

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, NOVEMBER 21, 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 were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Lindsey Doan, 10 staff, and approximately 22 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Mayor Snead recognized Lindsey Doan, Youth in Government representative. He encouraged citizens and businesses in the community to participate and fill out the child care survey found on the City's web site.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 7, 2006.

**CLAIMS REGISTER NO. 2572**

The Commission approved Claims Register No. 2572 authorizing and approving the payment of claims from November 1, 2006, to November 14, 2006, in the amount of \$1,736,627.83.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – INVERNESS TOWNHOMES ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Inverness Townhomes Addition, generally located northeast of the intersection of Amherst Avenue and Miller Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – TREASURES OF THE HEART PUD ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Treasures of the Heart PUD Addition, generally located at 514 and 522 Yuma Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – MILLER RANCH ADDITION, UNIT FOUR

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Miller Ranch Addition, Unit Four, generally located 650 feet west of Amherst Avenue and Catalpa Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – SCENIC MEADOWS ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Meadows Addition, generally located on the east side of South Scenic Drive and north of the Faith Baptist Church, approximately 2,600 feet north of the intersection of South Scenic Drive and Eureka Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT - BARTON PLACE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Barton Place Addition, generally located 650 feet west of Amherst Avenue and Catalpa Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### \* AGREEMENT – RESTRICTIVE COVENANT – BARTON LAKE

Bill Frost, City Attorney, provided additional information on the items and answered questions from the Commission.

Ron Fehr, City Manager, and Bill Frost, City Attorney, provided additional background information on the item and responded to questions relating to the maintenance of the lake.

## CONSENT AGENDA (CONTINUED)

\* **AGREEMENT – RESTRICTIVE COVENANT – BARTON LAKE (CONTINUED)**

The Commission authorized the Mayor and City Clerk to execute the Agreement Creating a Restrictive Covenant regarding maintenance of Barton Lake.

**FINAL PLAT – GRANDMERE VANESTA, UNIT TWO**

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Mere Vanesta Addition, Unit 2, generally located north of the CiCo water tank, Western Hills and the Cedar Glen subdivisions, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**AGREEMENT – RESTRICTIVE COVENANT – VANESTA LAKE**

The Commission authorized the Mayor and City Clerk to execute the Agreement Creating a Restrictive Covenant regarding maintenance of Vanesta Lake.

**DRAINAGE EASEMENT – GRANDMERE VANESTA, UNIT TWO**

The Commission accepted the Drainage Easement over adjacent property of Vanesta Lake.

**CHARTER ORDINANCE NO. 42 – SPEEDY TRIALS**

The Commission approved Charter Ordinance No. 42 relating to the scheduling of trials within the Municipal Court of the City of Manhattan.

**ORDINANCE NO. 6589 – CRIMINAL DAMAGE TO PROPERTY – WORTHLESS CHECK**

The Commission approved Ordinance No. 6589 amending Section 22-27, relating to criminal damage to property and Section 22-30, passing a worthless check in the Code of Ordinances.

**FIRST READING – ESTABLISH – TRANSPORTATION DEVELOPMENT DISTRICT**

The Commission approved first reading of an ordinance establishing a Transportation Development District within the City of Manhattan in the Limey Pointe Development.

**RESOLUTION NO. 112106-A – WESTERN HILLS ADDITION, UNIT 14 – SANITARY SEWER IMPROVEMENTS (SS0621)**

The Commission found the petition sufficient and approved Resolution No. 112106-A finding the project advisable and authorizing construction for Western Hills Addition, Unit 14, Sanitary Sewer Improvements (SS0621).

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 112106-B – WESTERN HILLS ADDITION, UNIT 14 – STREET IMPROVEMENTS (ST0625)

The Commission found the petition sufficient and approved Resolution No. 112106-B finding the project advisable and authorizing construction for Western Hills Addition, Unit 14, Street Improvements (ST0625).

### RESOLUTION NO. 112106-C – WESTERN HILLS ADDITION, UNIT 14 – WATER IMPROVEMENTS (WA0624)

The Commission found the petition sufficient and approved Resolution No. 112106-C finding the projects advisable and authorizing construction for Western Hills Addition, Unit 14, Water Improvements (WA0624).

### AGREEMENT – WESTERN HILLS ADDITION, UNIT 14, IMPROVEMENTS (SS0621, ST0625, WA0624)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services.

### AWARD CONTRACT – 2006 CURB REPLACEMENT PROJECT (ST0621)

The Commission accepted the Engineer's Estimate in the amount of \$72,410.00 and awarded a construction contract in the amount of \$60,060.00 to Bryant and Bryant Construction Inc., of Halstead, Kansas, for the 2006 Curb Replacement Project (ST0621).

\* AGREEMENT – WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR SERVICES

Cathy Harmes, Director of Human Resources, answered questions from the Commission.

The Commission approved and authorized the Mayor to execute an agreement with Thomas McGee L.C., of Kansas City, Missouri, from January 1, 2007, through December 31, 2008, for Workers' Compensation Third Party Administrator services.

\* AGREEMENT – EXCESS INSURANCE COVERAGE

Cathy Harmes, Director of Human Resources, answered questions from the Commission.

The Commission approved an agreement with Safety National Casualty Corporation, Inc., of St. Louis, Missouri, for Excess Insurance coverage from January 1, 2007, through December 31, 2008.

## CONSENT AGENDA (CONTINUED)

\* **CONTRACT – CITY’S HEALTH/DENTAL/VISION PLAN AND SECTION 125 CAFETERIA PLAN THIRD PARTY ADMINISTRATION SERVICES**

Cathy Harmes, Director of Human Resources, answered questions from the Commission.

The Commission authorized City Administration to negotiate and the Mayor and City Clerk to execute a contract with The Benefit Group, of Omaha, Nebraska, to provide Third Party Administration Services for the City’s Health/Dental/Vision Plan and Section 125 Cafeteria Plan.

\* **STOP LOSS INSURANCE**

Cathy Harmes, Director of Human Resources, answered questions from the Commission.

The Commission provided stop loss insurance with Standard Life and Accident for the 2007 plan year.

\* **ADDENDUM – EXTENSION OF SERVICES – PROCESS CLAIMS**

Cathy Harmes, Director of Human Resources, answered questions from the Commission.

The Commission authorized City Administration to enter into an agreement by addendum extending the existing contract with Fiserv, of Wichita, Kansas, to process “run-off” claims through December 31, 2007.

After discussion, Commissioner Hatesohl moved to approve the consent agenda. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

**PUBLIC HEARING - HEALTH CARE FACILITY REVENUE BONDS AND TAX ABATEMENT - MEADOWLARK HILLS**

Diane Stoddard, Deputy City Manager, presented the item.

Steve Shields, Chief Executive Officer (CEO), Meadowlark Hills, presented an overview of the scope of the project and answered questions from the Commission about the potential of Meadowlark residents using a community recreation/aquatics facility.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - HEALTH CARE FACILITY REVENUE BONDS AND TAX ABATEMENT - MEADOWLARK HILLS (CONTINUED)

Mayor Snead opened the public hearing.

Hearing no comments, Mayor Snead closed the public hearing.

Steve Shields, CEO, Meadowlark Hills, responded to questions regarding the proposed property tax abatement.

Diane Stoddard, Deputy City Manager, provided additional information on the abatement of local taxes.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 112106-D indicating the Commission's intention to issue up to \$55 million in Health Care Facility Revenue Bonds for Meadowlark Hills to include ten-year property tax abatement on new property in conjunction with the expansion, and approve first reading of an ordinance issuing \$27.5 million in bonds in December 2006. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### MEMORANDUM OF AGREEMENT - FAMILY INDOOR RECREATION/AQUATIC FACILITY SITE

Diane Stoddard, Deputy City Manager, presented the item. She then answered questions from the Commission regarding the user fees proposed in the agreement.

Ron Fehr, City Manager, and Diane Stoddard, Deputy City Manager, provided additional information about the Agreement.

After discussion, Commissioner Morris-Hardeman moved to authorize the Mayor and City Clerk to execute the *Real Estate Transfer Agreement* and *Memorandum of Understanding* with USD 383 concerning the potential site and future use of the Family Indoor Recreation/Aquatic facility. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 5-0.

### FINAL REPORT - FAMILY INDOOR RECREATION/AQUATIC FACILITY

Curt Loupe, Director of Parks and Recreation, presented the item.

Ron Fehr, City Manager, provided additional information on the report provided and on the existing sales tax and funding possibilities to assist with debt service of the facility.

## GENERAL AGENDA (CONTINUED)

### FINAL REPORT - FAMILY INDOOR RECREATION/AQUATIC FACILITY (CONTINUED)

Scott Shoemaker, Director of Sunset Zoo, informed the Commission that the Friends of Sunset Zoo are committed to the project. He also informed the Commission that the Zoo Educational building has received a grant from the Caroline Peine Charitable Foundation and the Kemper Foundation, both contingent upon a successful passage of a quality of life bond issue, with a time component attached to the grant offers.

After discussion, Commissioner Morris-Hardeman moved to accept the Final Report from RDG Planning and Design for design, construction, and operating cost for the Family Indoor Recreation/Aquatic Facility, the recommendations for three outdoor pools, and accept the City Park Master Plan. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

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

After discussion, Commissioner Hatesohl moved to accept the recommendation from the Parks and Recreation Advisory Board for components for inclusion of a potential Bond Referendum; and to direct the Mayor to develop a task force to further develop the quality of life bond referendum components and recommendations, as necessary. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

### NISTAC FACILITY – CHANGE ORDER NO. 6 – ARCHITECTURAL SERVICES AMENDMENT – GRANT AGREEMENT – AMEND NISTAC AGREEMENT - LOAN

Diane Stoddard, Deputy City Manager, presented background information and an overview of the item.

Kent Glasscock, President, NISTAC, presented additional information on the item and answered questions from the Commission.

Lyle Butler, President, Manhattan Area Chamber of Commerce, referred to a letter submitted to the Commission regarding the current KEC building and the importance of the wet lab space. He supported the item and informed the Commission that Advantage Manhattan surpassed its goal and reached \$2.3 million for the second phase.

## GENERAL AGENDA (CONTINUED)

### NISTAC FACILITY – CHANGE ORDER NO. 6 – ARCHITECTURAL SERVICES AMENDMENT – GRANT AGREEMENT – AMEND NISTAC AGREEMENT - LOAN

Diane Stoddard, Deputy City Manager, informed the Commission that the target occupancy date for the NISTAC facility is the third week of January.

After discussion, Commissioner Hatesohl moved to authorize the Mayor and City Clerk to execute Change Order No. 6 with Cheney Construction, of Manhattan, Kansas, in the amount of \$140,280.00 and an amendment to the architectural services contract with Bowman, Bowman, Novick, of Manhattan, Kansas, in the amount of \$55,000.00 related to the fit-out of the lab and pilot space in the new NISTAC building; authorize City Administration to finalize and the Mayor and City Clerk to execute the grant agreement with the Kansas Bioscience Authority and the amended NISTAC agreement; and authorize the City to loan \$450,000.00 to NISTAC for the purpose of funding additional equipment for the new facility. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

The Commission took a brief recess.

### PRELIMINARY DESIGN PLANS - FOURTH STREET

Rob Ott, City Engineer, introduced the item.

Lorie Doolittle-Bowman, Bowman Bowman and Novick, Inc., presented the item. She then answered questions from the Commission regarding the design components being proposed.

Buck Driggs, HWS Consulting, Inc., answered questions about the truck apron on the lip of the roundabout and design of the structure. He then answered questions from the Commission regarding property acquisition

Rob Ott, City Engineer, informed the Commission that they plan on doing an education program for the roundabout.

Lorie Doolittle-Bowman, Bowman Bowman and Novick, Inc., answered questions from the Commission regarding products used for the roundabout.

Brent Bowman, Bowman Bowman and Novick, Inc., provided additional information on the roundabout design and answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### PRELIMINARY DESIGN PLANS - FOURTH STREET (CONTINUED)

Ron Fehr, City Manager, provided additional information on the funding mechanisms for the proposed projects.

Jason Hilgers, Assistant City Manager, provided additional information on the item and answered questions from the Commission.

Rob Ott, City Engineer, provided additional information to the Commission regarding the project and answered questions from the Commission.

Jeff Hancock, Director of Public Works; Ron Fehr, City Manager; and Jason Hilgers, Assistant City Manager, provided additional information on the STAR Bond application, funding possibilities, and eligible projects for Tax Increment Financing.

After discussion, Commissioner Morris-Hardeman moved to approve the preliminary design and direct the Project Team to proceed with finalizing the construction plans in preparation for a bid letting in the Spring of 2007. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

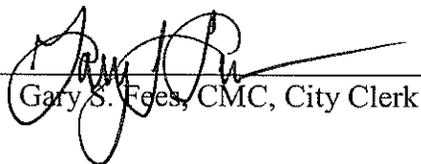
### FIRST READING - CHARTER ORDINANCE - STORMWATER FUND FEE ADJUSTMENTS

Bernie Hayen, Director of Finance, presented the item and answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve first reading of a Charter Ordinance amending Charter Ordinance No. 31 relating to the Kansas Water Pollution Act and providing substitute and additional provisions affecting the fees of the Stormwater Fund for the City of Manhattan. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

### ADJOURNMENT

At 10:26 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk