



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, AUGUST 14, 2007
7:00 P.M.

The Special 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 42 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Phillips and City Manager Ron Fehr recognized the 2006/07 Citizens' Academy Participants.

PROCLAMATION

Mayor Phillips proclaimed August 24-25, 2007, *Relay For Life of Riley County Days*. Jerry and Belinda Snyder, Co-Chairs, Relay For Life of Riley County Planning Committee, were present to receive the proclamation.

PUBLIC COMMENTS

There were no public comments.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 17, 2007.

CLAIMS REGISTER NO. 2596

The Commission approved Claims Register No. 2596 authorizing and approving the payment of claims from July 11, 2007, to August 7, 2007, in the amount of \$5,830,980.26.

LICENSES – CEREAL MALT BEVERAGE, FIREWORKS DISPLAY, MERCHANT GUARD AGENCY

The Commission approved renewal applications for Cereal Malt Beverage licenses for Grizzly's Grill, Inc., 3003 Anderson Ave. Ste. 945, for calendar year 2007; Fireworks Display license for Western Enterprises at Manhattan Town Center on September 7, 2007; and a Merchant Guard Agency license for The Wackenhut Corp., 10540 Marty Suite 160/Overland Park, Kansas.

* **FINAL PLAT – SCENIC MEADOWS ADDITION, UNIT TWO**

Eric Cattell, Assistant Director for Planning, answered questions from the Commission.

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Meadows Addition, Unit Two, generally located on the east side of South Scenic Drive and north of the Faith Baptist Church, approximately 2,600 feet north of the intersection of South Scenic Drive and Eureka Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6649 – NO PARKING – WALTERS DRIVE

The Commission approved Ordinance No. 6649 designating "No Parking" along the north side of Walters Drive from Butterfield Road to Brookville West Drive.

ORDINANCE NO. 6650 – FIRST AMENDMENT – KANSAS WATER POLLUTION CONTROL REVOLVING FUND

The Commission approved Ordinance No. 6650 authorizing the 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 Fund for the purpose of increasing the loan amount to fund the engineering phase of the Wastewater Treatment Plant Expansion and Upgrade Project (SP0705).

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6651 – RENAME STREETS – HERITAGE SOUTH ROAD AND HERITAGE SQUARE DRIVE

The Commission approved Ordinance No. 6651 renaming Heritage South Road to South Port Road, and renaming Heritage Square Drive to South Port Drive, located in Heritage Square South PUD Addition, approximately 3,600 feet east of the Big Blue River.

ORDINANCE NO. 6652 and ORDINANCE NO. 6653 – SCHOOL ZONES – BUS LOADING AND LOADING ZONES

The Commission approved Ordinance No. 6652 establishing the changes on the times of the school zones and Ordinance No. 6653 establishing designated locations of bus loading and loading zones (*See Attachment No. 1*).

FIRST READING – VACATE UTILITY EASEMENT – LOT 35, WYNDHAM HEIGHTS ADDITION, UNIT 4

The Commission approved first reading of an ordinance vacating portions of an eight (8) foot wide utility easement on Lot 35, Wyndham Heights Addition, Unit 4 (aka 5205 Norwood Court), an addition to the City of Manhattan, Riley County, Kansas.

CHANGE ORDER NO. 1-FINAL – DAISY MEADOWS – STREET IMPROVEMENTS (ST0624)

The Commission approved Change Order No. 1-Final for 2006 Street Improvements for Daisy Meadows, (ST0624) resulting in a net decrease of \$13,753.28 (-6.5%) to the contract with Nowak Construction Company, Inc., of Goddard, Kansas.

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REQUEST FOR PROPOSALS – K-18 AND MILLER PARKWAY/DAVIS DRIVE INTERSECTION IMPROVEMENTS (ST0713)

Commissioner Sherow and City Manager Ron Fehr provided additional information on the item and the process involved for the improvements to be made.

The Commission authorized City Administration to solicit proposals for the design of intersection improvements at K-18 and Miller Parkway/Davis Drive (ST0713) and appointed Commissioner Sherow to serve on the Selection Committee.

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT – ENGINEERING SERVICES – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION PROJECT (SP0705)

The Commission authorized City Administration to negotiate a contract for engineering services with Carollo Engineers, of Overland Park, Kansas, for the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705).

AWARD CONTRACT – SCENIC MEADOWS, PHASE 1 – SANITARY SEWER/LIFT STATION (SS0703)

The Commission accepted the Engineer's Estimate in the amount of \$145,227.00; rejected all bids; and awarded a negotiated construction contract in the amount of \$138,467.25 to the low bidder, Larson Construction, Inc., of Manhattan, Kansas, for Scenic Meadows, Phase 1, Sanitary Sewer/Lift Station (SS0703).

* **AWARD CONTRACT – STONE POINTE ADDITION, UNIT 2 – STREET (ST0630), WATER (WA0628), SANITARY SEWER (SS0624), AND STORMWATER IMPROVEMENTS (SM0606)**

Ron Fehr, City Manager, responded to questions from the Commission.

The Commission accepted the Engineer's Estimate in the amount of \$1,800,000.00; and awarded a construction contract in the amount of \$1,482,558.78 to the low bidder, Nowak Construction Co., Inc., of Goddard, Kansas, for Stone Pointe Addition, Unit 2, Street (ST0630), Water (WA0628), Sanitary Sewer (SS0624), and Stormwater (SM0606) Improvements.

* **AWARD CONTRACT – 4TH STREET FROM LEAVENWORTH STREET TO MORO STREET, 3RD STREET FROM LEAVENWORTH STREET TO OSAGE STREET, AND OSAGE STREET FROM 3RD STREET TO 4TH STREET IMPROVEMENT PROJECT (ST0631)**

Ron Fehr, City Manager, provided additional information on the item and funding that will finance the project.

The Commission accepted the Engineer's Estimate in the amount of \$3,224,944.08; and awarded a construction contract in the amount of \$2,953,957.13 to Nowak Construction, of Goddard, Kansas, for the 4th Street Improvement Project (ST0631) from Leavenworth Street to Moro Street and 3rd Street from Leavenworth Street to Osage Street and Osage Street from 3rd Street to 4th Street as part of the Downtown Redevelopment Project.

CONSENT AGENDA (CONTINUED)

* **PURCHASE - 2007/08 TRUCK MOUNTED ARTICULATED BOOM
LOADER**

Curt Loupe, Director of Parks and Recreation, provided additional information on the item and answered questions from the Commission.

J. David Mattox, Forestry Supervisor, and Eddie Estes, Parks Superintendent, provided additional information on the item and informed the Commission that this is a specific piece of equipment, which limited the number of bids received.

The Commission authorized the purchase of a 2008 Rotobec 60 boom loader mounted on a 2008 Ford F-659 flatbed truck in the amount of \$94,300.00 from Collis Equipment Company, Inc., of New Century, Kansas.

* **KANSAS GAS SERVICE AGREEMENT – RIGHT-OF-WAY – ANNEBERG
PARK**

Curt Loupe, Director of Parks and Recreation, provided additional information on the item.

The Commission approved the agreement between the City of Manhattan and Kansas Gas Service for granting of a right-of-way at Anneberg Park for installation of a 12-inch natural gas pipeline.

BOARD APPOINTMENTS

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

Housing Authority Board of Commissioners

Appointment of Jayme Morris-Hardeman, 1822 Laramie, to fill an unexpired term of Carol Gould. Ms. Morris-Hardeman's term begins immediately and will expire on March 3, 2008.

Human Rights and Services Board

Appointment of DeRay Gamble, 2111 Prairie Lea, to fill an unexpired term of Bob Strawn. Mr. Gamble's term begins immediately and will expire on March 9, 2009.

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

GENERAL AGENDA

PUBLIC HEARING - 2008 BUDGET, REVISED 2007 BUDGET, AMEND WATER UTILITY RATES

Bernie Hayen, Director of Finance, introduced the item.

Ron Fehr, City Manager, presented the 2008 Budget highlights and initiatives.

Bernie Hayen, Director of Finance, presented the 2008 Budget, the amended 2007 General Fund Budget, and the proposed water rate increase. He then answered questions from the Commission.

Ron Fehr, City Manager, answered questions from the Commission regarding the K-Air Street debt retirement.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, provided additional information on the proposed water rate increase proposed and facility improvements that are planned.

Mayor Phillips opened the public hearing.

Hearing no comments, Mayor Phillips closed the public hearing.

FIRST READING - 2008 BUDGET, REVISED 2007 BUDGET, AMEND WATER UTILITY RATES

After discussion, Commissioner Sherow moved to approve first reading of an ordinance adopting the 2008 City Budget, first reading of an ordinance amending the 2007 City Budget, and approve the budget recommendations as presented by City Administration. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Strawn voting against the motion.

PUBLIC HEARING - AMEND - WATER UTILITY RATES

Mayor Phillips opened the item for public comment.

Hearing no comments, Mayor Phillips closed the public comment period.

FIRST READING - AMEND - WATER UTILITY RATES

Ron Fehr, City Manager, provided additional information on the item and informed the Commission that a future work session will be held to look at the current water rate structure and potential incentive programs.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND – WATER UTILITY RATES (CONTINUED)

After discussion, Commissioner Snead moved to approve first reading of an ordinance increasing water rates within and outside the City. Commissioner Sherow seconded the motion. After discussion, on a roll call vote, motion carried 5-0.

RESOLUTION NO 081407-A - CALLING FOR A SPECIAL ELECTION AND SETTING THE BALLOT LANGUAGE - QUALITY OF LIFE BOND REFERENDUM

Curt Loupe, Director of Parks and Recreation, presented the item. He then answered questions from the Commission regarding the status of the City Park pool.

Ron Fehr, City Manager, provided additional information on the item and potential funding sources available to repair City Park pool.

Curt Loupe, Director of Parks and Recreation, responded to questions about staffing the proposed Family Indoor Recreation and Aquatic Center.

Bill Frost, City Attorney, answered questions from the Commission regarding the proposed Resolution and ballot language.

Ron Fehr, City Manager, and Bill Frost, City Attorney, responded to questions from the Commission regarding the projected summary of project costs. He then answered additional questions from the Commission.

After discussion, Commissioner Snead moved to approve Resolution No. 081407-A calling a special question election for the purpose of submitting the question of authorizing the issuance of general obligation bonds to finance the costs of certain public improvements and the imposition of a special one-fourth percent citywide retailers' sales tax, all as more specifically set forth in the resolution. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

At 9:00 p.m., the Commission took a brief recess.

FIRST READING - CHANGE NAME - SYKES BOULEVARD TO ALORICA AVENUE

Diane Stoddard, Deputy City Manager, presented background information on the item.

GENERAL AGENDA (CONTINUED)

FIRST READING - CHANGE NAME - SYKES BOULEVARD TO ALORICA AVENUE (CONTINUED)

Robin Daniels, Site Director, Alorica, Inc., presented a request to change the name from Sykes Boulevard to Alorica Avenue. She then provided additional information on company, the difficulty they have with the current street name, and the importance to change the name from Sykes Boulevard.

Ron Fehr, City Manager, and Diane Stoddard, Deputy City Manager, provided additional information on the ownership of the property in question and responded to additional questions from the Commission.

Commissioner Snead made a motion to approve first reading of an ordinance renaming Sykes Boulevard to Tec Park Circle.

Bill Frost, City Attorney, provided clarification on the item and motion.

After discussion, Commissioner Snead withdrew his motion and made a motion to approve first reading of an ordinance renaming Sykes Boulevard to Tec Park Circle or another such name as the Commission may desire at second reading of the ordinance. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ORDINANCE NO. 6648 - NO PARKING - NORTH 14TH STREET

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

Mike Bonnella, 331 North 14th Street, informed the Commission that he started the petition and asked that the Commission provide safety for the neighborhood when backing out of their driveways.

Tony Chelz, 337 North 14th Street, stated that the situation is unique and voiced concern that anytime you back onto the street it is dangerous.

After discussion, Commissioner Sherow moved to approve Ordinance No. 6648 removing parking along the west side of North 14th Street between Poyntz Avenue and Fairchild Avenue from 8:00 AM to 5:00 PM, Monday through Friday. Commissioner Hatesohl seconded the motion.

Bill Frost, City Attorney, provided clarification on the motion and ordinance.

On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

REQUEST FOR REIMBURSEMENT - STORM DRAINAGE IMPROVEMENT - 3119 CHIC CIRCLE

Diane Stoddard, Deputy City Manager, presented the item.

Joe Grantham, 3119 Chic Circle, provided background information on the item and requested that he be reimbursed 100 percent of the costs for the storm drainage improvement. He then answered questions from the Commission and provided additional history about his property and area.

Diane Stoddard, Deputy City Manager, provided additional information on the item and answered questions from the Commission

Bill Frost, City Attorney, informed the Commission that drainage is a common enemy and the City tries to seek a mutual solution that benefits all parties. He then answered additional questions from the Commission.

Joe Grantham, 3119 Chic Circle, provided additional information on the item, responded to questions from the Commission, and asked the Commission to consider his situation and request.

After discussion, Commissioner Hatesohl moved to authorize a 50% reimbursement from the storm water fund to share in the storm drainage improvements at 3119 Chic Circle. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 3-2, with Commissioner Snead and Sherow voting against the motion.

ADJOURNMENT

At 10:28 p.m. the Commission adjourned.



Gary S. Fees, OMC, City Clerk

Attachment No. 1

Bluemont School Changes: USD 383 is requesting adding a No Parking and Bus Loading Zone on Vattier Street, and No Parking along 8th Street during Bus Loading from 8 a.m. - 9 a.m. and 3:30 p.m. - 4:30 p.m.

- ✓ Vattier Street a 31-foot wide from back of curb to back of curb. The allocation for the school's loading zones on one side of the street adjacent to the school will not adversely affect the flow of traffic on both directions. The restriction of parking on this side of the street for loading purposes is for the safety of the school children and for the traffic as well. The street width can allow bus loading and loading zones on the south side and still allow two-way traffic to pass.
- ✓ The "NO PARKING BUS LOADING ZONE" on Vattier Street is to start from 252' west of the centerline of North Juliette Street and end 452' west of the centerline of North Juliette Street. The "NO PARKING LOADING ZONE" also on Vattier Street is to start 40' west from the centerline of North Juliette Street and end 252' west of the centerline of North Juliette Street.
- ✓ The "NO PARKING BOTH SIDES BUS LOADING" on 8th Street is to start 26' south of the centerline of Vattier Street and end 220' south of the centerline of Vattier Street.
- ✓ Additional changes include additions of school zone times for Bluemont School.

Other Changes:

- ✓ Modify the zone for East High School Campus to be from 7:15 a.m. to 8:15 a.m. and from 2:45 p.m. to 3:45 p.m. to 7:05 a.m. to 8:15 a.m. and from 2:35 p.m. to 3:45 p.m.
- ✓ Modify the zones for West High School Campus to be from 7:15 a.m. to 3:45 p.m. to 7:05 a.m. to 3:45 p.m.
- ✓ Modify the zones for Woodrow Wilson Elementary to be from 7:15 a.m. to 8:00 a.m. and 2:45 p.m. to 3:45 p.m. to 8:00 a.m. to 9:00 a.m. and 3:30 p.m. to 4:30 pm.

Additionally, USD 383 has requested the pedestrian crossing on Kimball Avenue at the College Hill School be removed. This will be handled administratively by the City.