 477' down stream of MH 9B-3 turned out to be the only thing that was correct.*

If Boring Plan B2 & B3 & Log Bore B-2 would have been correct I would have projected rock being steady all the way between MH 9D-3 - MH 9B-3 and the bids would have reflected that change accordingly. Since I was provided with information that lead me to believe rock would not be present, I am asking you for a change order for the following for:

DESCRIPTION	QUANTITY	PRICE	TOTAL
*Blasting	Lump Sum	\$45,000.00	\$45,000.00
*Rock Grinding	480 CY	\$50.00	\$24,000.00

*Invoices can be furnished upon request

Additionally included in our Change Order request is compensation for additional rock bedding material from Sanitary MH 9-B6 to 9-B12. Per the geotechnical reports nearly all reports showed a lean/fat clay material at the flow line of the pipe with a few areas showing "sand and rock mixture" which Linaweaver bid our base rock accordingly(STA 43+00 to 49+00 and STA 54+50 to 58+00). During excavations the majority of the material at the flow line of the pipe was found to be sand. The sand not only presented a problem from a production standpoint but also added additional bedding material (rock) costs.

Most of the boring reports in this project show the water table being in the excavations; however there is a big difference when you mix water with sand versus clay. When water mixes with sand it makes quicksand; especially when digging or constantly moving material, water runs in and there is rarely a solid bottom to the excavation. These conditions present a much more time consuming excavation than laying pipe in Lean/Fat clay. The only way to establish a good foundation for the pipe is to over excavate and fill the pipe bed with a combination of 6" rock and ¾" clean material. The excavations averaged 2.5' to 3.5' foot below pipe which was much deeper than the anticipated 4" to 6" and our ditch width went from 4' wide to 6' wide.

Please see the below is a breakout of additional material cost:

Total ¾" Clean Rock Used from 9D-3 to 9B-3 4377.11 TN (Backfill 1' above pipe)
 Total 6" Bedding Material from 9D-3 to 9B-3 758.24 TN

Originally Bid ¾" Clean Rock 1' above pipe (less 24" pipe)-
 Approx 2500 LF
 2014 TN of ¾" Rock @ 17.00/TN=\$34,238.00
 893 TN of ¾" Rock @ 17.00/TN=\$15,181.00 (Additional Rock figured in bid per Boring Logs)

Actual ¾" of Rock Placed
 ¾" Base Rock= 4378 TN @ 17.00/TN= \$ 74,426.00
Difference= \$74,426.00-\$49,419.00=\$34,238.00

Originally Bid 12" of 6" Base Rock in Sand/Gravel Areas per Boring Logs
 (STA 43+00 to 49+00 and STA 54+50 to 58+00)
 Bid 950' of Trench at = 282 TN @ 27.00/TN= \$7614.00

Actual 12" of 6" Base Rock Placed
 6" Base Rock= 758.24 @ 27.00/TN= \$20,472.48
Difference= \$20472.48 - \$7614.00= \$12,858.48

***Total Additional Rock Costs=\$47,096.48**
 *rock tickets can be furnished upon request

In conclusion Linaweaver Construction, Inc. is requesting additional compensation for the added rock excavations and additional pipe bedding material, please keep in mind that we are only asking for the material, blasting, and grinding costs that we have incurred. Linaweaver Construction, Inc. is willing to bare our additional labor and equipment cost which has doubled compared to our original estimate. We are requesting total compensation of **\$116,096.48** and an additional **60 days** added to our schedule for the delays caused by the AT&T line which was not moved until the 17th of December (5 weeks

Past November 10th NTP) and the balance of additional time requested is time lost dealing with the rock excavation encountered.

Please feel free to contact me with any questions regarding my quantities or explanations regarding this request.

Respectfully,
Mark Linaweaver, Vice President
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