



MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 1, 2006
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 Tom Phillips, Mark Hatesohl, Jayme Morris-Hardeman, and Ed Klimek, who attended the meeting later in the evening, were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, City Attorney Bill Frost, City Clerk Gary S. Fees, 12 staff, and approximately 9 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Snead opened the public comments.

Matt Brown, 712 Fremont Street, informed the Commission of several traffic safety concerns in the City of Manhattan.

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

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the City Commission Meeting held Tuesday, July 18, 2006.

CONSENT AGENDA (CONTINUED)

CLAIMS REGISTER NO. 2565

The Commission approved Claims Register No. 2565 authorizing and approving the payment of claims from July 12, 2006, to July 25, 2006, in the amount of \$4,192,275.96.

LICENSE – CEREAL MALT BEVERAGE

The Commission approved applications for 2006 Cereal Malt Beverage License for Wildcat BP, 1701 Anderson Avenue, Leo's Hillside Café, 2307 Stagg Hill Road, and Grizzlys, 3003 Anderson Avenue, Suite 9-15.

FINAL PLAT – KAPPA KAPPA GAMMA ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Kappa Kappa Gamma Addition, generally located north of Fairchild Avenue and west of Fairchild Terrace, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – MILLER RANCH TOWNHOMES, UNIT 4

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Townhomes at Miller Ranch, Unit Four, a Residential Planned Unit Development, generally located north of the intersection of Miller Parkway and Brianna Court, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6557 – RELOCATE BUS LOADING ZONE – MARLATT ELEMENTARY SCHOOL

The Commission approved Ordinance No. 6557 relocating the bus loading zone from Hobbs Drive to Browning Avenue and relocating the 30 minute loading zone from Browning Avenue to Hobbs Drive near Marlatt Elementary School.

ORDINANCE NO. 6558 – REMOVE BUS LOADING ZONE – ALLEN ROAD

The Commission approved Ordinance No. 6558, repealing Ordinance No. 4756 and directing the removal of the Bus Loading Zone along Allen Road.

ORDINANCE NO. 6559 – INCREASE – WATER METER TAP FEES

The Commission approved Ordinance No. 6559 amending Section 32-46 of the Code of Ordinances by increasing the tap fee for new water meter installations.

CONSENT AGENDA (CONTINUED)

PUBLIC HEARING – VACATE UTILITY EASEMENT – BROOKFIELD ADDITION, UNIT 6

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

FIRST READING – VACATE UTILITY EASEMENT – BROOKFIELD ADDITION, UNIT 6 (VA0605)

The Commission approved first reading of an ordinance vacating portions of four (4), ten (10) foot utility easements on Lots 262-A, 261-B, 256-A, and 255-B in Brookfield Addition, Unit 6, an addition to the City of Manhattan, Riley County, Kansas.

* AWARD CONTRACT – WILDLIFE PERIMETER FENCE

Peter VanKuren, Airport Director, answered questions from the Commission.

The Commission awarded a contract to Manhattan Trenching, Inc., of Manhattan, Kansas, in the amount of \$149,466.10 to construct the Wildlife Perimeter Fence.

TASK ORDER #9 – AMEND PROFESSIONAL SERVICES AGREEMENT

The Commission authorized the Mayor and City Clerk to amend the City's Master Agreement contract for Professional Services with HNTB Corporation, of Overland Park, Kansas, in Task Order #9 in the amount of \$18,360.00 for the Wildlife Perimeter Fence Project.

FAA GRANT – WILDLIFE PERIMETER FENCE PROJECT

The Commission accepted the FAA grant offer for AIP No. 3-20-0052-28 in the amount of \$183,330.00 to pay for the Wildlife Perimeter Fence Project at the Manhattan Regional Airport.

AWARD CONTRACT – BROOKFIELD ADDITION, UNIT 8 – IMPROVEMENTS (ST0610, WA0607, SS0604)

The Commission accepted the Engineer's Estimate in the amount of \$991,120.90 and awarded a construction contract in the amount of \$932,891.55 to Meadows Construction Co., Inc., of Tonganoxie, Kansas, for the Brookfield Addition, Unit 8, Improvements.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – CLAFLIN ROAD SIDEWALK IMPROVEMENTS (SW0601)

The Commission accepted the Engineer's Estimate in the amount of \$49,874.00 and awarded a construction contract in the amount of \$39,811.00 to Pavers, Inc., of Salina, Kansas, for the Claflin Road Sidewalk Improvements (SW0601).

AWARD CONTRACT – WOODLAND HILLS, UNIT 5, PHASE 2, AND UNIT 6, PHASE 1 – STREET IMPROVEMENTS (ST0610)

The Commission accepted the Engineer's Estimate in the amount of \$290,000.00; and awarded a construction contract in the amount of \$279,529.50 to Larson Construction, Inc., of Manhattan, Kansas, for the Woodland Hills, Unit 5, Phase 2, and Unit 6, Phase 1, Street Improvements (ST0610).

CHANGE ORDER NO. 1-FINAL – PLATT ADDITION – STREET AND STORM DRAINAGE IMPROVEMENTS (ST0517)

The Commission approved Change Order No. 1-Final for 2006 Street and Storm Drainage Improvements for the Platt Addition resulting in a net decrease in the amount of \$7,834.00 (-7.8 %) to the contract with Larson Construction, of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – HACKBERRY ADDITION, UNIT 2 – STREET AND STORM DRAINAGE IMPROVEMENTS (ST0517)

The Commission approved Change Order No. 1-Final for 2005 Street and Storm Drainage Improvements (ST0517) for Hackberry Addition, Unit 2, resulting in a net decrease in the amount of \$659.00 (-0.8 %) to the contract with Larson Construction, of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – GRAND MERE VANESTA, UNIT ONE – WATER IMPROVEMENTS (WA0513)

The Commission approved Change Order No. 1-Final for 2006 Water Improvements for Grand Mere Vanesta, Unit One, resulting in a net increase on water project in the amount of \$7,543.72 (+16.4%) to the contract with Nowak Construction Co., Inc., of Goddard, Kansas.

CHANGE ORDER NO. 1-FINAL – GRAND MERE VANESTA, UNIT ONE – SANITARY SEWER IMPROVEMENTS (SS0513)

The Commission approved Change Order No. 1-Final for 2006 Sanitary Sewer Improvements for Grand Mere Vanesta, Unit One, resulting in a net decrease on sanitary sewer project in the amount of \$7,274.00 (-2.2%) to the contract with Nowak Construction Co., Inc., of Goddard, Kansas.

CONSENT AGENDA (CONTINUED)

CHANGE ORDER NO. 1-FINAL – 2006 STREET MAINTENANCE, PHASE 2, ASPHALT OVERLAY (ST0607)

The Commission approved Change Order No. 1-Final for 2006 Street Maintenance, Phase 2, Asphalt Overlay resulting in a net decrease in the amount of \$28,240.80 (-5.81%) to the contract with Schilling Construction Company, Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – 2005 STREET PANEL REPLACEMENT (ST0524)

The Commission approved Change Order No. 1-Final for 2005 Street Panel Replacement resulting in a net increase in the amount of \$23,025.70 (+12.62%) to the contract with Bryant & Bryant Construction, of Halstead, Kansas.

LEASE – ENTERPRISE LEASING COMPANY

The Commission authorized the Mayor and City Clerk to execute the Airport Lease Agreement with Enterprise Leasing Company-Southwest, d/b/a Enterprise Rent-A-Car.

CONTRACT – PROFESSIONAL SERVICES – MULTIPLE PROPERTY SUBMISSION

The Commission selected Sally Schwenk Associates, of Kansas City, Missouri, as the consultant for the Multiple Property Submission Project and authorized the Mayor and City Clerk to enter into a contract for professional services as per the requirements of the 2006 Survey and Planning Grant Multiple Property Submission Project.

BOARD APPOINTMENTS

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

BOARD APPOINTMENTS (CONTINUED)

City/University Special Projects Fund Committee

Re-appointment of Jeff Chapman, 3430 Woodduck Way, to a two-year Citizen term. Mr. Chapman's term begins immediately, and will expire on June 30, 2008.

Riley County Solid Waste Management Committee

Recommendation of Betty Book, 760 Midland Avenue, to the Riley County Commission to fill the unexpired term of Taylor Miller.

CONSENT AGENDA (CONTINUED)

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

GENERAL AGENDA

FIRST READING - REZONING - DAISY MEADOW ADDITION

Steve Zielke, Senior Planner, presented the item and answered questions from the Commission.

Russel Weisbender, Weisbender Contracting, Applicant and Developer, provided additional information on the item and answered questions from the Commission.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance rezoning Daisy Meadow Addition, generally located on the northeast corner of Hudson Avenue and Dickens Avenue, from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report. (*See Attachment No. 1*). Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

“CLASSIFICATION AND COMPENSATION STUDY”

Cathy Harmes, Director of Human Resources, introduced the item.

Victoria McGrath, McGrath Consulting Group, Inc., presented the Classification and Compensation Study and answered questions from the Commission.

Commissioner Klimek arrived at 7:45 p.m.

Cathy Harmes, Director of Human Resources, presented an implementation plan for the Classification and Compensation Study. She then answered questions from the Commission.

Victoria McGrath, McGrath Consulting Group, Inc., answered questions from the Commission and provided additional detail regarding the Study.

Cathy Harmes, Director of Human Resources, answered questions from the Commission regarding turnover rates and longevity pay.

GENERAL AGENDA (CONTINUED)

“CLASSIFICATION AND COMPENSATION STUDY” (CONTINUED)

After discussion, Commissioner Morris-Hardeman moved to accept the “Classification and Compensation Study” and the “Classification and Compensation Study Fire Department” recommendations for updating the City’s classification and compensation plan and approve the implementation plan as recommended by the McGrath Consulting Group, Inc., of Wonder Lake, Illinois. Commissioner Hatesohl seconded the motion.

Victoria McGrath, McGrath Consulting Group, Inc., provided additional information on the comparables that were used in the analysis and differences between the public and private sectors. She then answered additional questions from the Commission.

Bill Frost, City Attorney, answered questions from the Commission and provided clarification on the charter ordinance requirements for compensation for the members of the governing body.

After additional discussion, Mayor Snead made a friendly amendment to the motion to include the implementation of the Commissioners salary to be effective starting January 2007. The friendly amendment was accepted.

The motion now reads,

“to accept the “Classification and Compensation Study” and the “Classification and Compensation Study Fire Department” recommendations for updating the City’s classification and compensation plan and approve the implementation plan as recommended by the McGrath Consulting Group, Inc., of Wonder Lake, Illinois; with the implementation of the City Commissioners salary to be effective starting January 2007.”

On a roll call vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

The Commission took a brief recess at 9:20 p.m.

PUBLIC HEARING - 2007 BUDGET AND 2007-2012 CAPITAL IMPROVEMENTS PROGRAM

Ron Fehr, City Manager, presented the 2007 Budget highlights and initiatives.

Bernie Hayen, Director of Finance, presented details of the 2007 Budget and reviewed past work session discussions and actions. He then answered questions from the Commission.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - 2007 BUDGET AND 2007-2012 CAPITAL IMPROVEMENTS PROGRAM (CONTINUED)

Ron Fehr, City Manager, provided additional information on the Capital Improvements Program and reductions that have been made. He then answered questions from the Commission.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, responded to questions regarding funding the new TIF district and community growth issues, including the discussion of future park land acquisition.

Mayor Snead opened the public hearing.

Donna Schenck-Hamlin, 1922 Leavenworth Street, member of the Landmark Water Tower Neighborhood Association, provided photos of the Leavenworth/Delaware stairs that need to be replaced and requested the City use the Capital Improvements Budget to make the necessary restoration of the stairs. She then answered questions from the Commission.

Phyllis Pease, 1905 Leavenworth Street, supported the request to replace the stairs in the Capital Improvements Program and requested that it be incorporated into the Capital Improvements Program.

Hearing no other comments, Mayor Snead closed the public hearing.

FIRST READING - 2007 BUDGET AND 2007-2012 CAPITAL IMPROVEMENTS PROGRAM

Ron Fehr, City Manager, and Bernie Hayen, Director of Finance, answered questions from the Commission regarding the Capital Improvements Program request, the Housing Rehab Program, and the availability of funds for future acquisition of park land.

Jeff Hancock, Director of Public Works, answered questions from the Commission.

Phyllis Pease, 1905 Leavenworth Street, provided additional information about the Leavenworth steps.

Bernie Hayen, Director of Finance, provided additional information on the Capital Improvements Program.

GENERAL AGENDA (CONTINUED)

FIRST READING - 2007 BUDGET AND 2007-2012 CAPITAL IMPROVEMENTS PROGRAM (CONTINUED)

Ron Fehr, City Manager, asked for clarification on the proposed request to be included in the Capital Improvements Program. He then responded to questions from the Commission.

After additional discussion, Commissioner Hatesohl moved to approve first reading of an ordinance adopting the 2007 City Budget and approve the budget recommendations as presented by City Administration. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

FIRST READING – RESTRICT PARKING – GAME DAY PARKING

Amy Houlette, Engineer II, presented the item and answered questions from the Commission.

After discussion, Commissioner Phillips moved to approve first reading of an ordinance restricting parking along Snowbird Drive, Hillview Drive, and Skyler Circle on Kansas State University home football game days from midnight to midnight. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

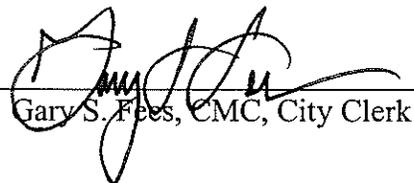
CONTRACT - SANITARY SEWER COLLECTION SYSTEM MODEL EXTENSION AND CAPITAL IMPROVEMENTS PROGRAM UPDATE

Jerry McIntyre, Deputy Director of Public Works, presented the item and answered questions from the Commission.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor to enter into a contract with BG Consultants, Inc., of Manhattan, Kansas, for a Sanitary Sewer Collection System Model Extension and Capital Improvements Program Update. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:15 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R, Single-Family Residential District.

TO: R-1, Single-Family Residential District.

APPLICANT: Russel Weisbender.

ADDRESS: 1812 Fair Lane, Manhattan, KS 66502.

OWNERS: David and Linda Weisbender.

ADDRESS: 3001 Creighton Terrace, Manhattan, KS 66503.

LOCATION: northeast corner of Hudson Avenue and Dickens Avenue; 1700 Hudson Avenue.

AREA: approximately five (5) acres.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, June 26, 2006.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, July 17, 2006.

CITY COMMISSION: Tuesday, August 1, 2006.

EXISTING USE: a single-family dwelling and detached garage are located in the northeastern corner of the tract with the remainder undeveloped. There is an existing access driveway off the northwestern corner of the site to Hudson Avenue. Sidewalk exists along the southern and eastern boundaries of the site.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: the site slopes and drains downhill from north to south. The site is densely wooded in the western and southern sides of the site, less so in the eastern portion of the site. There is a large open field in the middle of the site.

SURROUNDING LAND USE AND ZONING:

(1) NORTH: single-family dwellings; R District.

Attachment No. 1

(2) **SOUTH:** Dickens Avenue and single-family dwellings; R-1 District.

(3) **EAST:** single-family dwellings; R District.

(4) **WEST:** Hudson Avenue and single-family dwellings; R District.

GENERAL NEIGHBORHOOD CHARACTER: Single-family residential.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is suitable for a single-family dwelling. As an unplatted tract of land, no additional dwelling units can be constructed on the site until platted. The Manhattan Zoning Regulations allow only one principal residential structure on a platted lot or an unplatted tract of land.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise and traffic can be expected, which will be similar to the impacts of the existing single-family character of the neighborhood.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site is shown as RLM, Residential Low to Medium on the Northwest Planning Area Future Land Use Map.

Applicable Policies:

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

The proposed density is 4.3 dwelling units per net acre. The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site was annexed 1974 and rezoned to R District 1974 and has remained R District to date. The house has been on the site for an undetermined period of time.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The proposed R-1 District, an approximate 5-acre tract, is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet. As shown on the Preliminary Plat, approximate lot sizes range from a minimum 8,044 square feet in area to a maximum of 13,056 square feet in area.

The proposed R-1 District is sufficient in area to conform to the requirements of the district.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There appears to be no gain to the public that denial would accomplish. It may be a hardship to the applicant if the rezoning is denied, assuming the Preliminary Plat is approved.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public and private utilities, facilities and services are available to serve the site.

OTHER APPLICABLE FACTORS: The Preliminary Plat of Daisy Meadow Addition shall conform to the requirements of the Manhattan Urban Area Subdivision Regulations.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District, stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of the Daisy Meadow Addition from R, Single-Family Residential District, to R-1, Single-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: July 11, 2006

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