



**City of Baldwin City
Council Meeting Agenda**

**Baldwin City Public Library
800 7th St 7:00 p.m.**

Monday, September 19, 2016

- A. **Call to Order:** Mayor Marilyn Pearse
- B. **Consent Agenda:** *Consent Agenda Items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*
1. Consider the Minutes of the September 06, 2016 Regular Meeting
- C. **Public Comments:** *Members of the public are welcome to comment about any matter relating to City business not listed on this Agenda. Please stand and wait to be recognized by the Mayor. As a general practice, the comments may or may not be acted upon by the Council during the meeting, or the Council may refer the items to staff for follow up.*
- If you wish to comment on an item listed on the Agenda, a sign-up sheet is provided for you to sign in and provide your address. You will be called on when the Agenda item of interest is under discussion by the Council.*
- For all public comments there is a time limit.*
- D. **Special Reports or Presentations**
- E. **Old Business**
1. Utility Building project
- F. **New Business**
1. ValueNet Agreement
 2. Sewer Averaging
 3. Street overlay project 2016



**City of Baldwin City
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Monday, September 19, 2016

G. Committee and/or Commission Reports

1. Budget and Finance/Kathy Gerstner, David Simmons
2. Community Development Committee/Steve Bauer, Tony Brown
3. Public Health and Safety Committee/David Simmons, Kathy Gerstner
4. Public Works Committee/Christi Darnell, Steve Bauer
5. Utilities Committee/ Tony Brown, Christi Darnell

H. City Administrator and Staff comments

I. Council & Mayor Comments

J. Executive Session

K. Adjourn

City of Baldwin City
Minutes from the September 06, 2016
Regular Council Meeting

The Baldwin City Council met in Regular Session at 7:00 p.m. at the Baldwin City Public Library, 800 7th Street, with Mayor Marilyn Pearse presiding.

Present were Council Members: President Kathy Gerstner, Tony Brown, Steve Bauer, Christi Darnell, David Simmons, Glenn Rodden-City Administrator, Laura Hartman-City Clerk. Also attending were Brad Smith, Ed Courton, Bill Winegar, Tina Rakes, Rob Culley, Kenny Oshel, Chris Croucher and Greg Neis.

A. Call to Order:

Mayor Marilyn Pearse called the regular council meeting to order at 7:00 p.m.

B. Consent Agenda:

Kathy Gerstner moved and Christi Darnell seconded to approve the consent agenda as presented. Motion carried with a vote of 5 yes and 0 no.

C. Public Comments:

David Hogg spoke on behalf of the Douglas County Emergency Management in regards to National Preparedness Month.

D. Special Reports or Presentations:

Dave Hill thanked Council members for the monetary contribution to the Economic Development Corporation. Hank Booth spoke on behalf of the Economic Development Corporation about Business Development. Hank handed out a letter with signatures of support for "Buy Baldwin City 1st" encouraging the City, USD 348 and Baker University to put in a place a policy that encourages local spending, protects jobs and supports funding for public service and education. Hank stated he has been working well with the Chamber of Commerce, Interim Director, Jeannette Blackmar on several projects.

E. Old Business

Ordinance 1349 Uniform Public Offense Code 2016: David Simmons moved and Kathy Gerstner seconded to approve Ordinance 1349 Uniform Public Offense Code 2016. Motion carried with 5 ayes and 0 nays'. Tony Brown-aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Ordinance 1350 Standard Traffic Ordinance 2016: David Simmons moved and Kathy Gerstner seconded to approve Ordinance 1350 Standard Traffic Ordinance 2016. Motion carried with 5 ayes and 0 nays'. Tony Brown-aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Ordinance 1347 Amending levying sales tax : Kathy Gerstner moved and Christi Darnell seconded to approve Ordinance 1347 Amending levying sales tax. Motion carried with 4 ayes and 1 nay. Tony Brown-nay, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Ordinance 1351 Personnel Rules and Regulations : Steve Bauer moved and Kathy Gerstner seconded to approve Ordinance 1351 Personnel Rules and Regulations. Motion carried with 5 ayes and 0 nays'. Tony Brown-aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

Ordinance 1352 Wholesale Water Rate : Brad Smith explained the changes to the wholesale water rates and how the water rates with Wellsville will work going forward. Christi Darnell moved and Tony Brown seconded to approve Ordinance 1352 Wholesale Water Rate. Motion carried with 5 ayes and 0 nays'. Tony Brown-aye, Kathy Gerstner-aye, Steve Bauer-aye, David Simmons-aye, Christi Darnell-aye.

F. New Business:

Mutual Aid Agreement: Terry Baker was present to explain the mutual aid agreement and what this agreement would mean for both Baldwin City and Wellsville. Steve Bauer moved and Kathy Gerstner seconded to approve Mutual Aid Agreement with Wellsville for fire service. Motion carried 5 yes and 0 no.

Tree Board Appointment: Mayor Pearse appointed Erik Bailey to the Tree Board. Tony Brown moved and Christi Darnell seconded to approve the appointment of Erik Bailey to the Tree Board. Motion carried with a vote of 5 yes and 0 no.

Community Garden Lease Agreement: Kathy Gerstner moved and Tony Brown seconded to authorize Glenn Rodden to sign the Community Garden Lease Agreement. Motion carried with a vote of 5 yes and 0 no.

Santa Fe Trail Historical Society Lease: Kathy Gerstner moved and Christi Darnell seconded to approve the Santa Fe Trail Historical Society Lease with the amended to read 3 (three) years. Motion carried with a vote of 5 yes and 0 no.

G. Committee Reports:

Budget and Finance- No report

Community Development Committee- The committee will meet next Wednesday @ Library at 7:00 p.m.

Public Health and Safety Committee- Committee met talked about traffic ordinance and uniform personnel offense code.

Public Works Committee- no report

Utilities Committee- The committee will meet this Thursday at 7:00 a.m. @ Public Works

H. City Administrator and Staff Comments:

Brad was present to answer question regarding the financial report. The Council is receiving two reports and will no longer have a scheduled claims reports under the consent agenda. Council had no questions. Brad shared information about the Credit Card change and informed Council about the utility bill folding machine that will be purchased. This will also be an avenue for communication to get out to patrons.

Terry Baker said October 1, 2016 is Open House for the Fire Department. Terry said all the money being raised is going toward USD 348 fire safety training for students. Terry also added the CPR classes done so far are currently at 450. The fire department offers free CPR and First Aid courses to Baldwin City residents. The department raised more funds than ever for Muscular Dystrophy.

I. Adjourn

Kathy Gerstner moved and Christi Darnell seconded to adjourn the regular meeting. Motion carried with a vote of 5 yes and 0 no. Time 8:20 p.m.

Approved by the governing board on _____, 2016.

Attest:

Laura E. Hartman, City Clerk

RESOLUTION NO. 2016-18

A RESOLUTION AUTHORIZING AND PROVIDING FOR THE CONSTRUCTION OF A PUBLIC UTILITIES BUILDING, A PUBLIC BUILDING IN THE CITY OF BALDWIN CITY, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF

WHEREAS, under Charter Ordinance No. 19 of the City of Baldwin City, Kansas (the "City") (enacted pursuant to the provisions of Section 5(c) of Article 12 of the Constitution of the State of Kansas) and K.S.A. 12-101 *et seq.* (jointly, the "Act"), for the purpose of paying (a) (i) for any bridge, viaduct, public building, street and sidewalk, and the land necessary therefor, (ii) for lands for public parks and recreation facilities and for developing and constructing parks and recreation facilities, within or without the City, (iii) for the establishment and construction of crematories, desiccating or reduction works, including the land necessary therefor, within or without the City, or (iv) for the improvement, repair or extension of any waterworks, sewage disposal plant, electric light plant, crematory, desiccating or reduction works or other public utility plant owned by the City, and (b) for rebuilding, adding to or extending the structures, buildings and facilities described in sub-section (a) hereof, from time to time, as the necessities of the City may require, the City may borrow money and issue its bonds for the same; and

WHEREAS, the governing body of the City determines it necessary to construct a public utilities building in and to serve the City (the "Improvements"); and

WHEREAS, the cost of the Improvements, including associated financing costs, are to be paid by the City-at-large and the governing body determines it necessary to provide for the payment of the costs of the Improvements, all as provided by the Act.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BALDWIN CITY, KANSAS:

SECTION 1. Improvements Authorization. It is hereby authorized, ordered and directed that the Improvements be undertaken under the provisions of the Act.

SECTION 2. Bond Authorization. The estimated cost of the Improvements, including associated financing costs, are in excess of \$3,200,000, all of which shall be chargeable to the City at large, and is authorized and directed to be paid by the issuance of general obligation bonds of the City (the "Bonds") in an amount of not to exceed \$3,200,000, under the provisions of the Act. Said Bonds shall be issued by the City at a later date and may be combined with any other general obligation bonds to be issued by the City as may be determined by the governing body to be in the best interests of the City.

SECTION 3. Reimbursement. The Bonds authorized pursuant to this Resolution are authorized to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation §1.150-2.

SECTION 4. Effective Date. This Resolution shall take effect and be in force from and after its adoption.

ADOPTED by the governing body on September 19, 2016.

(SEAL)

ATTEST:

Mayor

Clerk

AGREEMENT

THIS AGREEMENT ("**Agreement**"), is entered into this ____ day of _____, 2016 (the "**Effective Date**"), by and between the City of Baldwin City, Kansas (the "**City**") and Valu-Net, LLC, a Kansas limited liability company ("**Valu-Net**").

WHEREAS, On March 20, 2013 the State Corporation Commission issued an Order Approving Video Service Authorization to Valu-Net for services to be provided in the City of Emporia, Kansas; and

WHEREAS, On August 30, 2016 the State Corporation Commission issued an Order Approving Video Service Authorization expanding the area to be served by Valu-Net to include the City of Baldwin City, Kansas; and

WHEREAS, K.S.A. 12-2024 provides that the City and Valu-Net shall enter into a video services agreement.

NOW, THEREFORE, in consideration of the following covenants, terms and conditions, and other good and valuable consideration the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Valu-Net may be contacted by the City at the following:

Valu-Net, LLC
2914 West Highway 50, Ste A
Emporia KS 66801
(620)208-5001.

2. Valu-Net agrees to provide the City, in writing, within 30 days in the event that such contact information changes.

3. Valu-Net LLC shall be granted non-exclusive use of the Public Rights of Way and City utility easements. Valu-Net agrees to comply with all local right-of-way ordinances, to the extent that the ordinance is applicable to Valu-Net and not contrary to state and federal laws and regulations. Valu-Net hereby reserves the right to challenge the lawfulness or applicability of such ordinance.

4. Valu-Net LLC agrees to pay a video services provider fee (based on video revenues) to the City of Emporia of 5% of gross revenues as defined by K.S.A. 12-2024. Such fee shall be due on a quarterly basis and remitted to the municipality not later than 45 days after the end of the quarter. Collection of the fee shall begin on the date video services are first provided and billed to end user customers within the City of Emporia. The municipality may perform a reasonable audit of the video service provider's calculation of the fee no more than once per year.

5. The City shall be granted access via designated channel(s) for an Education channel and for a Government channel. The City is responsible for operation of the channels and delivery of the signal to Valu-Net. Valu-Net is only responsible for transmission of the channels as part of its video service. The City and Valu-Net shall confer regarding the scope and timing of implementing PEG channels.

6. Valu-Net shall provide process for providing an emergency public safety messages over the emergency broadcast system consistent with Federal regulations. The parties shall confer regarding the scope and timing of implementing the Emergency Alert function.

7. This Agreement may be reopened to address changes in technology, regulations, laws or court decisions which affect a material provision of the Agreement. Either party may assert a material change in circumstances thus triggering a renegotiation of this Agreement due to: a) court or regulatory decision; b) state or federal legislation; c) future needs of the community; or d) changes in the competitive environment. If a party determines that grounds exist to reopen the Agreement, then that party shall notify the other party in writing and present a proposed modification such material change in circumstances.

8. Valu-Net is granted non-exclusive use of City utility easements in Public Rights of Way. Nothing in this Agreement shall (A) abrogate the right of the City to perform any public works or public improvements of any description, (B) be construed as a waiver of any codes or ordinances of general applicability promulgated by the City, or (C) be construed as a waiver or release of the rights of the City in and to the Public Rights of Way.

9. The parties to the Agreement agree to comply with: (a) the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer."

10. This term of this Agreement shall continue in perpetuity; subject, however, to Section 7.

11. By entering into this agreement, neither the City nor Valu-Net waive any rights, but instead expressly reserve any and all rights, remedies and arguments the City or Valu-Net may have at law or equity, without limitation, to argue, assert and/or take any position as to the legality or appropriateness of any present or future laws, ordinances and/or rulings.

IN WITNESS WHEREOF, the parties hereto have set their hands of the day and year last above written.

Valu-Net, LLC

City of Baldwin City, Kansas

Richard L. Tidwell
President

Marilyn Pearse, Mayor

Attest:

Laura Hartman, City Clerk

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Application of)
Valu-Net, LLC Filing for Kansas) Docket No. 13-VNLT-556-VSA
Video Service Authorization.)

ORDER APPROVING VIDEO SERVICE AUTHORIZATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On August 9, 2016, Valu-Net, LLC (Valu-Net) filed an Amended Application (Application) for state-issued Video Service Authorization (VSA), as authorized by K.S.A. 2015 Supp. 12-2023 and K.A.R. 82-15-1.

2. K.S.A. 2015 Supp. 12-2023 authorizes the Commission to review applications for those entities desiring to provide cable or video services within the State of Kansas. At pages 1 and 2 of its Report and Recommendation attached to this Order, the Commission Staff (Staff) sets forth in detail the showings applicants must make with regard to applications for video service authorization, and the same are adopted herein by reference. Upon an applicant meeting all application requirements, the Commission will issue the requested VSA.

3. The Commission Staff (Staff) reviewed Valu-Net's Amended Application and on August 24, 2016, filed its Report and Recommendation dated August 22, 2016, recommending approval of Valu-Net's Application requesting authorization to serve the City of Baldwin City, Kansas. Staff indicates that in accordance with K.S.A. 2015 Supp. 12-2023(a), Commission action in this matter is required not later than Thursday, September 8, 2016.

4. Staff's Report and Recommendation confirms that Valu-Net is properly registered with the Kansas Secretary of State's office as a Kansas limited liability company and that the company's status with the Secretary's office is *active and in good standing*. Staff indicates that Valu-Net's principal place of business is 2914 West Highway 50, Suite A, Emporia, Kansas.

5. According to Staff, Valu-Net is properly registered with the Federal Communications Commission (FCC) for its proposed service area and has provided the following Community Unit Identification (CUID) information:

<u>Community Served:</u>	<u>CUID#:</u>
The City of Baldwin City, Kansas	KS0833

By initialing, Valu-Net has agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered.¹

6. Staff indicates that an electronic version of Valu-Net's service area description has been provided electronically in a format compatible with the Commission's mapping system. For ease of future reference, Staff identifies Valu-Net's proposed service area footprint as Baldwin City, BLDW-02-VNLT-02.

7. The Commission concurs with Staff's analysis and recommendation contained in its August 22, 2016 Report and Recommendation, which is attached hereto and incorporated herein, and finds that Valu-Net's Application should be granted approving the company's requested amendment to its service area footprint to include the City of Baldwin City, Kansas.

¹ Initial Application, Item #5.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Valu-Net, LLC requesting state-issued Video Service Authorization is hereby granted and the requested additional service area footprint including the City of Baldwin City, Kansas, to be identified and known as Baldwin City, BLDW-02-VNLT-02, is hereby approved. The Video Service Authorization granted herein shall become effective as of the date of this Order.


B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 30 2016


Amy L. Green
Secretary to the Commission

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Order Mailed Date

AUG 31 2016

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Jay Scott Emler
Commissioner Shari Feist Albrecht
Commissioner Pat Apple

FROM: Kelly Mabon, Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: August 22, 2016

SUBJECT: Docket No. 13-VNLT-556-VSA
In the Matter of the Application of Valu-Net LLC Filing for Kansas Video Service Authorization.

EXECUTIVE SUMMARY:

On August 9, 2016, Valu-Net, LLC (Valu-Net) filed an Amended Application for state-issued Video Service Authorization, as authorized by K.S.A. 12-2023 and K.A.R. 82-15-1. Staff recommends approval of this Application.

BACKGROUND:

The Applicant has previously been granted state-issued video service authorization in one service area (footprint). This amended filing seeks additional authority, specifically, the city of Baldwin City, Kansas.

Per K.S.A. 12-2023(a), Commission action in this matter is required not later than **Thursday, September 8, 2016.**

K.S.A. 12-2023 gives the Commission the authority to review applications for those entities who desire to provide cable service or video service in the state of Kansas.

The Commission must review an application for a video service authorization (VSA) to determine whether:

- 1) The applicant identified the location of its principal place of business and the names of its principal executive officers;
- 2) The applicant has filed or will file all forms required by the Federal Communications Commission (FCC) before offering video service in Kansas;
- 3) The applicant has agreed to comply with all applicable federal and state statutes and regulations;
- 4) The applicant has agreed to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of the video service, including the police powers of the municipalities in which the service is delivered; and
- 5) The applicant has described the service area footprint to be served within Kansas and provided the period of time, not to exceed five years, in which the applicant will be capable of providing video service to all households in the service area footprint, and a general description of the type or types of technologies the applicant will use to provide the video programming.

These showings by the applicant are to be made in the form of an affidavit signed by an officer or general partner of the applicant. Upon proper showing, the Commission shall approve the VSA.

ANALYSIS:

The Applicant has identified its principal place of business as 2914 West Highway 50, Ste. A, Emporia, Kansas.

The Applicant is properly registered with the Kansas Secretary of State's office as a Kansas Limited Liability Corporation. Its current status with the Secretary's office is Active and in Good Standing.

The Applicant states they are properly registered with the FCC for their proposed service area and provided the following Community Unit Identification (CUID) information:

<u>Community Served</u>	<u>CUID#</u>
Baldwin City	KS0833

By initialing, the Applicant has previously¹ agreed to comply with all applicable federal and state statutes and regulations and agrees to comply with all lawful and applicable municipal regulations regarding the use and occupation of public rights-of-way in the delivery of video services, including the police powers of the municipalities in which the service is delivered. (Application item #5).

The Applicant is proposing additional service area of Baldwin City, Kansas, and has provided a legal description of the footprint.

An electronic version of this description, with precise boundary information, is included with the Application in a format compatible with the Commission's mapping system.

For ease of future reference, Staff is identifying² the proposed service area footprint as follows: Baldwin City, BLDW-02-VNLT-02.

RECOMMENDATION:

Staff recommends Commission approval of Valu-Net's Application with its additional service area footprint to be identified and known as Baldwin City, BLDW-02-VNLT-02.

1. Applicant's initial filing in this Docket, dated 4-3-2013.

2. For ease of future referencing, staff assigns a four field footprint number using the following convention: ABCD-xx-EFGH-yy, where ABCD is the four character abbreviation of the major city encompassed by the service area, xx is a two digit sequentially assigned number of the provider's service areas, EFGH is the four alpha character company code and yy indicating the version of the company's footprint where 01 is the initial version, 02 the first revision, etc.

CERTIFICATE OF SERVICE

13-VNLT-556-VSA

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on AUG 30 2016.

OTTO NEWTON, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

RICHARD LEE TIDWELL, MANAGING PARTNER
VALU-NET LLC
2914 W HWY 50 STE A
EMPORIA, KS 66801-5394
rick@myvalunet.com

/s/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
AUG 31 2016



INVITATION TO BID

2016 STREET IMPROVEMENTS

**CITY OF BALDWIN CITY
P.O. BOX 86
BALDWIN CITY, KANSAS 66006
PHONE 785-594-6907**

You are invited to bid on a single general contract for asphalt paving. The work will consist of a 2 inch overlay on existing streets. The City will receive sealed bids until 10:00 AM. Tuesday, September 13th 2016 at the office of, The Baldwin City Public Works, 609 High Street, P.O. Box 86, Baldwin City, Kansas 66006. All interested parties are invited to attend. Bids received after this time will not be accepted. Bids will be opened publicly and read aloud.

Copies of the specifications, prepared by the City, may be obtained at the Public Works office, 609 High Street, Baldwin City, Kansas. Any questions concerning this project should be addressed to Bill Winegar, Director of Public Works, and 785-594-6907. The City reserves the right to reject any or all bids and to waive any irregularities in bidding. Federal and State laws supersede any conflicting part of this specification.

Bill Winegar
Director of Public Works

PROJECT REQUIREMENTS

1. GENERAL

When so specified in this section, materials, equipment and construction shall conform to the latest edition of the Standard Specifications for State Road and Bridge construction as published by the Kansas Department of Transportation, hereinafter referred to as the "Standard Specifications." Construction of bituminous mat base course and surfacing consists of laying a hot, plant-mixed bituminous paving mixture of designated thickness. Materials shall be heated and mixed in a central plant and shall be hot when laid and compacted. Equipment shall be a standard type suitable for the purpose and subject to approval.

2. PREPARATION OF SUBGRADE AND BASE

Preparation of the sub-grade shall be performed by and will be the responsibility of the City. However, any defects in preparation of sub-grade detected by the contractor prior to paving shall be brought to the attention of the City.

3. SWEEPING

Contractor shall be responsible for sweeping the pavement to be overlaid to ensure that the pavement is substantially free of dirt and foreign material that would affect or prevent bonding of asphalt pavement to the base.

4. TACK COAT

Prior to placing any bituminous mat course, the pavement shall receive a bituminous tack coat. Emulsified Asphalt (SS-1H) applied at a rate of .03 gallons per square yard. Equipment and materials shall conform to the "Standard Specifications

5. BITUMINOUS MIXTURE AND MATERIALS

Materials shall conform to requirements of the "Standard Specifications" and shall be approved by the City's representative. This approval will be based on the following conditions:

- All materials shall be furnished by recognized producers.
- The hot mix plant shall be of a recognized type.
- The mixture produced shall be a commercial mixture in general use in the area that has a satisfactory service record.
- The mixture shall be workable and capable of being spread without tearing and flushing.
- The mixture shall be HMA-Commercial Grade Class A Surface.
- The Contractor may use a blend of new materials in combination with a maximum of 10% reclaimed asphalt pavement (RAP).

6. CERTIFICATIONS

Contractor may be required to furnish the City with copies of all Certifications for all bituminous materials and/or gradation reports for all aggregates used in bituminous mixture.

7. TRANSPORTATION AND DELIVERY

Transport mixture from plant to point of use in pneumatic tired vehicles having tight bodies previously cleaned of all foreign materials. Inside surface of each vehicle may be lubricated lightly with a thin soap solution prior to loading, excessive use of lubricant or use of gasoline, kerosene, or similar products will not be permitted. Material shall be weighed then delivered and dumped into the hopper of a self-propelled power machine for placing and spreading of material as specified. During transportation of hot bituminous mixtures from remote central mixing plant to point of usage and placement on the prepared sub-grade or base course, provide trucks with tarpaulin covers or other adequate protection to prevent undue loss of heat. In any case, temperature of mixture at time of placement shall be no less than 275 degrees F.

8. PLACING HOT BITUMINIOUS MIXTURE

Place bituminous mixture in layers of not more than 2 inches compacted thickness having a combined thickness as described for individual streets. Equipment for spreading, shaping and finishing bituminous paving mixture shall consist of an approved self-contained power machine utilizing an internal electronic automatic control system and suitably equipped and operated to obtain a finished course of proper depth, grade and surface. Mixture shall be placed in strips approximately 10 feet wide but may be more or less as agreed upon by the Contractor and City as field conditions dictate. Where use of spreading machine is impractical, mixture may be spread by hand using appropriate equipment and hand tools into a loose layer of such depth that, when compacted, it will finish at required grade and thickness.

9. COMPACTION OF BITUMINOUS MIXTURES

Compact bituminous base and surface in accordance with the requirements specified in the “Standard Specifications.”

10. JOINTS

All joints shall present the same texture, density and smoothness as other sections of the course. Placing of any course shall be as continuous as possible. Pass rollers over unprotected end of freshly laid mixture only when lying of course is to be discontinued. In such cases, make provisions for proper bond by cutting back the joint to expose an even, vertical surface for full thickness of the course. Exposed edges shall be given a light tack coat. Rake fresh mixture against joints, tamp and roll.

11. MILLING

Milling shall be performed in accordance with the requirements specified in the “Standard Specifications.” RAP is the property of the owner and shall be delivered and stockpiled at a location within the City. Mill to a depth of not more than 2 inches at the gutter lines, drive ways and intersections as necessary. Maintain a minimum 2 percent cross slope. Milling shall be subsidiary to the unit price for asphalt overlay.

12. TRAFFIC CONTROL

Contractor shall provide adequate signage and flaggers as necessary during construction. The contractor will coordinate with the City’s representative a traffic control plan for temporary road closures and maintaining access to businesses and residential property. Contractor shall notify property owners 24 hours in advance of beginning work.

13. PAVING FABRIC

This work shall consist of furnishing and placing an asphalt overlay geotextile (paving fabric) beneath a pavement overlay or between pavement layers to provide a water-resistant membrane and crack-retarding layer.

Paving Fabric: The paving fabric will be a staple fiber, needle-punched, nonwoven material consisting of at least 85 percent by weight polyolefins, polyesters or polyamides. The paving fabric shall be resistant to chemical attack, rot and mildew and shall have no tears or defects that will adversely alter its physical properties. The fabric shall be specifically designed for pavement applications and be heat-set on one side to reduce bleed-through of tack coat and to minimize fabric pick-up by construction equipment during installation. The fabric shall meet the physical requirements of Petromat 4598, or approved equal and installed to manufactures specifications.

Paving fabric will not be required for this project.

INSTRUCTIONS TO BIDDERS

1. DEFINED TERMS

The term "City" shall refer to the City of Baldwin City; "Bidder" refers to one who submits a Bid directly to the City; "Contractor" or "Successful Bidder" refers to the lowest, qualified, responsible and responsive Bidder to whom the City makes an award.

2. COPIES OF BIDDING DOCUMENTS

Complete copies of bidding documents may be obtained as provided for in the invitation to bid.

3. EXAMINATION OF DOCUMENTS AND SITES

It is the responsibility of each Bidder before submitting a bid to: examine the specifications thoroughly, visit the site and become familiar with local conditions that may affect the cost, progress, performance of the work, study and carefully correlate Bidders observations within the specifications.

4. INTERPRETATIONS AND ADDENDA

All questions about the meaning or intent of the specifications are to be directed to the Director of Public Works. Only questions answered by formal written Addenda will be binding.

5. BID SECURITY

No bid security is required for this project.

6. INSURANCE

The Contractor shall purchase and maintain throughout the duration of this contract such types of insurance in such amounts as may be necessary to protect himself and the interests of the City. No work shall be started until the contractor has furnished the City with the required insurance certificates.

7. CONTRACT TIME

The time period established by the City to commence and complete operation shall be 45 days from issued notice to proceed. The City when requested in writing by the Contractor may grant extensions needed due to adverse weather conditions.

8. TAX EXEMPTION CERTIFICATES

The City will furnish the Contractor with form STD-74, Kansas Department of Revenue, Division of Taxation, Exemption Certificate, prior to commencing paving. Contractor will furnish City with form STD-77, State of Kansas Project Completion Certificate, upon completion of the project and prior to final payment.

9. BASIS OF PAYMENT

Quantities listed in the Bid are not guaranteed and are indicated only for convenience in comparing bids. Payment will be made for actual quantities constructed or installed, be they more or less than those listed. Payment shall be made on the day following the next regular council meeting after invoice is received. Invoices should be received by Tuesday before said meeting. Meetings are held on the first and third Mondays of the month. The City reserves the right to confirm all quantities and shall be furnished copies of all tickets or invoices.

10. BID FORM

The Bid Form is included with these documents. All blanks on the Bid form must be completed in ink or typewriter. Bids by corporations must be executed in the corporate name by the president or other officer and the corporate seal must be affixed and attested by the secretary. Bids by partnerships must be executed in the partnership name and

signed by a partner, whose title must appear under the signature and the official address of the partnership must be shown below the signature. All names must be typed or printed below the signatures. The address and telephone number for communications regarding the Bid must be shown.

11. SUBMISSION OF BIDS

Bids shall be submitted at the time and place indicated in the Invitation to Bid and shall be enclosed in an opaque sealed envelope, marked with the Project Title and name and address of Bidder and accompanied by any and all documents. If the Bid is sent through the mail or other delivery system the sealed envelope shall be enclosed in a separate envelope with the notation "Bid Enclosed" on the face.

12. MODIFICATION AND WITHDRAWAL OF BIDS

Bids may be modified or withdrawn by an appropriate document duly executed and delivered to the place where Bids are to be submitted at any time prior to the opening of the Bids.

13. OPENING OF BIDS

Bids will be opened and read aloud publicly. An abstract of the amounts of the base bids will be made available to Bidders after the opening of the Bids.

14. BIDS TO REMAIN SUBJECT TO ACCEPTANCE

All Bids will remain subject to acceptance for ten days after the day of the opening. The City may, in its sole discretion, release any Bid prior to that date.

15. AWARD OF CONTRACT

The City reserves the right to reject any and/or all Bids, to waive any and all informalities not involving price, time or changes in the work and to negotiate contract terms with the successful bidder and the right to disregard all non-conforming, non-responsive, unbalance of conditional Bids. The City reserves the right to reject the Bid of any bidder if the City believes that it would not be in the best interest of the project, to make an award to that Bidder, whether because the Bid is not responsive or Bidder is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the City. Discrepancies in the multiplication of units or work and unit prices will be resolved in favor of the unit prices. Discrepancies between the indicated sum of any column of figures and the correct sum thereof will be resolved in favor of the correct sum. If the Contract is to be awarded, it will be awarded to the lowest Bidder whose evaluation by the City indicates to the City that the award will be in the best interests of the project. The City will give the successful Bidder a notice of award within ten days after the day of Bid opening.

16. RETAINAGE

Retainage shall be in the amount of 5% of the total Bid price, including any change orders, and shall be paid after final inspection by the City's representative and approval by the Governing body.

**BID FORM
2016 STREET IMPROVEMENTS
BALDWIN CITY, KANSAS**

The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into agreement with the City of Baldwin City in the form included in these documents, to perform and furnish all work as specified or indicated herein for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents. Bidder accepts all of the terms and conditions for the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for ten days after the day of Bid opening.

In submitting this Bid, Bidder represents, as more fully set forth, that:

- a. Bidder has familiarized itself with the nature and extent of the documents, work, site, locality and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the work.
- b. Bidder has examined copies of all the Bidding Documents.
- c. Bidder has reviewed and checked all information and data shown or indicated with respect to the work.
- d. Bidder has correlated the results of all observation, examinations, investigation, reports and studies with the terms and conditions contained herein.
- e. Bidder has given City written notice of all conflicts, errors or discrepancies that it has discovered in the specifications and the written resolution thereof by the City's representative and is acceptable to the Bidder.
- f. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm of corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation.
- g. Bidder has not directly or indirectly solicited or induced any other Bidder to submit a false or sham bid, or any firm or corporation to refrain from bidding.
- h. Bidder has not sought by collusion to obtain for itself any advantage over any other Bidder or over the City.

**Bidder will complete the work as follows:
Asphalt Overlay 2 inch**

Quantity

Baker St	200 thru 500 Block	389 Tons
Chapel St	100, 200, 500 Block	369 Tons
Dearborn Cir.	East 100 Block	159 Tons
Dearborn St.	100 thru 500 Block	637 Tons
Elm St.	100 thru 500 Block	591 Tons
Grove St	400 and 500 Block	140 Tons

Total Tons

2,285 Tons

Bidder agrees that the work will be substantially complete within 45 calendar days after the date when the contract time commences, as provided in the Instructions to Bidders. The undersigned proposes and agrees to furnish all labor, materials and equipment necessary to complete the work described.

ASPHALT OVERLAY

2 inch overlay

10% maximum RAP

<u>TONS</u>	<u>UNIT PRICE</u>	<u>EXTENDED</u>
<u>2,285</u>	_____	_____

Communications concerning this bid shall be addressed to:

NAME: _____

ADDRESS: _____

PHONE: _____

SUBMITTED ON: _____

SIGNED BY: _____

DBA: _____

TITLE: _____

(Seal)
SECRETARY: _____

ACCEPTANCE OF BID

The above and/or attached prices, specifications and conditions are satisfactory and are hereby accepted.

THE CITY OF BALDWIN CITY

BY: _____
Public Works Director

City Clerk

Date