



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 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 Bruce Snead and Commissioners Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn 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, 6 staff, and approximately 60 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Snead proclaimed July 26, 2010, *20th Anniversary of the Americans with Disabilities Act*. Audrey Schremmer-Philip, Executive Director, Three Rivers Independent Living, and Jaclyn Anderson, Assistant Director, Kansas State University Disability Support Services, were present to receive the proclamation.

Mayor Snead proclaimed July 31, 2010, *Kansas All-Star Football Shrine Bowl Day*. Tate Snyder, Kansas Shrine Bowl Participant from Manhattan; Wanda and Sean Snyder, Tate's parents; and Dave Davis, Rod Kalivoda, Vince Tracey, and Rex Boatman, Manhattan Shrine Club, were present to receive the proclamation.

COMMISSIONER COMMENTS

Mayor Snead informed the community that during the Discussion/Briefing Session prior to the Commission Meeting, the Commission discussed the importance of having a representative attend the Flint Hills Regional Council meetings when Commissioner Pepperd is unable to attend, and that representative will be Commissioner Pepperd; received an update that the Kansas Department of Transportation has approved the mobile device hands free signs and those will be up by the end of the week; discussed having a Special City Commission Meeting on August 24, 2010, and possibly, no meeting on

COMMISSIONER COMMENTS (CONTINUED)

August 17, 2010; reviewed a request from the Veteran's Parade committee; reviewed calendar items; received an update on the Riley County Police Department's budget; reviewed an economic development report provided by City Administration; received information on an upcoming public meeting and Work Session dealing with special permits and licenses; and discussed Triangle Park activities and maintenance. Mayor Snead invited the community to attend an admission event with the Friends of Sunset Zoo, called Brew in the Zoo. He also expressed appreciation for the new City Park Pool and staff, and stated that the feedback received from patrons has been great.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 6, 2010.

CLAIMS REGISTER NO. 2646

The Commission approved Claims Register No. 2646 authorizing and approving the payment of claims from June 30, 2010, to July 13, 2010, in the amount of \$4,180,438.21.

LICENSES

The Commission approved a Tree Maintenance License for calendar year 2010 for Eager Beavers Landscaping, Inc., 7020 Cedar Creek Road; and an annual Cereal Malt Beverage License On-Premises for Leo's Hillside Café, 2307 Stagg Hill Road.

* FINAL PLAT – NEW BOSTON COMMONS, COMMERCIAL PLANNED UNIT DEVELOPMENT

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

Rob Ott, City Engineer, provided information on the drainage report and documents prepared and shared with the Manhattan Urban Area Planning Board. He then responded to questions on the Browning Avenue and Dickens Avenue drainage improvement project.

Linda Weis, 215 Pine Drive, provided clarification relating to discussion of the project location at Browning Avenue and Dickens Avenue.

CONSENT AGENDA (CONTINUED)

* **FINAL PLAT – NEW BOSTON COMMONS, COMMERCIAL PLANNED UNIT DEVELOPMENT (CONTINUED)**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of New Boston Commons, Commercial Planned Unit Development, generally located 350 feet south of the intersection of Anderson Avenue and Garden Way, along the east side of Garden Way, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* **RESTRICTIVE COVENANT AGREEMENT – NEW BOSTON COMMONS, COMMERCIAL PLANNED UNIT DEVELOPMENT**

The Commission authorized 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.

PUBLIC HEARING – VACATE EASEMENT – LOT 59, PRAIRIE LAKES, UNIT TWO (804 BUTTERFIELD ROAD)

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

FIRST READING - VACATE EASEMENT – LOT 59, PRAIRIE LAKES, UNIT TWO (804 BUTTERFIELD ROAD)

The Commission approved first reading of an ordinance vacating a portion of the drainage and utility easement on Lot 59, Prairie Lakes, Unit Two, City of Manhattan, Riley County, Kansas.

RESOLUTION NO. 072010-A – DISPOSE – CITY SURPLUS

The Commission approved Resolution No. 072010-A authorizing the disposal of City surplus equipment and vehicles.

RESOLUTION NO. 072010-B - PETITION – LEE MILL HEIGHTS ADDITION, UNIT 4, PHASE TWO – STREET IMPROVEMENTS (ST1012)

The Commission found the petition sufficient and approved Resolution No. 072010-B, finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 4, Phase Two, Street Improvements (ST1012).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 072010-C - PETITION – LEE MILL HEIGHTS ADDITION, UNIT 4, PHASE TWO – SANITARY SEWER IMPROVEMENTS (SS1009)

The Commission found the petition sufficient and approved Resolution No. 072010-C, finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 4, Phase Two, Sanitary Sewer Improvements (SS1009).

RESOLUTION NO. 072010-D - PETITION – LEE MILL HEIGHTS ADDITION, UNIT 4, PHASE TWO – WATER IMPROVEMENTS (WA1008)

The Commission found the petition sufficient and approved Resolution No. 072010-D, finding the project advisable and authorizing construction for Lee Mill Heights Addition, Unit 4, Phase Two, Water Improvements (WA1008).

AGREEMENT – ENGINEERING SERVICES - LEE MILL HEIGHTS ADDITION, UNIT 4, PHASE TWO –IMPROVEMENTS (ST1012, SS1009, WA1008)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton Consultants, P.A., of Manhattan, Kansas, to perform professional services for the Lee Mill Heights Addition, Unit 4, Phase Two, Street (ST1012), Sanitary Sewer (SS1009), and Water (WA1008) improvements.

REQUEST FOR QUALIFICATIONS – PROFESSIONAL SERVICES – AFRICAN-AMERICAN CULTURAL RESOURCES PROJECT

The Commission authorized City Administration to advertise a Request for Qualifications for professional services related to the African-American Cultural Resources Project (20-10-21923-009) and appointed Commissioner Sherow to the Selection Committee.

AWARD CONTRACT – LIME BASIN IMPROVEMENTS (WA1010)

The Commission accepted the Engineer's Estimate in the amount of \$19,590.00 and awarded a contract in the amount of \$14,445.00 to R. M. Baril, of Manhattan, Kansas, for the Lime Basin Improvements (WA1010) Project.

AGREEMENT – WATER STORAGE TANK ASSET MANAGEMENT PROGRAM (SP1002, WA001P)

The Commission authorized the Mayor and City Clerk to execute an Agreement, in the amount of \$99,664.00 annually, with Utility Service, Inc., of Perry, Georgia, for the Water Storage Tank Asset Management Program (SP1002, WA001P).

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – HYDRANT AND VALVE REPLACEMENT PROJECT (WA1011)**

Ron Fehr, City Manager, responded to questions from the Commission regarding financing of the project and the water rate structure.

The Commission awarded a contract in the amount of \$95,300.00 to Larson Construction Inc., of Manhattan, Kansas, for the Hydrant and Valve Replacement Project (WA1011).

* **RE-ALLOCATION OF FUNDS – ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FUNDS**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on potential revenue sources for traffic signalization.

Lauren Palmer, Assistant City Manager, provided clarification on the amount of time available to spend the stimulus funds.

Curt Loupe, Director of Parks and Recreation, informed the Commission that the boiler in the Community Building needs to be replaced and that the City should realize significant energy gains.

Commissioner Strawn suggested that the Commission table the item until the next legislative City Commission meeting.

Mayor Snead asked that the item be removed from the agenda and allow for additional time to consider the item and evaluate additional opportunities in the near future.

After additional discussion, this item was removed from the consent agenda at the request of the City Commission.

PURCHASE – CRAFCO CRACK SEAL MACHINE – STREET DIVISION (UNIT #231)

The Commission awarded the purchase of a 2010 Crafcro Crack Seal Machine to PMSI, of Wichita, Kansas, for \$32,443.00.

BOARD APPOINTMENTS

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

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Airport Advisory Board

Appointment of Jackie Hartman, 110 Anderson Hall, to fill the unexpired Kansas State University term of Charles Reagan. Ms. Hartman's term begins immediately and will expire June 26, 2011.

Band Board

Re-appointment of Gary Plumberg, 526 Fremont Street, to a four-year term. Mr. Plumberg's term will begin September 1, 2010, and will expire August 31, 2014.

City/University Special Projects Fund Committee

Re-appointment of Becky Ballard, 333 Denison Avenue, to a two-year Citizen term. Ms. Ballard's term begins immediately and will expire June 30, 2012.

Re-appointment of Jeff Koenig, 203 N. 14th Street, to a two-year Citizen term. Mr. Koenig's term begins immediately and will expire June 30, 2012.

Historic Resources Board

Appointment of Michael Dudek, 1708 Humboldt Street, to a three-year Architect term. Mr. Dudek's term begins immediately and will expire April 30, 2013.

Partner City Advisory Committee

Re-appointment of Mary Kramer, 1222 Windsong Lane, to a three-year term. Ms. Kramer's term will begin September 1, 2010, and will expire August 31, 2013.

After discussion, Commissioner Morris-Hardeman moved to approve the consent agenda, as amended. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

FINAL PLAT – KANSAS STATE UNIVERSITY ADDITION – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF)

Eric Cattell, Assistant Director for Planning, presented the item and responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

FINAL PLAT – KANSAS STATE UNIVERSITY ADDITION – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF) (CONTINUED)

Ron Trewyn, Vice President for Research, Kansas State University, provided additional information on the Final Plat and National Bio and Agro Defense Facility (NBAF). He then responded to questions from the Commission and stated the importance of providing information to the public.

James Johnson, Director, Office of National Laboratories, U.S. Department of Homeland Security, provided an overview of the NBAF project and summarized the construction timeframe. He stated that the facility would be fully operational in fiscal year 2018.

Joe Blackford, 2504 Rogers Boulevard, voiced concern for the safety and security of the National Bio and Agro Defense Facility. He provided additional information on his concerns with the item and asked the Commission to delay approval until the National Academy of Sciences completes a study on the NBAF Environmental Impact Statement.

Bill Dorsett, 1715 Leavenworth Street, informed the Commission that it would be prudent to wait until the National Academy of Sciences releases its information and that it was premature to invest a lot of money in this project until this information was submitted. He requested that a public oversight committee be established and asked for accountability for the NBAF and the Biosecurity Research Institute (BRI) facilities, and any other related companies that would relocate here.

Torry Dickinson, 2391 Grandview Terrace, informed the Commission that she was concerned for her property values and those of the neighborhood and community with NBAF. She also voiced concerns with insurance coverage on property in the area and the threat of damage to the facility as a result from a tornado. She asked the Commission to make sure that economic development is good for all citizens.

Julie Clingan, 2216 Seaton Avenue, spoke against building the NBAF in Manhattan and stated that it is only a question of when there will be a problem. She informed the Commission that she does not want to lose value on her home and fears for the safety of our children and the quality of life in Manhattan.

James Johnson, Director, Office of National Laboratories, U.S. Department of Homeland Security, responded to questions from the Commission regarding the National Academy of Sciences review and specific risk assessments to design and operate the facility safely and efficiently. He then provided additional information about the Center for Disease Control, U.S. Department of Homeland Security, and responded to additional questions about the facility.

GENERAL AGENDA (CONTINUED)

FINAL PLAT – KANSAS STATE UNIVERSITY ADDITION – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF) (CONTINUED)

Ron Trewyn, Vice President for Research, Kansas State University, responded to questions from the Commission regarding other bio containment facilities and the nuclear reactor located on the Kansas State University campus. He stated that the formation of a committee with members from Kansas State and the community at-large has been part of the plan.

Bill Dorsett, 1715 Leavenworth Street, provided additional information on the item and asked if insurance coverage would also apply to agriculture land and operations, if there were an accident or loss of value to property.

Torry Dickinson, 2391 Grandview Terrace, stated that the research being conducted was on an island and now is being put in the middle of our community. She stated that we need to pay attention to the impacts very carefully.

After discussion, Commissioner Strawn moved to accept the easements and rights-of-way, as shown on the Final Plat of the Kansas State University Addition, generally located southeast of the intersection of Denison Avenue and Kimball Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations. Commissioner Pepperd seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

REIMBURSEMENT AGREEMENT – RELOCATION OF WESTAR INFRASTRUCTURE – NATIONAL BIO AND AGRO DEFENSE FACILITY (NBAF)

Jason Hilgers, Assistant City Manager, presented the item.

Ron Fehr, City Manager, responded to questions from the Commission and stated that economic development funds have been secured for this expenditure.

After discussion, Commissioner Strawn moved to approve the Westar Agreement for the removal and relocation of infrastructure relative to the NBAF site and authorize City Administration to finance this improvement from the Economic Development Fund. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

At 8:25 p.m., the City Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

FINAL REPORT – 2001 TRANSIT PLAN UPDATE

Karen Davis, Director of Community Development, introduced the item.

Ted Reick, TranSystems/HDR Team, presented an overview of the item; the preferred route concept; an Aggieville Special route service to replace the SafeRide service; the field test report on the proposed routes; a summary of route operations; proposed operating budget and Kansas State University funding sources; SafeRide funding replacement options; proposed capital plan for vehicles; proposed passenger amenities, facilities, and support; proposed local capital budget; proposed funding capital reserve; projected start-up costs and considerations; institutional oversight and funding issues; and a projected timeline. He then responded to questions from the Commission and stated that Manhattan is an excellent candidate for mass transit with its density and university.

Anne Smith, Director, Flint Hills Area Transportation Agency, answered questions regarding current funding projections.

Danny Unruh, Student Body President, Kansas State University, informed the Commission about the SafeRide program and voiced his desire to provide a safe and efficient route system for students. He stated that the current program could be potentially folded into this program, and concurred with the Commission that the City/University Fund could be a potential source of revenue for public transit. He then responded to additional questions from the Commission. He stated that he would be against a student fee or privilege fee at this time, but indicated the need for students to buy-in and support the program. He also stated that he was willing to listen and to be at the table on this issue.

Anne Smith, Director, Flint Hills Area Transportation Agency, informed the Commission that K-State students need to be encouraged and need to buy-in to the program. She provided an update on projected funds from local, state and federal sources. She then responded to questions from the Commission about providing a fixed-route system, the building project, and the need for a capital replacement for vehicles. She stated that the Flint Hills Area Transportation Agency would be developing a strategic plan, with discussion regarding governance, and would also work with the Flint Hills Regional Council.

Gayle Spencer, Associate Dean of Student Life, Kansas State University, informed the Commission that the students did a nice job looking at feasibilities, with a plan to integrate into a bigger system. She then responded to questions from the Commission about student privilege fees and programs funded.

GENERAL AGENDA (CONTINUED)

FINAL REPORT – 2001 TRANSIT PLAN UPDATE (CONTINUED)

Ben Champion, 2349 Bellehaven Road, Director of Sustainability, Kansas State University, informed the Commission that students love free stuff and might see this as a benefit to attract others. He stated that this is an opportunity for students, faculty and staff to have a discussion on campus of what transit could do for the University.

Karen Davis, Director of Community Development, provided additional information about the implementation process and establishing a transit working group.

After discussion, Commissioner Morris-Hardeman moved to accept the Transit Plan Update and direct City Administration to organize a Transit Service Implementation Working Group. Commissioner Strawn seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

PUBLIC INFRASTRUCTURE AGREEMENT – GRAND CHAMPIONS DEVELOPMENT

Dale Houdeshell, Director of Public Works, presented the item. He then responded to questions from the Commission about the inspection and bid process used for the development.

Jason Hilgers, Assistant City Manager, and Rob Ott, City Engineer, provided additional information on the item and examples of other developments with private and public infrastructure improvements.

Ron Fehr, City Manager, responded to additional questions from the Commission on the process for approving the oversizing of public infrastructure and the need for prior concurrence from the City Commission on amounts that exceed the City Manager's authority.

Dale Houdeshell, Director of Public Works, provided additional information on the bidding process that was used.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, informed the Commission that development agreements come before the City Commission for approval prior to construction. They then provided additional information on the internal policy and the need to adopt a policy to address this.

Bill Frost, City Attorney, provided clarification on the item regarding private and/or public developments and development agreements.

GENERAL AGENDA (CONTINUED)

PUBLIC INFRASTRUCTURE AGREEMENT – GRAND CHAMPIONS DEVELOPMENT (CONTINUED)

Dale Houdeshell, Director of Public Works, and Rob Ott, City Engineer, provided additional information on the item and the current development policy.

Ron Fehr, City Manager, and Jason Hilgers, Assistant City Manager, stressed the importance of quality control with the use of development agreements and responded to additional questions from the Commission.

Rob Ott, City Engineer, provided additional information on the inspection process and examples from other developments. He then responded to questions from the Commission about utilizing a third party inspector for some projects.

After discussion, Commissioner Strawn moved to authorize the execution of an agreement with Banzil, LLC; Bayer Construction Company, Inc.; and Manhattan Trenching, Inc., all of Manhattan, Kansas, for the warranty of and City acceptance of the public infrastructure, and authorize a payment in the amount of \$37,344.90 for oversizing a water main (WA0905) in Grand Champions Development. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 10:35 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk