

***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, FEBRUARY 28, 2012***  
***7:00 P.M.***

The Special Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, John Matta, Wynn Butler, and Richard B. Jankovich 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, 13 staff, and approximately 28 interested citizens.

**COMMISSIONER COMMENTS**

Commissioner Matta congratulated the Board of the Flint Hills Tea Party Educational Fund for its first annual U.S. Constitution Week for Kansas High Schools at Forum Hall, K-State Union, on February 19, 2012. He informed the community that dignitaries in attendance included Congressperson Lynn Jenkins, State Representative Tom Phillips, and School Board Member from District 6 Cathy Hall. He recognized the finalists receiving scholarships and informed the community that this event is open to high school freshman through seniors. He stated that the Board of the Flint Hills Tea Party Educational Fund consists of individuals from Manhattan, Riley County, and Pottawatomie County.

Commissioner Pepperd informed the community that the Manhattan Area Chamber of Commerce Board of Directors held a meeting last Tuesday and discussed proposed City code enforcement of building codes. He stated that the Chamber of Commerce Board of Directors supports safe housing and improved residential and building codes, but believes a cost-benefit analysis of any revised code should be presented and considered before any new code is adopted, while maintaining a proper concern for safety; and, furthermore, the Chamber Board of Directors supports the examination of possible changes of any current code in which a perceived benefit may not outweigh the higher costs or potential negative impact on economic development. He also stated that the Chamber Board of Directors has taken a position on Fake Patty's Day or Green Break and they fully support enforcing all laws and statutes to manage events such as Fake Patty's Day to protect the safety of visitors and citizens.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Jankovich congratulated the Manhattan Area Chamber of Commerce for its successful Annual Meeting and Dinner held on Friday, February 24, 2012. He also thanked the Military Relations Committee and the Manhattan Area Chamber of Commerce for a well attended Little Apple Brigade Ball held on Saturday, February 25, 2012.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 7, 2012.

### CLAIMS REGISTER NOS. 2692 and 2693

The Commission approved Claims Register Nos. 2692 and 2693 authorizing and approving the payment of claims from February 1, 2012, to February 21, 2012, in the amounts of \$1,827,991.29 and \$4,894,601.20, respectively.

### LICENSE

The Commission approved an annual Cereal Malt Beverage On-Premises License for JP's Sports Grill, Building 5-Jardine Terrace.

### \* FINAL PLAT – ALPHA TAU OMEGA ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Alpha Tau Omega Addition, generally located on the northeast corner of the intersection of North Manhattan Avenue and McCain Lane, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6938 – LEVY – SPECIAL ASSESSMENTS (GOB 2012-A)

The Commission approved Ordinance No. 6938 levying special assessments against the benefiting properties in the following six (6) public improvement districts: *Grande Bluffs at Mill Pointe, Unit One – Sanitary Sewer (SS1008), Street (ST1008), and Water (WA1007); and Lee Mill Heights Addition, Unit Four, Phase Two – Sanitary Sewer (SS1009), Street (ST1012), and Water (WA1008).*

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 6939 – AMEND – INTERNATIONAL FIRE CODE – OVERCROWDING ENFORCEMENT**

Rob Goode, Owner, So Long Saloon and Taco Lucha, asked the Commission if they will also be enforcing overcrowding in other areas of the community, such as at concert halls, motion picture studios, art galleries, bowling alleys, places of religious worship, funeral parlors, museums, airports, arenas, stadiums, etc. He stated that the ordinance needs to be clear that this is for the entire city and not just with an emphasis on enforcement in Aggieville.

The Commission approved Ordinance No. 6939 regarding enhanced enforcement of overcrowding violations, with the changes as recommended by City Administration.

**FIRST READING – BUS LOADING ZONE – FLINT HILLS DISCOVERY CENTER**

The Commission approved first reading of an ordinance designating a “Bus Loading Zone” on the north side of the 200 block of Colorado Street beginning 90 feet east of the centerline of South 3<sup>rd</sup> Street, thence east 95 feet.

\* **FIRST READING – ALCOHOL PERMITTED – BLUE EARTH PLAZA**

Lauren Palmer, Assistant City Manager, provided additional information on the item and responded to questions from the Commission.

The Commission approved first reading of an ordinance amending Sections 4-2 and 31-156 of the Code of Ordinances to designate the Blue Earth Plaza as a special purpose venue where alcohol can be permitted under specific rules and regulations.

**RESOLUTION NO. 022812-A – FLINT HILLS DISCOVERY CENTER MEMBERSHIP PROGRAM**

The Commission approved Resolution No. 022812-A creating the Flint Hills Discovery Center membership program and establishing the fees, benefits, and special promotions.

**RESOLUTION NO. 022812-B – AMEND – LONG-TERM OBLIGATION DEBT POLICY**

The Commission approved Resolution No. 022812-B amending the Long-Term Obligation Policy for the City of Manhattan to comply with new Internal Revenue Service (IRS) guidelines for issuing tax exempt bonds.

## CONSENT AGENDA (CONTINUED)

\* **NEGOTIATE CONTRACT – 2012 WATER SYSTEM IMPROVEMENTS (WA1202)**

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with BG Consultants, of Manhattan, Kansas, for the 2012 Water System Improvements Project (WA1202).

**AGREEMENT FOR PROFESSIONAL SERVICES – AIRPORT CONSULTANT (2012-2017)**

The Commission authorized the Mayor and City Clerk to execute a five-year (2012-2017) Agreement for Professional Services with Mead & Hunt, Inc., of Madison, Wisconsin, as Airport Consultant for future projects at the Manhattan Regional Airport.

**AGREEMENT – ANDERSON AVENUE SIGNAL COORDINATION PROJECT (SUNSET AVENUE TO 11<sup>TH</sup> STREET) (ST1201)**

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute the state-aid Intelligent Traffic System (ITS) Set-A-Side Project Agreement with Kansas Department of Transportation (KDOT) for the Anderson Avenue Signal Coordination Project from Sunset Avenue to 11<sup>th</sup> Street (ST1201).

\* **AGREEMENT – LAND ACQUISITION – US 24 SIDEWALK/TRAIL (ST0912)**

Ron Fehr, City Manager, responded to questions from the Commission regarding purchase price of the property and reasons to go into Executive Session.

Bill Frost, City Attorney, provided clarification on the purpose and process for the Commission to go into Executive Session. He then responded to questions from the Commission.

The Commission approved and authorized the Mayor and City Clerk to execute an agreement for acquisition of real estate from Purple Wave Holdings, LLC, for the US 24 Sidewalk/Trail (ST0912).

**CONTRACT AMENDMENT NO. 8 – US 24 SIDEWALK/TRAIL (ST0912)**

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 8 in the amount of \$13,610.00 with Alfred Benesch and Company, of Manhattan, Kansas, for the design of the sidewalk/trail along Levee Drive to the Linear Park Trail.

## CONSENT AGENDA (CONTINUED)

### **PURCHASE – 2012 HALF-TON PICKUP TRUCK (UNIT #38) – STREET DEPARTMENT (CIP #ST013E)**

The Commission authorized the purchase of a 2012 half-ton pickup truck for the Street Department (Unit #38) in the amount of \$15,494.50, to be paid from the General Fund.

### **PURCHASE – 2012 HALF-TON PICKUP TRUCK (UNIT #223) – PARKS AND RECREATION DEPARTMENT**

The Commission authorized the purchase of a 2012 half-ton pickup truck for the Parks and Recreation Department (Unit #223) in the amount of \$15,494.50, to be paid by the Special Parks and Recreation Fund.

### **PURCHASE – 2012 HALF-TON PICKUP TRUCKS (UNIT #'s 78, 79, 80) – PARKS AND RECREATION DEPARTMENT (CIP # CP026E, CP013E, CP008E)**

The Commission authorized the purchase of three 2012 half-ton pickup trucks for the Parks and Recreation Department (Unit #'s 78, 79, and 80) in the amount of \$15,987.50 each, to be paid from the Special Parks and Recreation Fund.

### **PURCHASE – 2012 THREE QUARTER-TON PICKUP TRUCK (UNIT #90) – WASTEWATER TREATMENT PLANT (CIP #WW025E)**

The Commission authorized the purchase of a 2012 three quarter-ton pickup truck for the Wastewater Treatment Plant (Unit #90) in the amount of \$18,150.00, to be paid from the Wastewater Fund.

### **PURCHASE – 2012 FOUR-WHEEL-DRIVE EXTENDED CAB HALF-TON PICKUP TRUCK (UNIT #125) – FIRE DEPARTMENT (CIP #FR019E)**

The Commission authorized the purchase of a 2012 four-wheel-drive extended cab half-ton pickup truck for the Fire Department (Unit #125) in the amount of \$21,817.50, to be paid from the Fire Equipment Reserve Fund.

\* 

### **PURCHASE – SEVEN PASSENGER MINIVAN (UNIT #61) – PARKS AND RECREATION DEPARTMENT (CIP #RC004E)**

Ron Fehr, City Manager, and Dale Houdeshell, Director of Public Works, responded to questions from the Commission regarding the cost difference of the seven passenger minivan and warranty.

The Commission authorized the purchase of a seven passenger minivan for the Parks and Recreation Department from Schram Chrysler Dodge, of Manhattan, Kansas, in the amount of \$20,448.00, to be paid from the Special Parks and Recreation Fund.

## CONSENT AGENDA (CONTINUED)

### PURCHASE – ONE-TON TRUCK WITH BED (UNIT #55) – SEWER DIVISION (CIP #WW001E)

The Commission authorized the purchase of a one-ton truck w/bed, to replace Unit #55 for the Sewer Division, in the amount of \$33,357.00 from Shawnee Mission Ford, of Shawnee, Kansas, to be paid from the Wastewater Fund.

### \* FINAL DESIGN APPROVAL – CANDLEWOOD INN & SUITES/PARKING LOT

Jason Hilgers, Assistant City Manager, provided additional information on the item. He then responded to questions from the Commission regarding financial information and project timeline.

The Commission approved the final design of the Candlewood Inn & Suites and the adjacent public parking lot.

### BOARD APPOINTMENTS

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

#### *City/University Special Projects Fund Committee*

Re-appointment of Jonathan Mahorney, 2335 Grandview Terrace, to a two-year Citizen term. Mr. Mahorney's term begins immediately, and will expire June 30, 2013.

Appointment of Dolly Gudder, 531 Ratone Lane, to a two-year Citizen term. Ms. Gudder's term begins immediately, and will expire June 30, 2013.

Appointment of Betsy Cauble, 3435 Treemill Drive, to a one-year Faculty term. Ms. Cauble's term begins immediately, and will expire June 30, 2012.

Appointment of Grant Hill, 500 Sunset Avenue, to a one-year Student term. Mr. Hill's term begins immediately, and will expire June 30, 2012.

Appointment of Justin Scott, 1425 University Drive, to a one-year Student term. Mr. Scott's term begins immediately, and will expire June 30, 2012.

#### *Douglass Center Advisory Board*

Appointment of Stan Hoerman, 2021 Blue Hills Road, to a three-year At-Large term. Mr. Hoerman's term begins immediately, and will expire October 2, 2014.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Flint Hills Discovery Center Advisory Board

Appointment of John Hund, 32260 Little Fork Road, Paxico, to a three-year term. Mr. Hund's term begins immediately, and will expire January 31, 2015.

#### Municipal Audit Committee

Re-appointment of Eric Higgins, 3316 Woods Drive, to a three-year Citizen-At-Large term. Mr. Higgin's term will begin April 1, 2012, and will expire March 31, 2015.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as read, with Commissioner Jankovich abstaining from Items D, FINAL PLAT – ALPHA TAU OMEGA ADDITION, and K, NEGOTIATE CONTRACT – 2012 WATER SYSTEM IMPROVEMENTS (WA1202); and, amending Item Q, PURCHASE – SEVEN PASSENGER MINIVAN (UNIT #61) – PARKS AND RECREATION DEPARTMENT (CIP #RC004E), to change the authorization to purchase a seven passenger minivan from Overland Park Jeep Dodge Chrysler to Schram Chrysler Dodge, of Manhattan, Kansas, in the amount of \$20,448.00. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item F, ORDINANCE NO. 6939 – AMEND – INTERNATIONAL FIRE CODE – OVERCROWDING ENFORCEMENT, which carried 3-2 with Commissioners Pepperd and Matta voting against the motion; and, with the exception of Item D, FINAL PLAT – ALPHA TAU OMEGA ADDITION, and Item K, NEGOTIATE CONTRACT – 2012 WATER SYSTEM IMPROVEMENTS (WA1202), which carried 4-0-1 with Commissioner Jankovich abstaining on the items.

## GENERAL AGENDA

### FIRST READING – AMEND - REGULATIONS REGARDING VEHICLES FOR HIRE

Lauren Palmer, Assistant City Manager, presented background information on the request for sedan service, highlighted challenges with the current ordinance, and provided recommendations and updates for the Commission's consideration. She then responded to questions from the Commission.

## **GENERAL AGENDA (CONTINUED)**

### **FIRST READING – AMEND - REGULATIONS REGARDING VEHICLES FOR HIRE (CONTINUED)**

Sean McCann, 229 South Oak Place, thanked City staff and the City Commission for the opportunity to provide this type of transportation service. He stated that the community and the Manhattan Regional Airport have experienced significant growth and luxury sedan service is needed to provide a transportation solution to meet the growth and demands of the community. He then responded to questions from the Commission.

Lauren Palmer, Assistant City Manager, provided clarification on the proposed license fees and insurance requirements. She then responded to questions from the Commission.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance amending Chapters 34 and 19 of the Code of Ordinances relating to vehicles for hire. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

### **FIRST READING - LOAN AGREEMENT - NEW WATER METER REPLACEMENT PROGRAM (WA1202)**

Rob Pugh, Assistant Director of Public Works – Utilities, presented background information on water meters, the water meter replacement program, a financial analysis and program scenarios, and a summary on the loan agreement with the Kansas Department of Health and Environment (KDHE). He informed the Commission that automated readers are more accurate, which would result in more revenue and savings due to a reduction in gas and maintenance for vehicles.

Bernie Hayen, Director of Finance, responded to questions from the Commission about the frequency in reading manual water meters and the duties of the meter readers.

Dale Houdeshell, Director of Public Works, provided additional information on the water meter readers and water meter replacement.

Bernie Hayen, Director of Finance, informed the Commission about the current water meter replacement process and responded to questions from the Commission.

Ron Fehr, City Manager, and Rob Pugh, Assistant Director of Public Works – Utilities, provided additional information on the installation costs of water meters and previous analysis provided by Trane.

Dale Houdeshell, Director of Public Works, responded to additional questions from the Commission regarding the reuse of old meters, the proposed bid process, and informed the Commission that the City currently only charges what it costs for tap fees.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - LOAN AGREEMENT - NEW WATER METER REPLACEMENT PROGRAM (WA1202) (CONTINUED)

Rob Pugh, Assistant Director of Public Works – Utilities, stated that the water tap fee is \$1,115.00 for full installation and said that the City is currently installing approximately 500 meters a year, with about half of those being replacement meters.

Dale Houdeshell, Director of Public Works, and Rob Pugh, Assistant Director of Public Works – Utilities, provided additional information regarding the accuracy of the water meters and the antenna system for the water meters, and informed the Commission that there are four data collection centers. They then responded to additional questions from the Commission regarding meter efficiency, analysis provided by Trane, the timeline of the loan agreement with KDHE, and the analysis and reporting for unaccounted water.

Bernie Hayen, Director of Finance, responded to questions from the Commission about providing additional analysis on the item.

After additional discussion and comments from the Commission, the consensus of the Commission was to table the item, direct City staff to provide a more detailed cost-benefit analysis of the proposed meter replacement program and the KDHE loan program, provide additional analysis on the City's current water meter replacement practice, and bring the item back to a future Commission meeting.

Ron Fehr, City Manager, provided additional information on the item and the analysis conducted by Trane. He stated that staff will review the information, relook at the cost-benefit analysis, and bring the updated information back to the Commission.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to table the KDHE Loan Agreement and Ordinance. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

## DISCUSSION ITEM

### UPDATE - TECUMSEH-QUIVERA STORMWATER SYSTEM, PHASE I, IMPROVEMENTS

Shane Swope, Stormwater Engineer, introduced the item.

Nathan Bergman, Bartlett and West, presented an overview of the Tecumseh-Quivera Stormwater System, Phase I, project improvements.

## DISCUSSION ITEM (CONTINUED)

### UPDATE - TECUMSEH-QUIVERA STORMWATER SYSTEM, PHASE I, IMPROVEMENTS (CONTINUED)

Shane Swope, Stormwater Engineer, presented information on the plans to move the sidewalk to Hillcrest Drive, install the storm sewer outside of the pavement along Hartford Road, and develop landscaping along Hartford Road and Chase Manhattan Apartments detention pond to mitigate construction impacts.

Jeff Hancock, Sloan Meier Hancock, provided additional information on the storm sewer plans and on the housing development along Claflin Road.

Nathan Bergman, Bartlett and West, and Shane Swope, Stormwater Engineer, provided additional information on the Hartford Road landscape plan and sequence plans for award and construction. They then responded to questions from the Commission regarding the Riley County Health Department detention pond.

Wanda McVey, 1419 Hartford Road, voiced concern with the planned destruction of trees along Hartford Road and with the proposed storm sewer plans. She informed the Commission that the zoning in the neighborhood and land use plans have changed. She stated that she was opposed to cutting the trees and proposed placement of the storm sewer.

Randy Stallbaumer, property owner in the 1900 Block of College Heights Road and Tecumseh Road, provided the Commission with photos of his property on College Heights Road and flooding issues experienced. He asked what the costs would be for a second detention pond constructed on the Riley County Health Department site.

Nathan Bergman, Bartlett and West, and Dale Houdeshell, Director of Public Works, provided additional information for a second pond and potential costs for Phase 2.

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

Brian Johnson, Principal Civil Engineer, and Shane Swope, Stormwater Engineer, responded to questions from the Commission and provided additional information on the proposed storm sewer, current condition of Hartford Road and future traffic impacts, and associated project costs.

Ron Fehr, City Manager, provided additional information on the item and informed the Commission that techniques would be employed to protect as many trees as possible.

**ADJOURNMENT**

At 9:20 p.m., the Commission adjourned.



---

Gary S. Fees, MMC, City Clerk