

MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 5, 2008
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, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 12 staff, and approximately 10 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Phillips opened the public comments.

Dee R. Ross, 2304 Brockman Street, voiced concern in funding the Kansas Entrepreneurial Center (KEC) and the National Institute for Strategic Technology Acquisition and Commercialization (NISTAC) with taxpayer dollars. He then questioned why the City would fund not-for-profit corporations to protect and license technology and intellectual properties derived from Kansas State University professors and questioned the ethics involved by the Commission providing funding to these two entities.

Mayor Phillips and Commissioner Strawn responded to questions from Mr. Ross and provided additional information regarding economic development activity.

Dee R. Ross, 2304 Brockman Street, asked about job creation requirements and if funds would be provided to both KEC and NISTAC, or to only one.

Commissioner Hatesohl and Commissioner Snead responded to job creation, agreements, and annual reporting of companies receiving economic development funds.

Ron Fehr, City Manager, provided additional information on the City's relationship with the KEC facility and operation.

PUBLIC COMMENTS (*CONTINUED*)

Stan Hoerman, 2021 Bluehills Road, informed the Commission that he lives across from Flint Hills Place and voiced concerns for safety and noise issues of the neighborhood. He asked the Commission to instruct the Riley County Police Department to keep a better eye on the area, to enforce the laws, and to give tickets to offenders.

Mayor Phillips stated that he would contact Police Chief Brad Schoen about his concerns.

Commissioner Snead informed Mr. Hoerman that he appreciated the concerns expressed and said this is a law enforcement matter that could be addressed most effectively with the Riley County Law Board. He then provided an update on the Housing Authority and Flint Hills Place.

Commissioner Sherow stated that he would be serving on the Manhattan Housing Authority Board of Commissioners and would be keeping Mr. Hoerman's concerns in mind while serving of the Board.

Hearing no other comments, Mayor Phillips closed the public comments.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, January 22, 2008.

CLAIMS REGISTER NOS. 2569 and 2570

The Commission approved Claims Register Nos. 2569 and 2570 authorizing and approving the payment of claims from January 16, 2008, to January 29, 2008, in the amounts of \$2,122,695.86 and 3,208,913.38, respectively.

LICENSES – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2008 for Allscapes, 608 Pottawatomie Avenue; Hummel Tree, 601 Pottawatomie Avenue; and Urban Woods Tree Service, 732 Dogwood Lane, Blue Rapids, Kansas.

CONSENT AGENDA (CONTINUED)

* **FINAL PLAT – MANHATTAN MARKETPLACE SHOPS, UNIT ONE, PLANNED UNIT DEVELOPMENT (PUD)**

Commissioner Sherow stated the design guideline standards that are established should be upheld and it is very important to uphold these standards in the south project area.

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Manhattan Marketplace Shops, Unit One, Planned Unit Development, generally located north of Leavenworth Street, west of Tuttle Creek Boulevard, south of Moro Street and east of North 4th Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6684 – SECOND AMENDMENT – KDHE LOAN AGREEMENT – WASTEWATER TREATMENT PLANT EXPANSION AND UPGRADE PROJECT (SP0705)

The Commission approved Ordinance No. 6684 authorizing the execution of a second amendment to the loan agreement between the City of Manhattan and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of increasing the loan amount from the Kansas Water Pollution Control Revolving Loan Fund in the additional amount of \$610,639.00, to fully fund the engineering phase of the Wastewater Treatment Plant Expansion and Upgrade Project (SP0705).

ORDINANCE NO. 6685 – KDHE LOAN AGREEMENT – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENTS PROJECT (WA0611)

The Commission approved Ordinance No. 6685 authorizing the execution of a 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 Public Water Supply Loan Fund to fund the Water Treatment Plant and Wellfield Improvements Project (WA0611).

PUBLIC HEARING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND 2008-A

Mayor Phillips opened the public hearing.

CONSENT AGENDA (*CONTINUED*)

PUBLIC HEARING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND 2008-A (*CONTINUED*)

Mark Bachamp, Schultz Development, Inc., requested that Stone Pointe Addition, Unit Two, Sanitary Sewer and Water, be removed from special assessments being levied. He then responded to questions from the Commission and stated that the street project is not completed, making it impossible to market the lots at the present time.

Bill Frost, City Attorney, provided clarification on the petition and statutory process involved with the public improvements that have been made.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding financing the public infrastructure improvements, associated costs, and the process. He informed the Commission that the City of Manhattan ranks second in the state behind the City of Wichita, Kansas, for using special assessments as a funding mechanism.

Mark Bachamp, Schultz Development, Inc., responded to questions from the Commission and explained the timing of the project and difficulty in selling lots before the project is 100 percent complete.

Bill Frost, City Attorney, provided additional information on the petition process, timing, and financing of the project.

Bernie Hayen, Director of Finance; Ron Fehr, City Manager; and Bill Frost, City Attorney, provided additional information on the petition process and voiced concerns if the decision is made to change the process to accommodate the request.

Mark Bachamp, Schultz Development, Inc., talked about Heritage Square Development and stated that he would work with staff to change the process on the upfront side.

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

Dee R. Ross, 2304 Brockman Street, voiced concern in showing favoritism to various developers and the different portion of percentages paid for by the City of Manhattan.

Ron Fehr, City Manager, responded to questions regarding benefit districts and participation of public improvements by the City.

CONSENT AGENDA (CONTINUED)

PUBLIC HEARING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND 2008-A (CONTINUED)

Hearing no other comments, Mayor Phillips closed the public hearing.

FIRST READING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND 2008-A

The Commission approved first reading of an ordinance levying special assessments against the benefiting property in the following thirty-nine (39) projects, which have been completed: *Grand Mere Village – Street (ST0528); Stone Pointe Addition, Unit One – Sanitary Sewer (SS0605) and Street (ST0611); Western Hills Addition, Unit Thirteen – Street (ST0604); Kimball Townhomes – Street (ST0622); Daisy Meadow – Sanitary Sewer (SS0620), Street (ST0624), and Water (WA0623); Eureka Addition – Sanitary Sewer (SS0607) and Water (WA0610); Four Winds Village, Block Two – Sanitary Sewer (SS0601), Street (ST0603), and Water (WA0602); Prairie Lakes Addition, Unit Three – Sanitary Sewer (SS0617) and Water (WA0619); Stone Pointe Addition, Unit One, Phase Two – Sanitary Sewer (SS0614), Street (ST0617), and Water (WA0616); Cedar Glen Addition – Stormwater (SM0602), Sanitary Sewer (SS0615), and Water (WA0617); Grand Vista Addition, Unit One – Sanitary Sewer (SS0519), Street (ST0527), and Water (WA0520); Grand Mere Vanesta, Unit Two – Sanitary Sewer (SS0623) and Water (WA0627); Lee Mill Heights Addition, Unit Three – Stormwater (SM0604), Sanitary Sewer (SS0622), Street (ST0626), and Water (WA0625); Miller Ranch Addition, Unit Three, Phase Two – Sanitary Sewer (SS0610) and Water (WA0612); Stone Pointe Addition, Unit Two – Sanitary Sewer (SS0624) and Water (WA0628); Heritage Square – US-24 & Traffic Signals (ST0702); Heritage Square – External Waterline (WA0614); and Heritage Square South – Sanitary Sewer (SS0612), Street (ST0616), and Water (WA0613).*

AWARD CONTRACT – SHIRLEY LANE DRAINAGE IMPROVEMENTS (SM0705)

The Commission accepted the Engineer's Estimate in the amount of \$219,459.50; awarded a construction contract to the low bidder, Manhattan Trenching, Inc., of Manhattan, Kansas, in the amount of \$147,421.00; and approved first reading of an ordinance authorizing financing in an amount not to exceed \$185,000.00 in general obligation bonds for the Shirley Lane Drainage Improvements (SM0705).

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 1 – GRAND MERE VANESTA ADDITION, UNIT TWO – STREET IMPROVEMENTS (ST0629)

The Commission approved the Change Order No. 1 for Grand Mere Vanesta Addition, Unit Two, Street Improvements (ST0629), resulting in a net increase in the amount of \$29,897.56 (+2.99%) to the contract with Manhattan Trenching, Inc., of Manhattan, Kansas.

* GRANT ASSURANCE AGREEMENT – KANSAS ENTREPRENEURIAL CENTER FACILITY

Dee R. Ross, 2304 Brockman Street, asked about the KEC facility improvements and funding source.

Ron Fehr, City Manager, responded to questions on the item.

Lyle Butler, President and CEO, Manhattan Area Chamber of Commerce, provided additional information on the item.

The Commission authorized the Mayor and City Clerk to execute the Grant Assurance Agreement with the North Central Kansas Community Network Co., for KEC facility improvements.

BOARD APPOINTMENT

The Commission approved the appointment by Mayor Phillips of Marissa Aumiller, 4440 Tuttle Creek Blvd. #265, to a two-year term to the Downtown Business Improvement District Advisory Board. Ms. Aumiller's term begins immediately, and will expire on December 31, 2009.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item G: FIRST READING – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND 2008-A, specifically, STONE POINTE ADDITION, UNIT TWO, SANITARY SEWER AND WATER, which carried 3-2 with Mayor Phillips and Commissioner Hatesohl voting against the item; and with the exception of Item D: FINAL PLAT – MANHATTAN MARKETPLACE SHOPS, UNIT ONE, PLANNED UNIT DEVELOPMENT (PUD) which carried 4-1, with Commissioner Sherow voting against the item.

GENERAL AGENDA

ENGINEERING AGREEMENT - MORO STREET FROM 4TH STREET TO 3RD PLACE (ST0805)

Rob Ott, City Engineer, presented the item.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, responded to questions from the Commission and provided additional information on the item.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to enter into an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, for the design of the Moro Street from 4th Street to 3rd Place (ST0805), based on the Scope of Services. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

BOND RESOLUTION – FINANCING - DESIGN AND ENGINEERING - RELOCATING NAVIGATIONAL AIDS AT THE MANHATTAN REGIONAL AIRPORT

Peter Van Kuren, Airport Director, presented the item. He then responded to questions from the Commission regarding funding and possible disruptions at the Airport during construction of the project.

After discussion, Commissioner Sherow moved to approve Resolution No. 020508-B authorizing financing in the amount, not to exceed \$195,000.00 in general obligation bonds for the design and engineering required to relocate navigational equipment at Manhattan Regional Airport (AIP 3-20-0052-35). Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

AWARD CONTRACT - TREE REMOVAL ALONG THE MANHATTAN LEVEE (SP0804)

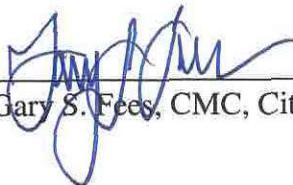
Rob Ott, City Engineer, presented the item and answered questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item.

After discussion, Commissioner Snead moved to accept the bids and award a contract in the amount of \$23,000.00 for tree removal along the Manhattan Levee (SP0804) to the low bidder, Arbor Masters Tree and Landscaping, of Shawnee Mission, Kansas. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:00 p.m., the Commission adjourned.



Gary S. Fees, CMC, City Clerk