

MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 17, 2007
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 16 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Phillips proclaimed July 26-28, 2007, *Fair and Rodeo Days*. Char Henton, Secretary, Kaw Valley Rodeo Association, was present to receive the proclamation.

COMMISSIONER COMMENTS

City Manager Ron Fehr informed residents that the Federal Emergency Management Agency (FEMA) has announced the registration deadline for individuals to register for federal disaster assistance resulting from the storms of May 4 – June 1, 2007, is August 6, 2007. He encouraged those affected to contact FEMA at 1-800-621-FEMA or register online at www.fema.gov. He said the FEMA Media Advisory would be on the City's web site for citizens to view.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held on Tuesday, June 29, 2007, and the Regular City Commission Meeting held Tuesday, July 3, 2007.

CLAIMS REGISTER NO. 2595

The Commission approved Claims Register No. 2595 authorizing and approving the payment of claims from June 27, 2007, to July 10, 2007, in the amount of \$5,406,025.36.

FINAL PLAT – UNIVERSITY HEIGHTS ADDITION, UNIT NINE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of University Heights Addition, Unit Nine, generally located southwest of the intersection of Yale Circle and Amherst Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6635 – ADOPT – 2006 INTERNATIONAL FIRE CODE

The Commission approved Ordinance No. 6635 adopting the 2006 edition of the International Fire Code and amending Chapter 13 of the Code of Ordinances, relating to standards of fire prevention.

ORDINANCE NO. 6636 – ADOPT – 2006 INTERNATIONAL BUILDING CODE

The Commission approved Ordinance No. 6636 adopting the 2006 edition of the International Building Code and amending various sections of Chapter 8, Article III of the Code of Ordinances, pertaining to buildings and building regulation.

ORDINANCE NO. 6637 – ADOPT – 2006 INTERNATIONAL MECHANICAL CODE

The Commission approved Ordinance No. 6637 adopting the 2006 edition of the International Mechanical Code and amending various sections Chapter 8, Article VII of the Code of Ordinances, regulating all mechanical work performed within the city.

ORDINANCE NO. 6638 – ADOPT – 2006 INTERNATIONAL PLUMBING CODE

The Commission approved Ordinance No. 6638 adopting the 2006 edition of the International Plumbing Code and amending various sections of Chapter 8, Article V of the Code of Ordinances, regulating all plumbing work within the city.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6639 – ADOPT – 2006 INTERNATIONAL FUEL GAS CODE

The Commission approved Ordinance No. 6639 adopting the 2006 edition of the International Fuel Gas Code and amending various sections of Chapter 8, Article VI of the Code of Ordinances, pertaining to fuel gas work performed within the city.

ORDINANCE NO. 6640 – ADOPT – 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

The Commission approved Ordinance No. 6640 adopting the 2006 edition of the International Property Maintenance Code and amending various sections of Chapter 8, Article VIII of the Code of Ordinances, regulating structures.

ORDINANCE NO. 6641 – ADOPT – 2006 INTERNATIONAL RESIDENTIAL CODE

The Commission approved Ordinance No. 6641 adopting the 2006 edition of the International Residential Code and amending various sections of Chapter 8, Article X of the Code of Ordinances, pertaining to buildings and structures.

ORDINANCE NO. 6642 – 2006 INTERNATIONAL EXISTING BUILDINGS CODE

The Commission approved Ordinance No. 6642 adopting the 2006 edition of the International Existing Buildings Code and amending various sections of Chapter 8, Article XII of the Code of Ordinances, pertaining to the regulations for existing buildings.

ORDINANCE NO. 6643 – ADOPT – 2005 NATIONAL ELECTRICAL CODE

The Commission approved Ordinance No. 6643 adopting the National Electrical Code, 2005 edition, and amending Chapter 8, Article IV of the Code of Ordinances, pertaining to the installation of electrical wiring and apparatus.

ORDINANCE NO. 6644 – AMEND – GENERAL CONTRACTORS LICENSE REQUIREMENTS

The Commission approved Ordinance No. 6644 amending Chapter 8, Article I of the Code of Ordinances, pertaining to the requirement for the licensing of a general contractor.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6645 – LEVY – SPECIAL ASSESSMENTS – GOB 2007C

The Commission approved Ordinance No. 6645 levying special assessments against the benefiting property in the following six (6) public improvement districts: *Lee Mill Heights Addition, Unit Two – Street (ST0509); Abbott Acres Addition – Street (ST0605); Hylton Heights Road – Street (ST0504); Miller Ranch Addition, Unit Three, Phase One – Street (ST0521); and Kimball Townhomes – Sanitary Sewer (SS0609) and Water (WA0621).*

ORDINANCE NO. 6647 – NO PARKING – KNOX CIRCLE

The Commission approved Ordinance No. 6647 designating “No Parking” along a portion of Knox Circle.

FIRST READING – NO PARKING – WALTERS DRIVE

The Commission approved first reading of an ordinance designating “No Parking” along the north side of Walters Drive from Butterfield Road to Brookville West Drive.

FIRST READING – RENAME – HERITAGE SOUTH ROAD AND HERITAGE SQUARE DRIVE

The Commission approved first reading of an ordinance renaming Heritage South Road to South Port Road, and renaming Heritage Square Drive to South Port Drive, both streets being located in Heritage Square South PUD Addition, approximately 3,600 feet east of the Big Blue River.

FIRST READING – FIRST AMENDMENT – KDHE REVOLVING LOAN

The Commission approved the first reading of an ordinance authorizing the execution of a first amendment to the loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Loan Fund for the purpose of increasing the loan amount to fund the engineering phase of the Wastewater Treatment Plant Expansion and Upgrade Project (SP0705).

FIRST READING – REVISE – SCHOOL ZONES; DESIGNATE - LOADING AND BUS LOADING ZONES

The Commission approved first reading of an ordinance revising the times of the school zones and new designated locations of bus loading and loading zones.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 071707-A – APPLICATION – KANSAS SAFE ROUTES TO SCHOOL GRANT

The Commission approved Resolution No. 071707-A, allowing City Administration to submit an application for a Kansas Safe Routes to School Grant.

AWARD CONTRACT – MILLER RANCH ADDITION, UNIT 3, PHASE 2 – WATER (WA0612) AND SANITARY SEWER (SS0610) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$404,000.00 and awarded a construction contract in the amount of \$402,433.20 to the low bidder, Meadows Construction, Inc., of Tonganoxie, Kansas, for the Miller Ranch Addition, Unit 3, Phase 2, Water (WA0612) and Sanitary Sewer (SS0610) Improvements.

AWARD CONTRACT – CARLSON STREET CUL-DE-SAC EXPANSION PROJECT (ST0628)

The Commission accepted the Engineer's Estimate in the amount of \$47,753.20 and awarded a contract in the amount of \$42,105.00 to Larson Construction Company, Inc., of Manhattan, Kansas, with the total cost for construction being split between Dave Dreiling, owner of GTM, and Pottawatomie County for the Carlson Street cul-de-sac Expansion Project (ST0628).

* **AWARD CONTRACT – LIMEY POINTE-MCCALL ROAD – STREET IMPROVEMENTS (ST0627)**

Ron Fehr, City Manager, answered questions from the Commission.

The Commission accepted the Engineer's Estimate in the amount of \$549,364.75; rejected all bids; accepted the negotiated price of \$549,364.75; and awarded a construction contract in the amount of \$549,364.75 to Pavers, Inc., of Salina, Kansas, for the Limey Pointe-McCall Road Street Improvements (ST0627).

AWARD CONTRACT – 2007 STREET MAINTENANCE ASPHALT OVERLAY-NOVA CHIP (ST0707)

The Commission accepted the quote in the amount of \$90,201.40 and awarded a contract in the amount of \$90,201.40 to Shilling Construction Company, Inc., of Manhattan, Kansas, for the 2007 Street Maintenance Asphalt Overlay-Nova Chip (ST0707).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – WASTEWATER TREATMENT PLANT ELECTRICAL EQUIPMENT REPLACEMENT PROJECT (SS0608)

The Commission accepted the Engineer's Estimate in the amount of \$714,100.00 and awarded a contract in the amount of \$640,000.00 to Mid-American Water & Plumbing, Inc., of Manhattan, Kansas, for the Wastewater Treatment Plant Electrical Equipment Replacement Project (SS0608).

AGREEMENT – USD 383 – SCHOOL BUS USE

The Commission approved an agreement with USD 383 for a three-year period for the use of school buses.

* AGREEMENT – DONATION OF LAND – WARNER PARK

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission.

The Commission approved the agreement between the City of Manhattan and The Manhattan Project, LLC, for the donation of 2.37 acres of land adjacent to Warner Park.

* BOARD APPOINTMENTS

Commissioner Snead provided clarification on the professional backgrounds of the Manhattan Urban Area Planning Board members.

The Commission approved appointments by Mayor Phillips to various boards and committees of the City.

Historic Resources Board

Appointment of Tracy Anderson, 116 E.J. Frick Drive, to a three-year (Architect) term. Mr. Anderson's term begins immediately and will expire on April 30, 2010.

Manhattan Urban Area Planning Board

Appointment of Stacy Kohlmeier, 3446 Vanesta Drive, to fill an unexpired term of Harry Watts. Ms. Kohlmeier's term begins immediately and will expire on April 30, 2008.

Social Services Advisory Board

Appointment of Larry Brockson, 2704 Candlewood Drive, to a three-year term. Mr. Brockson's term begins immediately and will expire on June 30, 2010.

CONSENT AGENDA (*CONTINUED*)

* **BOARD APPOINTMENTS (*CONTINUED*)**

Social Services Advisory Board (CONTINUED)

Appointment of Debora Madsen, 1903 Tulip Terrace, to a three-year term. Ms. Madsen's term begins immediately and will expire on June 30, 2010.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2007 for Leo's Hillside Café, 2307 Stagg Hill Road.

After discussion, Commissioner Hatesohl moved to approve the consent agenda. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

ACTION TO PROCEED - QUALITY OF LIFE BOND ISSUE

Curt Loupe, Director of Parks and Recreation, presented the item and answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the proposed Family Indoor Recreation/Aquatic Facility.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding facility maintenance, operations and associated costs of the Indoor Facility, proposed ballot, and additional projects that may be completed and funded from the Capital Improvements Program and operational budget.

Ron Fehr, City Manager, provided information on the proposed ¼ cent sales tax that would fund a significant portion of the improvements. He then responded to questions regarding a precinct election ballot versus a mail election ballot and the proposed soccer fields located outside the current City of Manhattan limits.

Curt Loupe, Director of Parks and Recreation, responded to questions on the revenue stream and costs of operation for the Indoor Facility. He stated that presentations have been made to possible partner groups and are working to come up with as much as \$4 million in sponsorships.

GENERAL AGENDA (*CONTINUED*)

ACTION TO PROCEED - QUALITY OF LIFE BOND ISSUE (*CONTINUED*)

Ron Fehr, City Manager, and Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission about the Indoor Facility being operated by a third party versus being operated by the Parks and Recreation Department. They then responded to questions regarding input from Kansas State University on the proposed Indoor Facility, timing of the Quality of Life Bond Initiative, and real estate transfer with U.S.D 383 for the proposed site of the Indoor Facility.

Bruce McMillan, representing the Parks and Recreation Advisory Board, informed the Commission that the Parks and Recreation Advisory Board has scrutinized this study and conferred with the lengthy process. He encouraged the Commission to proceed ahead as the process envisioned and discouraged an ala carte format that would create divisiveness in the community. He then answered questions from the Commission.

Tony Chelz, 337 North 14th Street, informed the Commission that he resented being told that he needs to swallow the whole enchilada on the Quality of Life Bond Issue and asked the Commission to establish a list of priorities and give the item additional thought.

Helen Roser, P.O. Box 1814, Manhattan, informed the Commission that she was opposed to the bond issue, which depends on a ¼ cent sales tax for the next 20 years for those that can least afford it. She stated the Indoor Facility is a desirability and is not a need of the community.

Dick Clark, 2909 Tattarax Drive, informed the Commission that he moved to Manhattan five years ago from Arizona and urged the Commission to take a prudent look at the aggressive expansion plans for the city. He asked the Commission to slow down the process for people to fully consider what's being proposed.

Debbie Nuss, 1419 Humboldt Street, provided background information on the benefits of mail ballot elections and urged the Commission to place the item on a mail ballot special election. She then answered questions from the Commission regarding mail ballot election deadlines and voter intimidation.

Ron Fehr, City Manager, informed the Commission that some discussion has occurred between the Riley County Clerk's Office and the State of Kansas Office, and will explore timing issues with the Riley County Clerk and Election Officer.

Debbie Nuss, 1419 Humboldt Street, provided clarification on election mail ballots and answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

ACTION TO PROCEED - QUALITY OF LIFE BOND ISSUE (CONTINUED)

Ron Fehr, City Manager, informed the Commission that the City could request an extension with U.S.D. 383 for the CiCo site and would verify with the Riley County Clerk the timing required for a mail ballot special election. He then answered questions from the Commission regarding the timing of the ballot.

Bill Frost, City Attorney, informed the Commission of the legal issues and challenges associated with writing the ballot question. He then answered questions from the Commission regarding the ballot question.

After discussion, Commissioner Snead moved to direct City Staff to develop the ballot question and other appropriate documents to submit a bond referendum to the voters in November 2007 regarding the four components as noted and as recommended by the Parks and Recreation Advisory Board to include seeking a 1/4 cent sales tax to fund a significant portion of the improvements. Commissioner Hatesohl seconded the motion.

Ron Fehr, City Manager, informed the Commission that additional information would be gathered based on the feedback received and stated that if limitations prevent us from achieving the November 2007 timeframe, the timeframe is not binding.

After additional discussion, on a roll call vote, motion carried 4-1, with Commissioner Strawn voting against the motion.

REQUEST TO DISPLAY - PRISONER OF WAR/MISSING IN ACTION FLAG AT CITY HALL

Brian Williams, Management Intern, presented the item.

Walt Gatsche, Commander, VFW Post 1786, provided the Commission with background information about the Prisoner of War/Missing in Action (POW/MIA) flag and requested that the POW/MIA flag be flown in front of City Hall every day of the year to honor and respect our soldiers and Fort Riley.

Bill Reece, 2013 Deerfield Square, provided additional information on the history of the POW/MIA flag and urged the Commission to fly the flag as requested.

Douglas Beauchamp, 2812 James Avenue, Commander, American Legion Post 17, informed the Commission that he appreciated the desire to fly the POW/MIA flag on designated holidays, but stated that this is not enough. He requested the Commission vote to fly the POW/MIA flag below the American flag, whenever the American flag is flown in front of City Hall.

GENERAL AGENDA (CONTINUED)

REQUEST TO DISPLAY - PRISONER OF WAR/MISSING IN ACTION FLAG AT CITY HALL (CONTINUED)

Dee R. Ross, 2304 Brockman Street, asked the Commission to fly the POW/MIA flag in front of City Hall on a 24/7 basis to honor those who are not here for a free America. He stated that flying the POW/MIA flag less than a 24/7 basis, is a sign of disrespect to all of the United States of America military personnel, both active and retired.

Helen Roser, P.O. Box 1814, Manhattan, thanked all veterans who have paid the price of freedom for our country and asked the Commission to fly the POW/MIA flag in front of City Hall all the time.

Walt Gatsche, Commander, VFW Post 1786, informed the Commission that they will furnish the POW/MIA flag to the City of Manhattan and will provide additional flags when needed. He then answered questions from the Commission.

Dee R. Ross, 2304 Brockman Street; Douglas Beauchamp, 2812 James Avenue, Commander, American Legion Post 17; Bill Reece, 2013 Deerfield Square; and Walt Gatsche, Commander, VFW Post 1786, provided additional background information on the item and responded to questions.

After discussion, Commissioner Snead moved to Direct City Administration to display the League of Families POW/MIA flag in front of City Hall on the six annual observances as described in applicable federal legislation. After discussion, Commissioner Sherow seconded the motion.

Anthony Hemard, member of the Kansas National Guard, 541 Edgerton Avenue, informed the Commission that he just returned from his second deployment and stated that the POW/MIA flag represents soldiers currently and from previous wars and generations. He stated that it would be an honor to see the POW/MIA flag flown on a 24/7 basis.

After discussion, Commissioner Strawn asked for a friendly amendment to fly the POW/MIA flag on a 24/7 basis.

Ron Fehr, City Manager, provided clarification on the motion and item.

Commissioner Snead withdrew his motion.

GENERAL AGENDA (CONTINUED)

REQUEST TO DISPLAY - PRISONER OF WAR/MISSING IN ACTION FLAG AT CITY HALL (CONTINUED)

After discussion, Commissioner Strawn moved that the City of Manhattan accept the POW/MIA flag offered by the VFW and American Legion and direct City Administration to display the National League of Families POW/MIA flag in front of City Hall under the American flag on a 24/7 basis. Commissioner Hatesohl seconded the motion.

Ron Fehr, City Manager, responded to questions from the Commission regarding the length of time the POW/MIA flag would be flown.

After additional discussion, on a roll call vote, motion carried 3-2, with Commissioner Snead and Sherow voting against the motion.

At 9:55 p.m., the Commission took a brief recess.

NEIGHBORHOOD REQUEST - PERMITTED PARKING TIME ZONE -NORTH 14TH STREET

Rob Ott, City Engineer, presented the item and answered questions from the Commission.

Bill Frost, City Attorney, provided clarification on the item and answered questions from the Commission.

Mike Bonella, 331 North 14th Street, informed the Commission that he is concerned with the difficulty in backing out of his driveway and requested the west side of North 14th Street have the parking restricted to residents only by permit during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

Ron Fehr, City Manager, provided additional information on the parking situation in the area and plans at Kansas State University to build a parking garage.

Tony Chelz, 337 North 14th Street, informed the Commission that he has lived in the area for 27 years and the traffic visibility has worsened over the years. He said this is a unique request and stated that residents are backing out blindly when exiting their driveways.

Mike Pruce, 311 North 14th Street, voiced concern for children's safety in the area and for lack of enforcement with the high speeds of traffic on 14th Street. He stated that this is a unique situation that needs to be improved for our safety.

GENERAL AGENDA (CONTINUED)

NEIGHBORHOOD REQUEST - PERMITTED PARKING TIME ZONE -NORTH 14TH STREET (CONTINUED)

Daphne Horigan, 325 North 14th Street, informed the Commission that she has a teenager and is concerned for her safety and the safety of others. She asked the Commission to look at this unique situation.

Tracy Ellis, 217 North 14th Street, stated that residents are sometimes waiting in their cars three to four minutes before they can safely back out into the street and asked that the item be considered for the safety of all residents.

Rob Ott, City Engineer, provided additional information on North 14th Street and possible options for consideration.

Ron Fehr, City Manager; Bill Frost, City Attorney; and Rob Ott, City Engineer, provided additional information on parking permits, traffic control attendant operations, and responded to questions from the Commission.

Rob Ott, City Engineer, responded to questions from the Commission and provided additional options that may be considered.

After discussion, Commissioner Snead moved to approve first reading of an ordinance restricting parking on the west side of 14th Street in a manner to establish greater visibility for homeowners backing from driveways to be determined by the City Engineer. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0.

ORDINANCE NO. 6646 – AMEND - DANGEROUS DOGS, TETHERING, AND AT-LARGE PROVISIONS

Brian Williams, Management Intern, presented the item.

Bill Frost, City Attorney, provided clarification on the proposed ordinance.

Cheryl May, 2005 Somerset Square, encouraged the Commission to eliminate the breeds mentioned in the proposed ordinance.

Lori Neer, 9696 Blue River Hills Road, thanked the Commission in examining and discussing a difficult issue.

Laura Osterhaus, no address provided, asked the Commission if the owner of the specific breeds listed in the proposed ordinance are held to a higher standard and is there discrimination against these breeds of dogs.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6646 – AMEND - DANGEROUS DOGS, TETHERING, AND AT-LARGE PROVISIONS (CONTINUED)

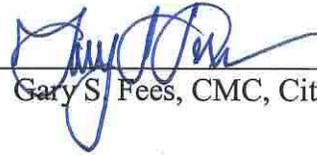
Bill Frost, City Attorney, provided additional clarification on the proposed ordinance.

Mike Bonella, 331 North 14th Street, thanked the Commission for choosing the best of the three options available and asked the City of Manhattan to look into a mandatory spade and neuter policy.

After discussion, Commissioner Snead moved to approve Ordinance No. 6646 amending Sections 6-7, 6-21, 6-22, 6-23, 6-25, 6-30, and 6-53 and creating Section 6-31 of the Code of Ordinances, relating to animals in the City of Manhattan. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:28 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk