

MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 21, 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 James E. Sherow, Loren J. Pepperd, 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, 7 staff, and approximately 5 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

Mayor Snead provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission discussed the Legislative Breakfast event scheduled for January 6, 2011, at 7:30 a.m., in the City Commission Room; discussed the City Commission Goal Setting Retreat scheduled for January 7, 2011; received updates associated with items on the consent agenda; discussed aspects of a petition ordinance; received committee and board reports from the Commission; discussed parking issues; and discussed various meetings and calendar related items.

Mayor Snead reviewed many of the accomplishments achieved in 2010 by the City of Manhattan and thanked his fellow commissioners, City staff, City board and committee members, and the media for their work throughout the year. He informed the community that as he looks into 2011, this is the right time to publically state that he has no plans to run again for City Commission in the upcoming election. He said he would be pleased to share his experience with anyone interested in serving. He stated that it has been an incredibly gratifying experience to serve for 16 years as a City Commissioner and four times as Mayor of Manhattan.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 7, 2010.

CLAIMS REGISTER NO. 2656

The Commission approved Claims Register No. 2656 authorizing and approving the payment of claims from December 1, 2010, to December 14, 2010, in the amount of \$3,173,617.37.

LICENSES

The Commission approved a 2011 *Tree Maintenance license* for Haslett Tree Service, 105 Tremont, Grand View Plaza; Asplundh Tree Expert Co., 2901 Princeton Place; Brinker Tree Care, Inc., 2907 Jacque Circle; and Hummel Tree Service, Inc., 601 Pottawatomie Avenue; an annual *Cereal Malt Beverage On-Premises license* for Hunan Express, 1116 Moro Street; an annual *Cereal Malt Beverage Off-Premises license* for Hop-N-Skip Convenience Store, 2223 Tuttle Creek Boulevard; Shop Quik #16, 1127 Bluemont Avenue; Shop Quik #14, 529 Richards Drive; Shop Quik #12, 430 Fort Riley Boulevard; Shop Quik #11, 3108 Anderson Avenue; and The Little Apple Express, 809 N. 3rd Street; and a 2011 *Merchant Guard Agency license* for G4S Secure Solutions (USA), Inc., 10540 Marty Street #160, Overland Park; MVM, Inc., 44620 Guilford Drive, Suite 150, Ashburn, Virginia; Vend-Tech Enterprise, LLC, 260 N. Rock Road, Suite 218, Wichita, and Securitas Security Services USA, Inc., 2942 B SW Wanamaker Drive, Suite 2A, Topeka.

ORDINANCE NO. 6870 – NO PARKING – TECUMSEH ROAD (CHARLES LITTLE ROAD TO WHARTON MANOR ROAD)

The Commission approved Ordinance No. 6870 removing parking along the north side of Tecumseh Road from Charles Little Road west to Wharton Manor Road.

ORDINANCE NO 6871 – NO PARKING – HIGHLAND RIDGE DRIVE

The Commission approved Ordinance No. 6871 removing parking along the south side of Highland Ridge Drive for a distance of 1,922 feet west of its northern intersection with Scenic Drive.

RESOLUTION NO. 122110-A – 2010 CITY BOUNDARY

The Commission approved Resolution No. 122110-A establishing and defining the boundaries of the City of Manhattan, Kansas, as of December 21, 2010.

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES - AIRPORT TERMINAL AREA MASTER PLAN

The Commission accepted the Selection Committee's recommendation and authorized City Administration to negotiate a contract for professional services with Mead & Hunt, Inc., of Madison, Wisconsin, for the Airport Terminal Area Master Plan.

REQUEST FOR PROPOSALS – ENGINEERING SERVICES – FORT RILEY BOULEVARD SEWER MAIN UPSIZING PROJECT (SS1101)

The Commission authorized City Administration to solicit proposals for Engineering and Design Services and appointed Commissioner Pepperd to serve on the Selection Committee for the Fort Riley Boulevard Sewer Main Upsizing Project (SS1101).

DEVELOPMENT AGREEMENT – WATER MAIN (WA1020), FIRE LINE (WA1021) – LEE ELEMENTARY SCHOOL

The Commission authorized the Mayor and City Clerk to execute a Development Agreement with USD 383 to provide for the public water mains associated with the USD 383 Lee Elementary School Improvement Project.

DEVELOPMENT AGREEMENT – SANITARY SEWER MAIN (SS1013) – THEODORE ROOSEVELT ELEMENTARY SCHOOL

The Commission authorized the Mayor and City Clerk to execute a Development Agreement with USD 383 to provide for sanitary sewer mains associated with the USD 383 Theodore Roosevelt Elementary School Improvement Project.

* **CHANGE ORDER NO. 1 – CDBG SIDEWALK IMPROVEMENT PROJECT (SW1001)**

Commissioner Strawn asked the Commission to consider changing the allocation for sidewalk improvements from Fort Riley Boulevard to Longs Park.

Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission.

Shelley Carver, Grant Administrator, responded to questions from the Commission regarding the scope of the project and requirements of the Community Development Block Grant (CDBG) program. She then responded to questions from the Commission.

CONSENT AGENDA (CONTINUED)

* **CHANGE ORDER NO. 1 – CDBG SIDEWALK IMPROVEMENT PROJECT (SW1001) (CONTINUED)**

The Commission approved Change Order No. 1 for the Community Development Block Grant Sidewalk Improvement Project (SW1001), resulting in a net increase in the amount of \$50,275.00 (+41.6%) to the contract with Middlecreek Corporation, of Peabody, Kansas.

* **CHANGE ORDER NO. 1 – SUNSET ZOO ENTRY AND EDUCATION BUILDING (SZ0901)**

The Commission approved Change Order No. 1 for the construction of a storm shelter for the Sunset Zoo Entry and Education Building (SZ0901), resulting in a net increase in the amount of \$99,000.00 (+3.09%) to the contract with National Builders, Inc., of Wichita, Kansas.

PURCHASE – UNIT #440 – SINGLE-AXLE 5-YARD DUMP TRUCK (WA002E)

The Commission authorized the purchase of a single-axle 5-yard dump truck in the amount of \$67,496.00 from Midway Freightliner, of Palmyra, Missouri.

LEASE PURCHASE AGREEMENT – UNIT #440 – SINGLE-AXLE 5-YARD DUMP TRUCK (WA002E)

The Commission authorized the Mayor and City Clerk to execute the lease purchase agreement for a single-axle 5-yard dump truck.

* **BOARD APPOINTMENTS - RILEY COUNTY LAW ENFORCEMENT BOARD**

Mayor Snead provided additional information on the appointments to the Riley County Law Enforcement Board.

The Commission re-appointed Jim Sherow, 617 Colorado Street, to a two-year Commissioner's term. Mr. Sherow's term will begin January 1, 2011, and will expire December 31, 2012.

The Commission re-appointed Jayme Morris-Hardeman, 1822 Laramie, to a two-year City At-Large term. Ms. Morris-Hardeman's term will begin January 1, 2011, and will expire December 31, 2012.

The Commission appointed Bruce Snead, 810 Pierre Street, to a two-year City At-Large term. Mr. Snead's term will begin January 1, 2011, and will expire December 31, 2012.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS - RILEY COUNTY LAW ENFORCEMENT BOARD (CONTINUED)

The Commission re-appointed Loren Pepperd, 1404 Oaktree Place, to a two-year Rotating term. Mr. Pepperd's term will begin January 1, 2011, and will expire December 31, 2012.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0, with the exception of Item J: Change Order No. 1 - CDBG Sidewalk Improvement Project, which carried 3-1, with Commissioner Strawn voting against the item.

GENERAL AGENDA

RESOLUTION NO. 122110-B – CONDEMNATION - 3RD STREET AND PIERRE STREET (ST0807), 3RD STREET AND LEAVENWORTH STREET (ST0806) INTERSECTIONS

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

After discussion, Commissioner Sherow moved to approve Resolution No. 122110-B, declaring it necessary to acquire the subject property interests by condemnation for the opening of Third Street at Leavenworth Street (ST0806) and Pierre Street (ST0807), and directing staff to complete and file surveys of the necessary properties. Commissioner Pepperd seconded the motion.

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

CONTRACT AMENDMENT NO. 2 –DESIGN AND BID - 3RD STREET AND PIERRE STREET (ST0807), 3RD STREET AND LEAVENWORTH STREET (ST0806) INTERSECTIONS

Jason Hilgers, Assistant City Manager, presented images and preliminary designs of the Manhattan Town Center Mall entrance at 3rd Street and Leavenworth Street, Manhattan Marketplace, Manhattan Town Center Mall entrance from Pierre Street, Fort Riley Boulevard to Poyntz Avenue, 3rd Street openings, and provided cost estimates for 3rd Street openings at Pierre Street and Leavenworth Street. He then responded to questions from the Commission regarding the intersections, pedestrian flow, sidewalk locations, and landscaping.

GENERAL AGENDA (CONTINUED)

CONTRACT AMENDMENT NO. 2 –DESIGN AND BID - 3RD STREET AND PIERRE STREET (ST0807), 3RD STREET AND LEAVENWORTH STREET (ST0806) INTERSECTIONS (CONTINUED)

Gary Olds, 3308 Frontier Circle, asked about the current parking provided for residents of the Hartford Apartments and for the aTa buses that are parked in the Manhattan Town Center Mall parking lot.

Ron Fehr, City Manager, responded to questions about aTa buses parked in the Manhattan Town Center Mall parking lot and stated that the buses will most likely be relocated to the Riley County Public Works Shops.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute a Contract Amendment No. 2 in the amount of \$12,900.00 with Alfred Benesch & Company, of Manhattan, Kansas, to finalize design and bid the 3rd Street openings at Leavenworth Street (ST0806) and Pierre Street (ST0807). Commissioner Pepper seconded the motion. On a roll call vote, motion carried 4-0.

CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES -FEMA LEEVE CERTIFICATION, PHASE 2

Rob Ott, City Engineer, presented background information on the FEMA levee certification; discussed the Katrina effect; presented new levee regulations and accreditation of the City levee; discussed Provisionally Accredited Levees and Minimum Freeboard requirements; presented an aerial of the levee along Big Blue and Kansas Rivers; highlighted key locations for levee certification; and provided information about the Levee Certification Report. He informed the Commission that this is an unfunded federal mandate and provided funding considerations for Phase II and the potential of future funding requirements.

Ron Fehr, City Manager, provided additional information to the Commission and emphasized that this is a huge unfunded mandate by the federal government. He recommended that the Commission proceed with approval of the amendment for engineering services to identify what improvements are necessary and to seek relief from our legislative delegation.

Rob Ott, City Engineer, responded to questions from the Commission and presented an aerial of the affected area and potential impact.

Ron Fehr, City Manager, responded to questions from the Commission about the estimated costs to remedy the new requirements and discussed potential funding sources, including the Stormwater Fund. He informed the Commission that the new requirements were never considered when the federal government designed and partnered with us to build the levee.

GENERAL AGENDA (CONTINUED)

CONTRACT AMENDMENT NO. 1 - ENGINEERING SERVICES -FEMA LEVEE CERTIFICATION, PHASE 2 (CONTINUED)

Rob Ott, City Engineer, informed the Commission that after the study is complete, they will have deficiencies identified and will have a better estimate of costs associated with needed improvements. He stated that at this time, the City does not have any financial assistance from FEMA or the Corps of Engineers to help the City comply with these new design standards.

Joe File, AMEC Earth and Environmental, Inc., provided additional information on the item and responded to questions.

Ron Fehr, City Manager, and Rob Ott, City Engineer, responded to additional questions about the new levee standards, flood plain, potential impacts to the community, historical water release amounts from the Tuttle Creek Dam, and the possibility of multi-year mitigation agreements in which all parties agree to jointly fund the analysis and any needed improvements. They informed the Commission that there are 11 other cities in Kansas and municipalities throughout the United States that will be impacted by these new requirements.

Joe File, AMEC Earth and Environmental, Inc., provided additional information on the analysis that would be done and the certification process.

Rob Ott, City Engineer, and Ron Fehr, City Manager, responded to additional questions from the Commission about remapping and FEMA requirements.

Gary Olds, 3308 Frontier Circle, voiced concern with the irony of the situation that confronts citizens with new requirements, much like new requirements imposed on landlords in Manhattan. He stated that increasing stormwater fees may be an option, but would be difficult.

After discussion, Commissioner Strawn moved to authorize the Mayor and City Clerk to execute Contract Amendment No. 1 in an amount not to exceed \$369,573.75 with AMEC Earth and Environmental, Inc., of Topeka, Kansas, for Phase II services for the Levee Certification Project (SM1003). Commissioner Pepperd seconded the motion.

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

ADJOURNMENT

At 8:32 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk