

MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 1, 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 Mark Hatesohl and Commissioners Bob Strawn, James E. Sherow, and Tom Phillips were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 32 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Hatesohl proclaimed July 6, 2008, *Day of Thanksgiving*. Ron Fehr, City Manager, Jerry Snyder, Director of Fire Services, and Dale Houdeshell, Director of Public Works, City of Manhattan; Leon Hobson, Director of Public Works, and Pat Collins, Director of Emergency Management, Riley County; Larry Couchman, Riley County Emergency Medical Services; Paul Stagner, Director, American Red Cross; Ronald Frank, Director of Communications, Kansas State University and American Red Cross, Volunteer; Richard Herrman, Captain, Kansas State University Police Department; Brad Schoen, Director, Riley County Police Department; Greg Harkrader, Kansas Highway Patrol; Edd Savage, Kansas National Guard; Chuck Murphy, Director, Riley County/Manhattan Health Department; and Captain Robert Buttrey, Riley County Salvation Army, were present to receive the proclamation.

Pat Collins, Director of Emergency Management, and Ron Fehr, City Manager, provided additional information on the cleanup efforts and expressed their appreciation to the agencies, businesses, and volunteers.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Isabelle Krysko and Iana Lynch, 1517 Leavenworth Street, voiced their disappointment to the Commission that the City Park Pool is closed.

Gina Diller, 1230 Pierre Street, informed the Commission that her children have taken swimming lessons at City Park Pool and stated that it is a great loss to have the pool closed.

Mayor Hatesohl and City Manager Ron Fehr provided additional information on the current status of City Park Pool and cited safety concerns addressed by the engineers in making the determination that the potential risk of injury was too great to open the pool. They informed the public that the Commission would be discussing City Park Pool during the Work Session on Tuesday, July 8, 2008.

Heather McCrea, 1517 Leavenworth Street, emphasized to the Commission the importance of historic preservation in relationship to the pools age and period, and asked to consider this factor during the pool restoration.

Helen Roser, P.O. Box 1814, Manhattan, informed the Commission her reasons for using a post office number and voiced concern with the City accepting \$500,000 for the City Park Pavilion project without knowing where the money is coming from. She then referred to a June 26, 2008, article from a local publication regarding Commissioner Strawn's comments of the difference between liberals and conservatives. Finally, she raised objections to Commissioner Strawn's involvement in partisan politics and with him managing Dick Miller's campaign for the Kansas House of Representatives District 67.

Commissioner Strawn clarified that he is not managing the campaign, but is Dick Miller's Treasurer. He acknowledged that Mr. Miller is a good friend and that he will go to his fellow Commissioners and determine if this is an ethical problem, and, if it is, said that he would resign his position as Treasurer.

Joe Knopp, 104 Oakwood Circle, raised concern of a City representative soliciting money to upgrade City projects. He voiced concern that there is going to be a tendency to look and create a good guy list for those that contribute to City projects. He asked that policies and additional thought be given before the City does this. He stated that he did not intend to impugn anyone's integrity, but it could potentially be perceived that way.

Vincent Tracey, 304 Knoxberry Drive, voiced concern regarding the recent closure of City Park Pool and the need to have a plan to replace the pool. He then suggested receiving insurance funds from the truck driver's company that damaged the Sunset Zoo sign and to take the existing sign letters to a local welding class and design a new sign on taller piers. He stated that the Friends of Sunset Zoo could contribute to the costs to replace the sign.

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

COMMISSIONER COMMENTS

Commissioner Strawn explained the plan to improve the City Park Pavilion and expand the ice rink to meet the needs of the community. He said that it is common for private parties to give back to their community for public purposes. He stated that he's received a favorable response so far in raising private funds and rejected the notion that private individuals or corporations that want to give something back to make the community better are only doing it for their personal gain.

Commissioner Sherow reiterated that during the Work Session on Tuesday, July 8, 2008, the City Commission would discuss the City Park Pool and how best to reestablish this pool in the crown jewel of our community. He commented about the need to create a Bicycle Committee and was looking forward in hearing its recommendations to the Commission. He stated that he understood the concerns brought up about private fundraising, but expressed his appreciation for the private fundraising efforts recently experienced, specifically, the significant donation from the Reitz family, used for the restoration of the Union Pacific Depot. He then addressed the need to build up our reserves so that we can address items such as the City Park Pool.

Commissioner Phillips stated that Commissioner Strawn's intentions are honorable on this project and appreciated the concerns of perception. He suggested that considerations be given to work with the Manhattan Community Foundation versus a City Commissioner heading the fundraising efforts to ensure that a misconception does not exist.

Mayor Hatesohl explained the time constraints surrounding the City Park Pavilion project and stated in theory we could put together a Friends of the Pavilion group and try to raise \$1 million over the course of a year.

Jason Hilgers, Assistant City Manager, provided an update on the Fourth Street project, landscaping plans, and anticipated activity on the North End Redevelopment.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 17, 2008, and the Special City Commission Meeting held on Tuesday, June 24, 2008.

CLAIMS REGISTER NO. 2585

The Commission approved Claims Register No. 2585 authorizing and approving the payment of claims from June 11, 2008, to June 23, 2008, in the amount of \$8,067,343.55.

CONSENT AGENDA (CONTINUED)

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2008 for Hendrickson Tree Care Co., 5611 N. 84th St., of Overland Park, Kansas; and Randy's Tree Service, 110 Castle St., of Junction City, Kansas.

FINAL PLAT – NORTHWING ADDITION, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Northwing Addition, Unit One, generally located approximately 1,400 feet east of the Marlatt Avenue and Tuttle Creek Boulevard intersection, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – GATEWAY SUBDIVISION NO. 2

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Gateway Subdivision No. 2, generally located at the Walgreens Drug Store on the southeast corner of Bluemont Avenue and N. 4th Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6706 – PRETREATMENT REGULATIONS

The Commission approved Ordinance No. 6706 amending Chapter 32, to include Pretreatment Regulations.

ORDINANCE NO. 6707 – LEASE PURCHASE AGREEMENT – 75 FOOT PIERCE PUC QUINT PUMPER LADDER TRUCK

The Commission approved Ordinance No. 6707 authorizing the Mayor and City Clerk to execute a lease purchase agreement with De Lage Landen Public Finance, LLC, of Kansas City, Missouri, for the purchase of a 75 foot Pierce PUC quint pumper ladder truck.

FIRST READING – AMEND TERM – AT&T KANSAS FRANCHISE AGREEMENT

The Commission approved first reading of an ordinance amending the Code of Ordinances to extend the term of the franchise agreement with AT&T Kansas for a period of one year.

PUBLIC HEARING – SPECIAL ASSESSMENTS – GENERAL OBLIGATION BONDS 2008C

Mayor Hatesohl opened the public hearing.

Hearing no comments, Mayor Hatesohl closed the public hearing.

CONSENT AGENDA (CONTINUED)

FIRST READING - SPECIAL ASSESSMENTS – GENERAL OBLIGATION BONDS 2008C

The Commission approved first reading of an ordinance levying against the benefiting property for the following two (2) projects, which have been completed: *Eureka Addition – Street (ST0613) and Limey Pointe/McCall Road Improvements – Street (ST0627)*.

RESOLUTION NO. 070108-A – STONE POINTE ADDITION PEDESTRIAN BRIDGE (SP0701)

The Commission found the petition sufficient and approved Resolution No. 070108-A, finding the project advisable and authorizing construction of a pedestrian bridge into Anneberg Park from Stone Pointe Additions (SP0701).

REQUEST FOR PROPOSALS – STONE POINT ADDITION PEDESTRIAN BRIDGE(SP0701)

The Commission authorized City Administration to solicit proposals for the design of the Stone Pointe Additions Pedestrian Bridge (SP0701) and appointed Commissioner Strawn to serve on the Selection Committee.

NEGOTIATE CONTRACT – 2008 NEW AND PARALLEL WATER LINES (WA805P)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with HWS Consulting Group, Inc. and Sloan Meier Hancock - Engineers Surveyors, P.A., Inc., of Manhattan, Kansas, for the 2008 New and Parallel Water Lines Project (WA805P).

PREPARE REQUEST FOR PROPOSALS – THIRD PARTY ADMINISTRATION SERVICES – WORKERS’ COMPENSATION PROGRAM

The Commission authorized City Administration to develop a Request for Proposals in conjunction with Charlson-Wilson Insurance Agency, of Manhattan, Kansas, for the purpose of soliciting Third Party Administration services and reinsurance coverage for the City’s Workers’ Compensation program.

* AWARD CONTRACT – REFUSE COLLECTION SERVICES

Ron Fehr, City Manager, and Dale Houdeshell, Director of Public Works, provided additional information on the item and responded to questions from the Commission.

Nick Arena, Management Intern, informed the Commission that a letter was sent to every local refuse hauler and explained that numerous calls were made to the prior contractor, with no response.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – REFUSE COLLECTION SERVICES (CONTINUED)**

Commissioner Strawn stated that one bid was unacceptable in commerce and that the City needs to find out why contractors are not bidding on this contract. He encouraged the Commission and City Administration to spend more time on this item in order to receive additional bids.

Ron Fehr, City Manager, responded to questions from the Commission and clarified that the bidder recommended for award followed the process.

Mayor Hatesohl and Commissioner Sherow provided additional comments regarding the item and the need to ensure the integrity of the bid process and to establish procedures if only one bid is received.

The Commission awarded the Refuse Collection Contract to Howie's Trash Service, of Manhattan, Kansas, for an annual collection fee of \$34,852.20 for the next three years (August 1, 2008, to July 31, 2011).

CHANGE ORDER NO. 2- FINAL – EUREKA ADDITION – STREET IMPROVEMENTS (ST0613)

The Commission approved Change Order No. 2 – Final for Eureka Addition Street Improvements (ST0613) resulting in a net increase in the amount of \$19,460.49 (+1.95%) to the contract with Paver's Inc., of Salina, Kansas.

OUTSIDE CITY SEWER AGREEMENT – 3171 TUTTLE CREEK BOULEVARD (KABSU)

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement permitting indirect connection to the City of Manhattan's Sanitary Sewer Collection System by Kansas State University, for the KABSU facility located at 3171 Tuttle Creek Boulevard, Riley County, Kansas.

BOARD APPOINTMENTS

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

Housing Appeals Board

Re-appointment of Bill Muir, 2040 Shirley Lane, to a three-year term. Mr. Muir's term will begin July 1, 2008, and will expire June 30, 2011.

Re-appointment of Mary Roberts, 1922 Lexington Lane, to a three-year term. Ms. Robert's term will begin July 1, 2008, and will expire June 30, 2011.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Joint Corrections Advisory Board

Re-appointment of Linda Teener, 1900 Judson Street, to a two-year Adult term. Ms. Teener's term will begin July 1, 2008, and will expire June 30, 2010.

Riley County-Manhattan Health Board

Appointment of Bob Strawn, 1551 Williamsburg Court, to a two-year City Commissioner term. Commissioner Strawn's term begins immediately and will expire January 31, 2010.

After discussion, Commissioner Sherow moved to approve the consent agenda as read. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

FIRST READING - ISSUE INDUSTRIAL REVENUE BONDS (IRB) - GTM SPORTSWEAR

Lauren Palmer, Assistant City Manager, presented an overview of the item.

Rob Berard, Vice President, Chief Financial Officer, GTM, provided additional information about GTM Sportswear. He then responded to questions from the Commission regarding wages and benefits.

Lauren Palmer, Assistant City Manager, provided additional information on the item and responded to questions from the Commission regarding GTM's compliance.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance issuing IRB financing to GTM Sportswear in a total principal amount not to exceed \$3,771,000.00 for the purposes of acquiring, constructing, expanding, and equipping the company's existing manufacturing facility located at 520 McCall Road. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 3-0, with Commissioner Strawn abstaining.

AMENDMENT – 2008 CITY/UNIVERSITY SPECIAL PROJECTS FUND AGREEMENT

Lauren Palmer, Assistant City Manager, presented the item and answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

AMENDMENT – 2008 CITY/UNIVERSITY SPECIAL PROJECTS FUND AGREEMENT (CONTINUED)

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute the amendment to the 2008 City/University Special Projects Fund agreement with Kansas State University in the amount of \$75,000.00. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 4-0.

ORDINANCE NO. 6708 - DISCHARGE OF FIREWORKS ON JULY 5TH

Jason Hilgers, Assistant City Manager, presented the item and answered questions from the Commission.

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

Vincent Tracey, 304 Knoxberry Drive, informed the Commission that he has spoken with military personnel and stated that many have sacrificed quite a bit for others to celebrate this holiday. He asked that if the discharging of fireworks is changed, that additional opportunity be made for public comment and to limit the days and hours.

Bill Frost, City Attorney, provided clarification to the ordinance regarding displays and the permitting process.

Dan Morin, 1605 Little Kitten Avenue, informed the Commission that celebrating Independence Day is wonderful and stated that July 1 through July 4 is appropriate. He provided additional information about other cities in Kansas and their ordinances for discharging fireworks. He stated that there is no reason to expand the current ordinance and recommended that the Commission table the item.

Commissioner Sherow voiced concern with the lack of public notice and questioned why it went to four days in the first place. He provided statistics for Manhattan during the four day period and did not want to extend the period another day that would contribute to the number of emergency responses and associated costs.

Mayor Hatesohl stated there are certain people that do not like fireworks, so they are not going to like it whether it is four days or five days. He said that he would favor adjusting the hours back to 11:00 p.m., except on July 4.

Commissioner Phillips stated that from his vantage point, the request was not initiated from one person's phone call. He stated that he thought about it and one more day did not seem to be an insurmountable request.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 6708 - DISCHARGE OF FIREWORKS ON JULY 5TH (CONTINUED)

Commissioner Strawn stated that he could see both sides of issue; however, he said it came down to an extra day of fireworks being a nuisance. He commented that noise is a problem for the elderly and for residents who have pets, many of which who are spooked by the noise of fireworks. He said it came down to not allowing on the fifth for nuisance reasons.

Commissioner Sherow said fireworks began on June 29 in his neighborhood and stated that an additional day of fireworks results in an additional day of police calls, emergency room visits and fire calls.

Bill Frost, City Attorney, responded to questions from the Commission.

After additional discussion, there was no motion or action on the item.

LETTER OF INTENT - KONZA AREA WATER AND SEWER EXTENSIONS

Dale Houdeshell, Director of Public Works, introduced the item.

Monte Wedel, Director of Planning and Development, Riley County, presented an overview of the Konza area water and sewer extensions.

Leon Hobson, Director of Public Works, Riley County, provided additional information on the item and responded to questions from the Commission regarding the quality of the drinking water.

Ron Fehr, City Manager, responded to questions from the Commission regarding the Gateway to Manhattan study, infrastructure costs and funding mechanism, annexation considerations, associated costs of providing municipal services, future agreement with Riley County, and the letter of intent.

Bill Frost, City Attorney, and Ron Fehr, City Manager, responded to questions from the Commission and provided additional clarification about the agreement, consent to annexation, and compliance with codes.

Jason Hilgers, Assistant City Manager, provided additional information on the item.

Ron Fehr, City Manager, responded to questions from the Commission regarding the current fire protection for the area, the potential need for additional fire protection coverage, the need to revisit the Gateway to Manhattan study, and to strengthen planning efforts to meet City standards.

GENERAL AGENDA (CONTINUED)

LETTER OF INTENT - KONZA AREA WATER AND SEWER EXTENSIONS (CONTINUED)

Monte Wedel, Director of Planning and Development, Riley County, provided additional information on the item and informed the Commission of the opportunities for multi-family housing and commercial along this gateway.

Karen Davis, Director of Community Development, provided additional information about planning efforts.

Vincent Tracey, 304 Knoxberry Drive, informed the Commission about the lack of reliable water and sewer service in this area and that people living in this area would be appreciative of the services. He then stated that there was no immediate need to build a new fire station and that an existing rural county station on Johnson Road could be used.

After discussion, Commissioner Sherow moved to authorize the Mayor to sign a letter of intent to participate in the Konza Area Water and Sewer Project for the extension of the water and sewer systems into the Konza area. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 4-0.

OTHER ITEMS

Commissioner Strawn asked if the Commission wanted to discuss the ethics questions raised earlier in the evening regarding being Treasurer for Dick Miller's campaign.

After discussion, Mayor Hatesohl requested that the topic raised by Commissioner Strawn be discussed at next week's City Commission Meeting. He then asked that all citizens shoot off fireworks in a responsible and safe manner during the Fourth of July celebration.

ADJOURNMENT

At 9:15 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk