



MINUTES
CITY COMMISSION MEETING
TUESDAY, APRIL 20, 2010
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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, 9 staff, and approximately 32 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Strawn proclaimed April 25, 2010, **Arbor Day**. J. David Mattox, Forestry Supervisor, was present to receive the proclamation.

Mayor Strawn proclaimed May 1, 2010, **Poppy Day**. Karen Sisk, Co-Chair, Poppy Day, American Legion Auxiliary, and Kaitlyn French, Poppy Girl, were present to receive the proclamation.

Mayor Pro Tem Snead proclaimed May 2-7, 2010, **Manhattan Bike Week**. Brian Hardeman, Chair, and Victoria McKennan, Bicycle Coordinator, were present to receive the proclamation.

MINUTES

Commissioner Snead moved to approve the minutes of the Regular City Commission Meeting held Tuesday, April 6, 2010, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman asked that everyone be mindful of bicyclists during Manhattan Bike Week and encouraged both bicyclists and those driving vehicles to be aware and share the road, so that accidents can be avoided. She then informed the community of the Sunflower CASA Light of Hope Vigil on Monday, April 26, 2010, 6:30 p.m., at the Union Pacific Depot.

Commissioner Snead encouraged everyone to attend and enjoy the festivities associated with Earth Day at the Sunset Zoo this Sunday and to look at the City's web site for additional activities.

REORGANIZATION

Mayor Strawn commented on the many wonderful achievements and opportunities during his term as Mayor. He then thanked individuals that he worked with throughout the year and his fellow Commissioners, as well as acknowledge committee and board appointments made.

Gary Fees, City Clerk, called for the election of a new Mayor.

Commissioner Sherow moved that Commissioner Bruce Snead be appointed to serve as Mayor until the second legislative meeting in April 2011. Commissioner Pepperd seconded the motion. On vote, motion carried 5-0.

Newly Elected Mayor Bruce Snead called for the election of a new Mayor Pro Tem. Commissioner Pepperd moved that Commissioner Sherow be appointed to serve as Mayor Pro Tem until the second legislative meeting in April 2011. Commissioner Morris-Hardeman seconded the motion. On vote, motion carried 5-0.

Mayor Snead and City Manager Ron Fehr presented outgoing Mayor Strawn with a gift and plaque commemorating his tenure and service as Mayor. Commissioner Strawn provided some additional remarks on being Mayor and presented his wife Julia with a bouquet of red roses.

Mayor Snead presented his wife Leslie with a bouquet of red roses and recognized the spouses and family members of all Commissioners for their support. He then addressed the Commission and the general public with his vision and goals for the next year.

At 7:45 p.m., the Commission took a 15 minute recess.

CONSENT AGENDA

(* denotes those items discussed)

CLAIMS REGISTER NO. 2640

The Commission approved Claims Register No. 2640 authorizing and approving the payment of claims from March 31, 2010, to April 13, 2010, in the amount of \$1,725,469.61.

CEREAL MALT BEVERAGE LICENSE

The Commission approved an annual Cereal Malt Beverage License for Hy-Vee, Inc., 601 3rd Place, and Last Chance, Inc., 1213 Moro Street.

FINAL PLAT – WESTPORT COMMONS, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Westport Commons, Unit Two, Commercial Planned Unit Development, generally located southeast of the intersection of Dickens Avenue and Browning Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESTRICTIVE COVENANTS – WESTPORT COMMONS, UNIT TWO

The Commission authorized the Mayor and City Clerk to execute the Agreements regarding construction and maintenance of the drainage facilities and travel easements for Westport Commons, Unit Two.

PUBLIC HEARING – VACATE EASEMENT - LOT 5, BLOCK 3, HOWENSTINE ADDITION, NO. 1

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

FIRST READING - VACATE EASEMENT - LOT 5, BLOCK 3, HOWENSTINE ADDITION, NO. 1

The Commission approved first reading of an ordinance vacating the sidewalk portion of a sidewalk and utility easement on Lot 5, Block 3, Howenstine Addition, Number One, City of Manhattan, Riley County, Kansas.

RESOLUTION NO. 042010-A – SET BOND SALE DATE – GENERAL OBLIGATION BONDS (SERIES 2010-A)

The Commission approved Resolution No. 042010-A setting May 18, 2010, as the date to sell \$6,700,000.00 in general obligation bonds (Series 2010-A) for the following projects: *Lee Mill Heights Addition, Unit Four, Phase One – Storm Drainage (SM0703); Sanitary Sewer (SS0705); and Water (WA0706); Northwing Addition, Unit One – Storm Drainage (SM0808); Sanitary Sewer (SS0811); Street (ST0818); and Water (WA0807); Silo Townhomes – Storm Drainage (SM0805); Sanitary Sewer (SS0803); Street (ST0808); and Water (WA0802); Gary Avenue,*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 042010-A – SET BOND SALE DATE – GENERAL OBLIGATION BONDS (SERIES 2010-A) (CONTINUED)

Treesmill Circle and Treesmill Drive (Effingham) Drainage, Phase Two – Storm Drainage (SM0807); City Park Pavilion (CPX04P); Wildcat Creek Lift Station, Phase I (SP0905); Konza Sanitary Sewer Extension (SS1002); and 2007 New and Parallel Water Lines (WA0703).

FIRST READING – ISSUE – GENERAL OBLIGATION BONDS (SERIES 2010-A)

The Commission approved first reading of an ordinance issuing \$6,700,000.00 in general obligation bonds (Series 2010-A) for the following projects: *Lee Mill Heights Addition, Unit Four, Phase One – Storm Drainage (SM0703); Sanitary Sewer (SS0705); and Water (WA0706); Northwing Addition, Unit One – Storm Drainage (SM0808); Sanitary Sewer (SS0811); Street (ST0818); and Water (WA0807); Silo Townhomes – Storm Drainage (SM0805); Sanitary Sewer (SS0803); Street (ST0808); and Water (WA0802); Gary Avenue, Treesmill Circle and Treesmill Drive (Effingham) Drainage, Phase Two – Storm Drainage (SM0807); City Park Pavilion (CPX04P); Wildcat Creek Lift Station, Phase I (SP0905); Konza Sanitary Sewer Extension (SS1002); and 2007 New and Parallel Water Lines (WA0703).*

* NEGOTIATE AGREEMENTS – WATER STORAGE TANK ASSET MANAGEMENT PROGRAM (SP1002) (WA001P)

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the process and provided an overview on the item. He then responded to questions from a representative from Caldwell Tanks, Inc., that provided a proposal for consideration.

The Commission accepted the Selection Committee's recommendation and authorized City Administration to negotiate agreements with Utility Service, Inc., of Perry, Georgia, for the Water Storage Tank Asset Management Program.

AWARD CONTRACT – NORTHWEST BOOSTER STATION BACKUP POWER (WA1002)

The Commission awarded a contract in the amount of \$53,326.55 to V and V Electric, of Manhattan, Kansas, for the Northwest Booster Station Backup Power Project (WA1002).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – LIFT STATION BACKUP POWER GENERATORS (SS1003)

The Commission awarded a contract in the amount of \$162,465.27 to V and V Electric, of Manhattan, Kansas, for the Lift Station Backup Power Generators Project (SS1003).

PURSUE KDOT GRANT OFFERS – FEDERAL AID SAFETY GRANTS

The Commission expressed interest in pursuing the grant offers from KDOT for Bluemont Avenue from North Manhattan to 11th Street, the intersection of 11th Street and Fremont Street, and K-113 and Kimball Avenue Interchange and direct City Administration to proceed toward submitting these locations to KDOT for consideration for federal aid safety grants.

APPLICATION – 2010 EMERGENCY SHELTER GRANT FUNDS

The Commission authorized Mayor and City Clerk to sign an application for 2010 Emergency Shelter Grant funds.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item C, FINAL PLAT – WESTPORT COMMONS, UNIT TWO, which carried 4-0, with Commissioner Strawn abstaining from the item; and, with the exception of Item E, RESOLUTION NO. 042010-A – SET BOND SALE DATE/FIRST READING – ISSUE – GENERAL OBLIGATION BONDS (SERIES 2010-A), which carried 4-1, with Commissioner Pepperd voting against the item.

GENERAL AGENDA

SUBLEASE/AMENDMENTS/NEGOTIATE ARCHITECTURAL SERVICES AGREEMENT- MANHATTAN DAY CARE AND LEARNING CENTERS, INC., NEW BUILDING

Lauren Palmer, Assistant City Manager, presented the item. She then responded to questions from the Commission regarding the Agreement.

Bill Frost, City Attorney, provided additional information and clarification on the Agreement.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission and provided additional information on the request from Manhattan Day Care and Learning Centers, Inc.

GENERAL AGENDA (CONTINUED)

SUBLEASE/AMENDMENTS/NEGOTIATE ARCHITECTURAL SERVICES AGREEMENT- MANHATTAN DAY CARE AND LEARNING CENTERS, INC., NEW BUILDING (CONTINUED)

Joe Farrar, President, Farrar Corporation, provided additional information to the Commission and stated that this is a good solution to all parties and fully supports the item. He then responded to questions from the Commission.

Brady Childress, representing the Board of Directors for Manhattan Day Care and Learning Centers, Inc., thanked those involved and for opportunity to provide a great day care for the community. He informed the Commission that a capital campaign will begin very soon and provided information on the approximate costs for the facility and number of slots being proposed. He then responded to additional questions from the Commission.

Bill Frost, City Attorney, provided additional information on the item and responded to questions from the Commission regarding ownership of the land, the proposed Agreement, and the information received from Manhattan Day Care and Learning Center, Inc., and from the Trustee Bank.

Lauren Palmer, Assistant City Manager, and Bill Frost, City Attorney, provided additional clarification on the item and sublease provision.

Brady Childress, representing the Board of Directors for Manhattan Day Care and Learning Centers, Inc., responded to questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute a Sublease Agreement between Farrar Corporation and Manhattan Day Care and Learning Centers, Inc.; an Amendment to the Agreement for Repayment of Existing Debt with Farrar Corporation; an Amended Agreement with Manhattan Day Care and Learning Centers, Inc.; and an Amendment No. 1 to the Tax Compliance Agreement for Farrar Corporation Industrial Revenue Bonds. Commissioner Sherow seconded the motion.

After additional discussion by the Commission, on a roll call vote, motion carried 3-2, with Commissioners Pepperd and Strawn voting against the item.

NEGOTIATE CONTRACT – DESIGN SERVICES - MANHATTAN DAY CARE AND LEARNING CENTERS, INC.

Mayor Snead provided additional information on the federal requirements associated with this item.

GENERAL AGENDA (CONTINUED)

NEGOTIATE CONTRACT – DESIGN SERVICES - MANHATTAN DAY CARE AND LEARNING CENTERS, INC. (CONTINUED)

Brady Childress, representing the Board of Directors for Manhattan Day Care and Learning Centers, Inc., responded to questions from the Commission and provided additional information on the ratio of infants, toddlers, and teachers anticipated for the number of possible slots at the new facility.

After additional discussion, Commissioner Sherow moved to accept the recommendation from the Selection Committee and authorize City Administration to negotiate a contract with Anderson Knight Architects, of Manhattan, Kansas, for professional design services for the Manhattan Day Care and Learning Centers Project. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

PETITION/RESOLUTION NO. 042010-B/DEVELOPMENT AGREEMENT–MCCALL ROAD IMPROVEMENTS (ST0821)

Dale Houdeshell, Director of Public Works, presented an overview of the item.

Rich Seidler, McCullough Development, presented information on McCall Landing project, background information on McCullough Development, site plan for McCall Landing, background information on Menards, engineer's traffic letter from HWS Consulting Group, advantages of the projects, the petition, requested participation, engineer estimate of total project costs in the amount of \$6,182,458.00, revenue projections, public/private partnership, and additional information on the project. He then responded to questions from the Commission.

Bill Frost, City Attorney, provided additional information on the Development Agreement and the importance of timing and construction of the project.

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

Rich Seidler, McCullough Development, provided additional information on the revised petition submitted and participation from property owners. He then responded to additional questions from the Commission on the recapture rate for the City of Manhattan and for Pottawatomie County.

Ron Fehr, City Manager, provided additional information on the benefit district financing and participation. He then responded to additional questions from the Commission.

Rich Seidler, McCullough Development, provided additional information on the project investment return and associated project costs. He then responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

PETITION/RESOLUTION NO. 042010-B/DEVELOPMENT AGREEMENT- MCCALL ROAD IMPROVEMENTS (ST0821) (CONTINUED)

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional information on the proposed Agreement, the revised petition submitted, and suggested an amendment be added to the proposed motion provided in the staff agenda memorandum.

Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the proposed project timeframe.

After discussion, Commissioner Sherow moved to find the revised petition sufficient; approve Resolution No. 042010-B rescinding Resolution No. 111808-D and finding McCall Road Improvements from Hayes Drive to Kretschmer Drive project (ST0821) advisable and authorizing construction, subject to the Development Agreement and Pottawatomie County's participation; authorize City Administration to finalize and the Mayor and City Clerk to execute the Development Agreement with MBS, LLC., and Menard, Inc.; and authorize City Administration to finalize and the Mayor and City Clerk to execute an agreement with Pottawatomie County for funding participation. Commissioner Pepperd seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 5-0.

ENGINEERING SERVICES AGREEMENT – MCCALL ROAD IMPROVEMENTS (ST0821)

Dale Houdeshell, Director of Public Works, presented the item and responded to questions from the Commission.

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

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute an agreement with HWS Consulting Group, Inc., of Manhattan, Kansas, for the design of the McCall Road Improvements from Hayes Drive to Kretschmer Drive (ST0821). Commissioner Strawn seconded the motion.

After additional discussion, on a roll call vote, motion carried 5-0.

FINAL PLAT/RESTRICTIVE COVENANTS – MCCALL LANDING ADDITION

Eric Cattell, Assistant Director for Planning, presented the item.

After discussion, Commissioner Strawn moved to accept the easements and rights-of-way, as shown on the Final Plat of McCall Landing Addition, a Commercial Planned Unit Development, generally located north of the intersection of McCall Road and Carlson Street, south of Levee Drive, west of McCall Pattern Company, based on conformance

GENERAL AGENDA (CONTINUED)

FINAL PLAT/RESTRICTIVE COVENANTS – MCCALL LANDING ADDITION

with the Manhattan Urban Area Subdivision Regulations; and, authorize City Administration to finalize and the Mayor and City Clerk to execute the Agreement regarding construction and maintenance of the storm water facilities and travel easements. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

SINGLE MEANS OF ACCESS - ONE- AND TWO-FAMILY RESIDENTIAL DEVELOPMENTS

Ryan Almes, Fire Marshal, presented the item and provided additional information on the item. He then responded to questions from the Commission regarding responding to emergencies and existing residential developments.

Ron Fehr, City Manager, provided additional information about the current and proposed sites of the fire stations located in Manhattan.

Ryan Almes, Fire Marshal, provided additional information on ware line requirements for residential areas and responded to questions from the Commission.

Mark Bachamp, Schultz Construction, provided additional information on the item. He voiced concurrence with City Staff's recommendation and stressed the need to address future residential developments. He then responded to questions from the Commission.

Tim Schultz, Schultz Construction, provided additional information on the item and informed the Commission that he could not support a mandatory sprinkler system in residential homes. He stated that the west side of Manhattan has limited access and want to use this as a tool to move forward in providing housing. He responded to questions from the Commission and asked the Commission to support the City Staff recommendation.

After additional discussion, Commissioner Sherow moved to approve first reading of an ordinance amending Section 13-16 of the Code of Ordinances modifying the exception allowing only one means of access, if sprinklers are provided, to require sprinklers in only those residences beyond the first 30; and direct City Administration to prepare a restrictive covenant to be executed by the owner of any development intending to use the exception. Commissioner Morris-Hardeman seconded the motion.

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

ADJOURNMENT

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



Gary S. Fees, MMC, City Clerk