

MINUTES
CITY COMMISSION MEETING
TUESDAY, MAY 1, 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 Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, Bruce Snead, and James E. Sherow 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 Felix Wang, 8 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Phillips proclaimed May 6-12, 2007, ***National Nurses Week***. Sue Philipp, President, District 18, Kansas State Nurses Association, was present to receive the proclamation.

Mayor Phillips proclaimed May 12, 2007, ***Letter Carrier Food Drive Day***. Fred Stork, Food Drive Coordinator, National Letter Carriers Association, was present to receive the proclamation.

Mayor Phillips proclaimed May 12-20, 2007, ***National Tourism Week***. Karen Hibbard, Executive Director, and Dennis Toll, Tourism Sales Manager, Manhattan Convention and Visitors Bureau; and Cheryl Collins, Director, Riley County Historical Society, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Phillips opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Karen Mayse, 3340 Newbury Street, President, League of Women Voters, provided information on the role of the League and thanked the Commission for its service.

Dee R. Ross, 2304 Brockman Street, asked the Commission if Dial used the proper procedures in removing asbestos from the old buildings demolished in the north Redevelopment Project Area. He also asked about the trees that were destroyed along Third and Fourth Streets; inquired about the proposed increase for the gas franchise fee; and, provided a newspaper article from the Kansas City Star regarding the constitutionality of a smoking ban.

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, provided additional clarification on the redevelopment project and the proposed franchise agreement with Westar Energy, Inc.

Mayor Phillips recognized Felix Wang, Youth in Government representative.

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

COMMISSIONER COMMENTS

Commissioner Strawn thanked Karen Mayse, President, League of Women Voters, and asked that the League help improve voter turnout.

Mayor Phillips announced the upcoming Riley County Relay for Life reception at the Holiday Inn and mentioned the annual Relay for Life event to be held at Memorial Stadium.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 17, 2007.

CLAIMS REGISTER NO. 2590

The Commission approved Claims Register No. 2590 authorizing and approving the payment of claims from April 11, 2007, to April 24, 2007, in the amount of \$3,259,607.63.

CONSENT AGENDA (CONTINUED)

LICENSES – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2007 for Short Stop #12, 2010 North Tuttle Creek Boulevard, Manhattan, Kansas, and Happy Valley, 1120 Laramie Street, Manhattan, Kansas.

* **ORDINANCE NO. 6618 – FRANCHISE AGREEMENT – WESTAR ENERGY, INC.**

Chad Luce, representing Westar Energy, Inc., responded to questions from the Commission.

Gary Olds, 3308 Frontier Circle, asked about the franchise agreement with Westar Energy, Inc., and encouraged the Commission to reject the increased proposal at four percent.

Ron Fehr, City Manager, answered questions on the Westar Energy, Inc. franchise fee item.

The Commission approved Ordinance No. 6618 repealing Ordinance No. 4365 and authorizing the City to enter into a franchise agreement with Westar Energy, Inc.

FIRST READING – AMEND – DOUGLASS CENTER ADVISORY BOARD

The Commission approved first reading of an ordinance amending the governing of the Douglass Center Advisory Board.

RESOLUTION NO. 050107-A – NAME CHANGE – PARTNER CITY ADVISORY COMMITTEE

The Commission approved Resolution No. 050107-A. changing the name of Sister City Advisory Committee to Partner City Advisory Committee.

* **NEGOTIATE CONTRACT – ENGINEERING SERVICES – MARLATT AVENUE DRAINAGE CHANNEL IMPROVEMENTS (SM0701)**

Steve Hampton, Acting City Engineer, provided additional information on the engineering selection process.

Ron Fehr, City Manager, provided additional information on the selection policy and local preference for consultants. He stated this is a City Commission policy and can be discussed further if a majority of Commissioners want to pursue that.

CONSENT AGENDA (*CONTINUED*)

* **NEGOTIATE CONTRACT – ENGINEERING SERVICES – MARLATT AVENUE DRAINAGE CHANNEL IMPROVEMENTS (SM0701) (*CONTINUED*)**

Buck Driggs, Manhattan Office Manager, HWS Consulting Group, informed the Commission that they have 15 employees in Manhattan and that 90 to 95 percent of the fees generated from this project will stay in the Manhattan office.

Steve Hampton, Acting City Engineer, responded to questions regarding long-term maintenance costs associated with the project.

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with HWS Consulting Group, Inc., of Manhattan, Kansas, for the Marlatt Avenue Drainage Channel Improvements (SM0701).

* **AWARD CONTRACT – GRAND MERE VANESTA ADDITION, UNIT 2, IMPROVEMENTS (ST0629, WA0627, SS0623, SM0605)**

Dee R. Ross, 2304 Brockman Street, asked about Grand Mere Vanesta Addition and if the City of Manhattan would be helping to pay for this project.

Ron Fehr, City Manager, and Rob Ott, Interim Director of Public Works, responded to questions regarding the benefit district and cost share for storm water improvements.

Dee R. Ross, 2304 Brockman Street, asked why only a few contractors have received the privilege from the City to help pay for improvements.

Ron Fehr, City Manager, and Mayor Phillips responded to questions regarding City participation and balance of providing for a greater public good.

The Commission accepted the Engineer's Estimate in the amount of \$1,900,000.00 and awarded a construction contract in the amount of \$1,273,518.79, the low bidder, Manhattan Trenching, Inc., of Manhattan, Kansas, for the Grand Mere Vanesta Addition, Unit 2, for Street (ST0629), Stormwater (SM0605), Water (WA0627), and Sanitary Sewer (SS0623) Improvements.

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – SANITARY SEWER MANHOLE REHABILITATION PROJECT

The Commission authorized the Mayor and City Clerk to execute an agreement to a maximum of \$50,000.00 with Utility Maintenance Contractors, of Wichita, Kansas, for a Sanitary Sewer Manhole Rehabilitation Project.

AWARD CONTRACT – CURED-IN-PLACE SEWER LINING

The Commission accepted the low bid in the amount of \$20.85 per linear foot for 8-inch of sewer pipe and awarded a contract to Institutform, of Chesterfield, Missouri, for the Sewer Lining Project.

* NEGOTIATE CONTRACT – UPDATE – AIRPORT MASTER PLAN

Peter Van Kuren, Airport Director, responded to questions from the Commission.

The Commission accepted the recommendation of the Airport Master Plan Consultant Selection Committee and authorized City Administration to negotiate a contract with HNTB Corporation, of Overland Park, Kansas, to Update Airport Master Plan.

FEMA/FIREFIGHTERS GRANT APPLICATION

The Commission authorized City Administration to proceed with a Federal Emergency Management Agency/U.S. Fire Administration 2007 Assistance to Firefighters Grant application with 10% funding coming from the Fire Equipment Reserve Fund.

BOARD APPOINTMENTS

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

Aggieville Business Improvement District Advisory Board

Appointment of Kale Becker, 2508 Meade Circle, to fill an unexpired term. Mr. Becker's term begins immediately, and will expire on December 31, 2007.

Partner City Advisory Committee

Re-appointment of Liz Beikmann, 1021 E. 26th Ave., to a three-year term. Ms. Beikmann's term begins immediately, and will expire on August 31, 2009.

Re-appointment of Maxine Coffey, 1728 Kings Road, to a three-year term. Ms. Coffey's term begins immediately, and will expire on August 31, 2009.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Partner City Advisory Committee

Re-appointment of Cindy Zapletal, 3909 Barbara Lane, to a three-year term. Ms. Zapletal's term begins immediately, and will expire on August 31, 2009.

Riley County Law Enforcement Board

The Riley County Law Enforcement Board appointments are made subject to Policy Resolution No. 091906-A, and the appointees are deemed to have consented to the provisions of that Policy as a condition of their appointment.

Appointment of Commissioner Strawn, 1551 Williamsburg Court, to fill an unexpired (At-Large) term. Commissioner Strawn's term begins immediately, and will expire on December 31, 2008.

Appointment of Commissioner Snead, 810 Pierre Street, to fill an unexpired (At-Large) term. Commissioner Snead's term begins immediately, and will expire on December 31, 2008.

After discussion, Commissioner Snead moved to approve the consent agenda. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D, ORDINANCE NO. 6618 – FRANCHISE AGREEMENT – WESTAR ENERGY, INC., which carried 4-1 with Commissioner Strawn voting against the item.

GENERAL AGENDA

PUBLIC HEARING - MUNICIPALLY OWNED AND OPERATED FACILITY - THE CITY OF MANHATTAN'S WATER TREATMENT PLANT IMPROVEMENTS

Eric Cattell, Assistant Director for Planning, presented the item.

Jerry McIntyre, Deputy Director of Public Works – Utilities, introduced Tom Krylie, Carollo Engineers.

Tom Krylie, Project Engineer, Carollo Engineers, provided additional information on the proposed improvements and water quality.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - MUNICIPALLY OWNED AND OPERATED FACILITY - THE CITY OF MANHATTAN'S WATER TREATMENT PLANT IMPROVEMENTS (CONTINUED)

Jerry McIntyre, Deputy Director of Public Works – Utilities, answered questions from the Commission and explained the process at the Water Treatment Plant.

Mayor Phillips opened the public hearing.

Hearing no comments, Mayor Phillips closed the public hearing.

FIRST READING - MUNICIPALLY OWNED AND OPERATED FACILITY - THE CITY OF MANHATTAN'S WATER TREATMENT PLANT IMPROVEMENTS

Tom Krylie, Project Engineer, Carollo Engineers, provided additional information on the current infrastructure, proposed improvements to be made and the approximate cost of the project.

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, provided information on a possible water rate increase and indicated that as part of the utilities budget, the item would be brought to you at budget time for your consideration.

Tom Krylie, Project Engineer, Carollo Engineers, explained population trends and water usage to meet demand until 2030. He then answered additional questions from the Commission.

Bernie Hayen, Director of Finance, explained the KDHE loan program, which would provide a low interest rate to pay for the expansion. He then answered questions from the Commission.

Jerry McIntyre, Deputy Director of Public Works – Utilities, and Tom Krylie, Project Engineer, Carollo Engineers, provided background information on the facility needs plan and, population growth and land use plans used to project future water demand.

Jerry McIntyre, Deputy Director of Public Works – Utilities, and Ron Fehr, City Manager, responded to questions regarding the plant, water wells, and safety and efficiency measures that would be achieved.

GENERAL AGENDA (CONTINUED)

**FIRST READING - MUNICIPALLY OWNED AND OPERATED FACILITY -
THE CITY OF MANHATTAN'S WATER TREATMENT PLANT
IMPROVEMENTS (CONTINUED)**

After discussion, Commissioner Hatesohl moved to find that the public interests to be served by the proposed Water Treatment Plant improvements, consisting of a disinfection/electrical building and off-street parking, outweigh the impacts upon legitimate community interests, as mitigated by the conditions of approval; and, Approve first reading of an ordinance authorizing the proposed Water Treatment Plant improvements, consisting of a disinfection/electrical building and off-street parking, based on the findings in the Staff Report, with the one condition of approval recommended by the Planning Board (*See Attachment No. 1*). Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

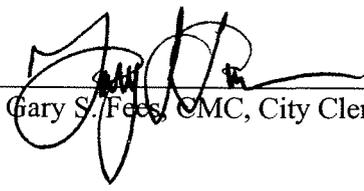
**FIRST READING OF AN ORDINANCE DESIGNATING "NO PARKING" ALONG
A PORTION OF VISTA LANE**

Rob Ott, Interim Director of Public Works, presented the item. He then answered questions from the Commission.

After discussion, Commissioner Snead moved to approve first reading of an ordinance designating "No Parking" along a portion of Vista Lane. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:25 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

**STAFF REPORT
STATE OR MUNICIPAL FACILITY REVIEW**

APPLICANT: City of Manhattan.

ADDRESS: 1101 Poyntz Avenue.

LOCATION: Water Treatment Plant at North 3rd Street and Tuttle Creek Boulevard.

AREA: Approximately 10 acres.

DATE OF PUBLIC NOTICE PUBLICATIONS: Monday, March 26, 2007, and Tuesday, April 10, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, April 16, 2007.

DATE OF PUBLIC HEARING: CITY COMMISSION: Tuesday, May 1, 2007.

(Note: In addition to the Public Hearings, the Public Works Department will hold a Public Meeting with the neighborhood to discuss the proposed improvements and is scheduled for April 12, 2007, letter attached.)

At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:

EXISTING USE: The City of Manhattan's Water Treatment Plant.

PROPOSED USE: Proposed improvements include a new disinfection/electrical building and 8-10 new off-street parking spaces along the south entrance drive. An existing off-street parking area located to the west of the new disinfection building will now be used for deliveries. A sidewalk for pedestrian access will be provided from the new parking area to the front steps of the filtration building. *(Note: At the time of advertisement of the public hearing, it was anticipated that information on the future filtration building and clearwell/pump station expansions, shown on the attached site plan, would be available*

Attachment No. 1

for consideration; however, that is not the case. As a result the only improvements under consideration are the new disinfection building and new parking area. Future improvements will require a new application.)

