

MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 20, 2007
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, 11 staff, and approximately 15 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 6, 2007.

CLAIMS REGISTER NOS. 2584 and 2585

The Commission approved Claims Register Nos. 2584 and 2585 authorizing and approving the payment of claims from February 28, 2007, to March 13, 2007, in the amounts of \$60,373.19 and \$955,764.67, respectively.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6613 – INDUSTRIAL REVENUE BONDS – FARRAR CORPORATION

The Commission approved Ordinance No. 6613 authorizing the issuance of up to \$3.01 million in Industrial Revenue Bonds for Farrar Corporation for the purpose of expanding and equipping an expansion to an existing manufacturing facility and authorizing a tax abatement on the expansion.

RESOLUTION NO. 032007-A – CEDAR GLEN ADDITION – STREET IMPROVEMENTS (ST0618)

The Commission found the revised petition sufficient and approved Resolution No. 032007-A rescinding Resolution No. 090506-A, finding the project advisable, and authorizing construction for the Cedar Glen Addition Street Improvements (ST0618).

RESOLUTION NO. 032007-B – CEDAR GLEN ADDITION – STORM SEWER IMPROVEMENTS (SM0602)

The Commission found the revised petition sufficient and approved Resolution No. 032007-B rescinding Resolution No. 090506-B, finding the project advisable, and authorizing construction for the Cedar Glen Addition Storm Sewer Improvements (SM0602).

RESOLUTION NO. 032007-C – CEDAR GLEN ADDITION – WATER IMPROVEMENTS (WA0617)

The Commission found the revised petition sufficient and approved Resolution No. 032007-C rescinding Resolution No. 090506-C, finding the project advisable, and authorizing construction for the Cedar Glen Addition Water Improvements (WA0617).

RESOLUTION NO. 032007-D – CEDAR GLEN ADDITION – SANITARY SEWER IMPROVEMENTS (SS0615)

The Commission found the revised petition sufficient and approved Resolution No. 032007-D rescinding Resolution No. 090506-D, finding the project advisable, and authorizing construction for the Cedar Glen Addition Water Improvements (WA0615).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – CEDAR GLEN ADDITION – WATER IMPROVEMENTS (WA0617)

The Commission accepted the Engineer's Estimates in the amount of \$151,623.29 and awarded a construction contract in the amount of \$114,731.00 to the low bidder, Walters-Morgan Construction, Inc., of Manhattan, Kansas, for Cedar Glen Addition Water Improvements (WA0617).

REJECT BIDS – CEDAR GLEN ADDITION – SANITARY SEWER (SS0615) AND STORM SEWER (SM0602) IMPROVEMENTS

The Commission accepted the Engineer's Estimates in the amounts of \$196,831.50 for sanitary sewer improvements and \$642,005.10 for storm sewer improvements, and rejected all bids for Cedar Glen Addition Sanitary Sewer (SS0615) and Storm Sewer (SM0602) Improvements.

AWARD CONTRACT – 4TH STREET – SANITARY SEWER IMPROVEMENTS (SS0625)

The Commission accepted the Engineer's Estimate in the amount of \$799,235.00; awarded a contract in the amount of \$759,526.00 to Meadows Construction, Inc., of Tonganoxie, Kansas; and approved Resolution No. 032007-F authorizing temporary notes to finance the 4th Street Sanitary Sewer Improvements (SS0625).

AWARD CONTRACT – 15TH STREET AND FORT RILEY BOULEVARD INTERSECTION (ST0602)

The Commission authorized the Mayor and City Clerk to execute the Construction Engineering Agreement with Kansas Department of Transportation (KDOT); authorized the Mayor and City Clerk to approve the award of a contract for improvements at the intersection; and approved Resolution No. 032007-G authorizing construction and financing for the 15th Street and Fort Riley Boulevard Intersection Project (ST0602).

* CONTRACT – INSTALL – GRIFFITH PARK LIGHTING PROJECT 2

Frank Gibbs, Park Planner, answered questions from the Commission regarding the Griffith Park Lighting Project.

The Commission approved the Engineer's Estimate in the amount of \$74,000.00 and authorized the Mayor and City Clerk to execute a contract in the amount of \$25,220.00 with Schmidtlein Electric, of Topeka, Kansas, for installation of Griffith Park Lighting Project 2.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 032007-H – GRIFFITH PARK LIGHTING PROJECT – TEMPORARY NOTE

The Commission approved Resolution No. 032007- H authorizing the issuance of temporary notes to finance Griffith Park Lighting Project.

CHANGE ORDER NO. 7-FINAL – NISTAC INCUBATOR FACILITY (SP0406)

The Commission approved Change Order No. 7 Final for the NISTAC Incubator Facility (SP0406), resulting in a net increase in the amount of \$32,121.00 (+ .755%) to the contract with Cheney Construction, Inc., of Manhattan, Kansas.

AGREEMENT – DOWNTOWN FARMER’S MARKET OF MANHATTAN, INC.

The Commission authorized the Mayor and City Clerk to execute an agreement with the Downtown Farmer’s Market of Manhattan, Inc., for the use of the City’s public parking lot at the corner of 5th Street and Humboldt Street.

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

FIRST READING – AMEND - KEEPING AND HARBORING OF DANGEROUS DOGS AND DEFINING AGGRESSIVE DOGS AT-LARGE

Katharine Jackson, Assistant City Attorney, presented the item and answered questions from the Commission.

Brian Williams, Management Intern, provided additional information on obtaining liability insurance for those found to be a keeper or harborer of a dangerous dog.

Marge Davidson, Manhattan resident, informed the Commission that she was a cat owner and has been threatened by a small Jack Russell Terrier dog, and that some of the nicest dogs she’s encountered have been Rottweiler’s and Pit Bull’s.

Katharine Jackson, Assistant City Attorney, answered questions from the Commission regarding definitions and examples of breeds cited in the proposed ordinance.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND - KEEPING AND HARBORING OF DANGEROUS DOGS AND DEFINING AGGRESSIVE DOGS AT-LARGE (CONTINUED)

After discussion, Commissioner Hatesohl moved to approve first reading of an ordinance amending Section 6-25 of the Code of Ordinances relating to the keeping and harboring of dangerous dogs within the City of Manhattan, and adding new Section 6-30 to the Code of Ordinances, defining aggressive dogs at-large and providing penalties therefore. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0.

RESOLUTION NO. 032007-E - CONDEMNATION OF PROPERTY AND EASEMENTS - PUBLIC WATER SUPPLY WELLS FOR THE WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT PROJECT (WA620P)

Katharine Jackson, Assistant City Attorney, presented the item and answered questions from the Commission.

Jerry McIntyre, Deputy Director of Public Works – Utilities, provided additional information about the project and answered questions from the Commission.

Katharine Jackson, Assistant City Attorney, provided the Commission with a map of the property for the proposed city wells and explained the process to ensure that the City has the land to accommodate the water plant capacity expansion.

Jerry McIntyre, Deputy Director of Public Works – Utilities, answered questions from the Commission regarding the design and timeframe of the project.

Commissioner Klimek wanted to see the project proceed with negotiations occurring to reach mutual satisfaction of both parties.

Ron Fehr, City Manager, informed the Commission that the proposed resolution is the first step in the process and will continue to work with the property owner.

Bill Frost, City Attorney, provided clarification on the resolution and stated that a survey and test wells will need to be done before we can proceed.

Jerry McIntyre, Deputy Director of Public Works – Utilities, answered additional questions from the Commission and stated that the City doesn't want farming activities too close to the wells because of potential contamination.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 032007-E - CONDEMNATION OF PROPERTY AND EASEMENTS - PUBLIC WATER SUPPLY WELLS FOR THE WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT PROJECT (WA620P)

After discussion, Commissioner Hatesohl moved to approve Resolution No. 032007-E, declaring it necessary to acquire the required property and easements for four new Public Water Supply Wells by condemnation, and directing that surveys of the necessary property and easements be completed, and filed with the City Clerk. Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Klimek voting against the motion.

ADJOURNMENT

At 7:40 p.m. the City Commission adjourned.

Gary S. Fees, CMC, City Clerk