The disinfection/electrical building is a brick and concrete one story, approximately 22 feet in height, structure designed to architecturally be consistent with the materials of the filtration building. The sculpture on the front of the filtration building will be relocated to the east façade of the new disinfection building. The building measures approximately 48 feet by 61 feet, or 2,928 square feet in area consisting of an electrical room chlorine storage area and chlorine feed space.

All improvements are proposed on the east side of the site (*see attached application documents provided by the City of Manhattan's Public Works Department*).

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The Water Treatment Plant site is located at the base of Bluemont Hill and slopes to the southeast. Goodnow Park is on the western, southern, and along the northern boundary of the site, with the eastern boundary of the site being Tuttle Creek Boulevard and N. 3rd Street rights-of-way.

The existing facilities dominate the site and include: 2 primary and 2 secondary basins, a chemical and filter building, an electrical substation, pumping stations, ammonia/CO₂ building and off-street parking. In addition, there are underground water storage tanks and reservoirs, and underground piping and pumping systems. The front yard along the Tuttle Creek Boulevard frontage is an open landscaped yard. The majority of the site is enclosed by an approximate 8-foot chain link security fence, the top 2-feet topped with barbed wire.

No portion of the site is in a 100 Year or 500 Year Flood plain.

THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY: The City of Manhattan is a city of the first class with an approximate population of 50,000. The City provides a full range of municipal level services within nine departments including: the Manager's Office, Community Development, Parks & Recreation, Finance, Airport, Public Works, Legal Department, Fire Services and Human Resources.

THE FUNCTION OF THE UTILITY OR FACILITY: The City of Manhattan's Public Works Department has the responsibility of ensuring that the Water Treatment Plant provides for the treatment and distribution of a safe and dependable drinking water supply. The proposed improvements, described above, are necessary to maintain this function for a growing population, which is served by the Water Treatment Plant.

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THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY: As noted above, the public interest to be served includes the residents of the City, as well as residents and other users outside of the City that depend on safe drinking water.

THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING: Denial of the proposed renovation and expansion plans would prohibit the City of Manhattan from implementing and complying modernization improvements for clean and safe water.

THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED: Minimal to no impact is expected on properties in nearby residential and commercial neighborhoods located to the west and south. The proposed improvements are within the same proximity of existing improvements within the grounds of the site. The closest residential dwelling and commercial building is approximately 300-feet to the south from the new disinfection building and approximately 200to 175 feet, respectively, from the new parking area. Future filtration building expansion and clearwell pump building cannot be determined at this time.

To the north, south, and west is Goodnow Park, which adjoins the site. No affect is expected on the Park. No green or open space is lost as a result of the proposed improvements, because all improvements take place within the grounds of the Water Treatment Plant site.

The improvements are 450-600 feet from residential uses to the west.

To the east is Tuttle Creek Boulevard and the disinfection building is approximately 90 feet to the front property line along Tuttle Creek Boulevard. New parking is approximately 40-50 feet from the property line along N. 3rd Street.

All chemical deliveries to the site will continue to be made through the front entrance (east side of the site) off N. 3rd Street.

No change in lighting is proposed.

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The proposed improvements will not generate any odors. Proposed improvements have been reviewed by Building Code Services and the Fire Department and there are no negative issues associated with the preliminary plans. Final building plans must be reviewed and approved by Code Service and the Fire Department and must conform to Building Code and Fire Safety requirements before approval and construction.

IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN: As a public facility, The Manhattan Urban Area Comprehensive Plan shows the site as IND, Industrial, which reflects the processing nature of the plant, which connects to the water well field area to the east in the industrial park.

OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT: None.

STAFF RECOMMENDATION: City Administration recommends approval of the proposed improvements to include:

1. Proposed improvements shall be limited to a new disinfection/electrical building and new off-street parking.

The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.

If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.

ALTERNATIVES

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of a proposed new disinfection/electrical building and new off-street parking, based on the findings in the staff report, with the condition of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of a proposed new disinfection/electrical building and new off-street parking, for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or condition of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed new disinfection/electrical building and new off-street parking.
4. Table the public hearing of a proposed new disinfection/electrical building and new off-street parking, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed new disinfection/electrical building and new off-street parking;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed new disinfection/electrical building and new off-street parking, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed new disinfection/electrical building and new parking, with the condition of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board finds that by a preponderance of the evidence, the public interests to be served by the proposed Municipal Facility, outweighs the impacts upon the legitimate community interests and recommends approval of a proposed new disinfection/electrical building and new off-street parking, based on the findings in the Staff Report, with the one (1) condition of approval recommended by City Administration.

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: April 11, 2007