

CERTIFICATION OF CLERK

I, Gary S. Fees, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 18th day of November, 2008, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 19th day of November, 2008.





Gary S. Fees, MMC, City Clerk



MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 4, 2008
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips 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, Assistant City Clerk Brenda K. Wolf, 6 staff, and approximately 80 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Hatesohl proclaimed November 8, 2008, ***Buddy Poppies***. Vincent Van Cleave, Senior Vice Commander, and Walt Gatsche, Past Commander, VFW #1786, were present to receive the proclamation.

Mayor Hatesohl proclaimed November 11, 2008, ***Veterans' Day***. Mike Kearns, President, and Dave Fiser, Flint Hills Veteran's Coalition, and Walt Gatsche, Commander, VFW #1786, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

Hearing no comments, Mayor Hatesohl 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 Special City Commission Meeting held Tuesday, October 14, 2008, the Regular City Commission Meeting held Tuesday, October 21, 2008, and the Special City Commission Meeting held Tuesday, October 28, 2008.

CLAIMS REGISTER NO. 2593

The Commission approved Claims Register No. 2593 authorizing and approving the payment of claims from October 15, 2008, to October 28, 2008, in the amount of \$2,066,699.59.

LICENSE – RENEWALS

The Commission approved a Cereal Malt Beverage License for calendar year 2008 for Bushwackers, 531 North Manhattan Avenue; Kwik Shop, Inc., 1337 Anderson Avenue; and a Tree Maintenance License for 2008 for Allscapes, 608 Pottawatomie Avenue; Asplundh Tree Expert Co., 2901 Princeton Place; Blueville Nursery, Inc., 4539 Anderson Avenue; Don's Stump Removal & Tree Service, 3761 South 33rd Street; Growing Concerns, Inc., 2880 Zeandale Road; Hummel Tree Service, 601 Pottawatomie Avenue; Mugler Tree Care, 2400 West 60th Avenue; Randy's Tree Service, 110 Castle Street, Junction City, KS; Salina Tree, Inc., 2681 West State Street Road, Salina, KS; Tree Design d.b.a. Three Men-Tree Service, 255 Ridge Drive.

FINAL PLAT – WESTPORT SOUTH ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Westport South Addition, generally located south of the intersection of Westport Drive and Anderson Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6735 – DESIGNATE – TUTTLE CREEK BOULEVARD A MAIN TRAFFICWAY – MARLATT AVENUE A MAIN TRAFFICWAY CONNECTION

The Commission approved Ordinance No. 6735 designating Tuttle Creek Boulevard as a main trafficway and designating Marlatt Avenue from Tuttle Creek Boulevard to Casement Road as a main trafficway connection.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 110408-B – FINANCE – US 24 AND MARLATT AVENUE PROJECT (ST0612)

The Commission approved Resolution No. 110408-B authorizing financing in an amount not to exceed \$390,000.00 in General Obligation Bonds for the US 24 and Marlatt Avenue Project (ST0612).

ORDINANCE NO. 6736 – INSTALL – STOP AND YIELD SIGNS

The Commission approved Ordinance No. 6736 establishing traffic control devices at certain intersections within the city limits of Manhattan (*See Attachment No. 1*), based on the recommendations in the Manhattan Area Transportation Strategy Report and Manual of Uniform Traffic Control Devices (MUTCD), and consistent with current practices/policies of the City of Manhattan.

PUBLIC HEARING – VACATE UTILITY EASEMENT – COLBERT HILLS ADDITION, UNIT THREE, LOT 1A

Mayor Hatesohl opened the public hearing.

Hearing no comments, Mayor Hatesohl closed the public hearing.

FIRST READING – VACATE UTILITY EASEMENT – COLBERT HILLS ADDITION, UNIT THREE, LOT 1A

The Commission approved first reading of an ordinance vacating a portion of a 16' (sixteen) foot wide utility easement located in Colbert Hills Addition, Unit Three, Lot 1A, an addition to the City of Manhattan, Riley County, Kansas.

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RESOLUTION NO. 110408-A – ESTABLISH – BICYCLE ADVISORY COMMITTEE

The Commission approved Resolution No. 110408-A authorizing the establishment of a Bicycle Advisory Committee.

RESOLUTION NO. 110408-C – REVISED PETITION – SILO TOWNHOMES ADDITION – STREET IMPROVEMENTS (ST0808)

The Commission found the revised petition sufficient and approved Resolution No. 110408-C rescinding Resolution No. 040108-B and finding the project advisable and authorizing construction for Silo Townhomes Addition Street Improvements (ST0808).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 110408-D – KDOT AGREEMENT – JULIETTE AVENUE/BLUEMONT AVENUE INTERSECTION IMPROVEMENT (ST0804)

The Commission approved Resolution No. 110408-D authorizing the Mayor and City Clerk to execute the agreement with KDOT for safety improvements to the intersection of Juliette Avenue and Bluemont Avenue (ST0804).

AWARD CONTRACT – DEMOLITION OF C-ROW EXTENSION AIRCRAFT HANGAR (AP801P)

The Commission accepted the Base Bid of \$1.00 from Gideon Excavating, Inc., and authorized the Mayor and City Clerk to execute a contract with Gideon Excavating, Inc., of St. Marys, Kansas, for the Demolition of the C-Row Extension Aircraft Hangar (AP801P).

AMEND – ENGINEERING SERVICES – SOUTH 4TH STREET (ST0813)

The Commission approved the amendment to the Engineering Services Agreement for the South 4th Street Project from K-18 (Fort Riley Boulevard) to Pierre Street and Stormwater Drainage Improvements (ST0813), and authorized the Mayor to execute the amendment, resulting in a net increase in the amount of \$14,300.00 to the contract with HWS Consultants, of Manhattan, Kansas.

AGREEMENT – ARCHEOLOGICAL SURVEY PROJECT

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement with Kansas State University for professional services to complete the Archeological Survey Project.

* BOARD APPOINTMENTS

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

* *Bicycle Advisory Committee*

Appointment of Brian Hardeman, 1822 Laramie Street, to a one-year At-Large term. Mr. Hardeman's term begins immediately, and will expire October 31, 2009.

Appointment of Diane Novak, 11330 Military Trail Road, to a one-year At-Large term. Ms. Novak's term begins immediately, and will expire October 31, 2009.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

* *Bicycle Advisory Committee (Continued)*

Appointment of Dan Scott, 3137 Ella Lane, to a one-year At-Large term. Mr. Scott's term begins immediately, and will expire October 31, 2009.

Appointment of David Colburn, 1906 Bluestem Terrace, to a two-year Unified School District #383 term. Mr. Colburn's term begins immediately, and will expire October 31, 2010.

Appointment of Susanne Kufahl, 17170 Highway 16, to a two-year Riley County-Manhattan Health Department term. Ms. Kufahl's term begins immediately, and will expire October 31, 2010.

Appointment of Richard Markle, 420 Oakdale Drive, to a two-year Manhattan Business Community term. Mr. Markle's term begins immediately, and will expire October 31, 2010.

Appointment of Ben Champion, 1519 Poyntz Avenue, to a three-year Kansas State University term. Mr. Champion's term begins immediately, and will expire October 31, 2011.

Appointment of Joseph Edmunds, 360 Zeandale Road, to a three-year Riley County term. Mr. Edmunds' term begins immediately, and will expire October 31, 2011.

Appointment of Jeff Hooper, 1001 South Seth Child Road, to a three-year Riley County Police Department term. Mr. Hooper's term begins immediately, and will expire October 31, 2011.

Housing Authority Board of Commissioners

Appointment of Phil Anderson, 1718 Fairchild Avenue, to a four-year term. Mr. Anderson's term begins immediately, and will expire March 3, 2012.

Appointment of Doug Kraemer, 3153 Ella Lane, to a four-year term. Mr. Kraemer's term begins immediately, and will expire March 3, 2012.

Appointment of Janis Clare Galitzer, 1504 Humboldt Street, to a four-year term. Ms. Galitzer's term begins immediately, and will expire March 3, 2012.

CONSENT AGENDA (CONTINUED)

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

GENERAL AGENDA

REQUEST - MANHATTAN DAY CARE AND LEARNING CENTER

Lauren Palmer, Assistant City Manager, gave a brief overview of the request for funding from the Manhattan Day Care.

Jeff Rosenow, Board Chair, Manhattan Day Care, 319 Denison Avenue, recognized current and past board members in the audience, thanked the Commission for considering the request, and provided additional information regarding the Manhattan Day Care and the families with the Center.

Casey Kyle, Executive Director, Manhattan Day Care, provided information on the history of the Center, the families it serves, and what the Center provides to the children.

Karla Hagemeister, 2114 Casement Road, member of First United Methodist Church, and Vice President, Manhattan Day Care Board, read a letter from Riley County Attorney Barry Wilkerson. The letter stated that if the Center closed, this would be an unfortunate loss to children, parents, and community as a whole and that a community that does not invest in its children invests in the community's ultimate demise. Ms. Hagemeister stated that the Center prepares kids to be successful and contributing members of the community.

Tana Warner, 2500 Farm Bureau Road, a single parent whose children attended the Center, stated she could only imagine the difficulties the parents are facing now in looking for safe daycare for their kids. She also stated how important the Center is for entire community.

Kay Scarbrough, Senior Pastor, First United Methodist Church, 612 Poyntz Avenue, urged the Commission to grant the request and then read a letter from C. Clyde Jones who wrote in support of the request for funding and stated that it is imperative that the community joins forces to avoid the closing of the Center. He also wrote that he personally will assist financially and professionally to help the Center.

GENERAL AGENDA (CONTINUED)

REQUEST - MANHATTAN DAY CARE AND LEARNING CENTER (CONTINUED)

Steve Shields, 3701 Stratford Terrace, Board Member, Manhattan Day Care, stated the decision before the Commission was critical. With the current and future growth in community, this is the worst time to allow the Center to close since there is a bright future for the Center. The problem is due to new daycares coming on line at Fort Riley, causing the cost of labor to increase. He stated that employers must step forward to help keep the Center alive and urged the Commission to support the request.

Jeff Rosenow, Board Chair, Manhattan Day Care, 319 Denison Avenue, and Casey Kyle, Executive Director, Manhattan Day Care, answered questions from the Commission.

Ron Fehr, City Manager, and Commissioner Snead spoke to why the request came before the Commission before it went before Social Services Advisory Board (SSAB).

Debbie Madsen, Chair, Social Services Advisory Board, stated that the request did not come before the SSAB before coming before the Commission but giving the critical nature, she was confident the Board would have approved the request.

Commissioner Strawn requested financial statements for Manhattan Day Care.

Jeff Rosenow, Board Chair, Manhattan Day Care, 319 Denison Avenue, answered additional questions from the Commission.

Commissioner Phillips requested to see Manhattan Day Care's Business Plan and Business Model.

Jeff Rosenow, Board Chair, Manhattan Day Care, 319 Denison Avenue, provided additional information to the Commission.

Casey Kyle, Executive Director, Manhattan Day Care, and Jeff Rosenow, Board Chair, Manhattan Day Care, 319 Denison Avenue, answered questions from the Commission.

Jeff Morris, 2104 Browning Avenue, stated that his children attended the Center and prepared his children for school. He also stated that the Center is great for the Community and that the current location provides easy access.

GENERAL AGENDA (CONTINUED)

REQUEST - MANHATTAN DAY CARE AND LEARNING CENTER (CONTINUED)

Lee Taylor, 1612 Lisa Lane, Greater Manhattan Community Foundation, asked for the Commission's and the entire community's support. She stated that the Foundation will be launching an effort to raise a \$1 million endowment for childcare scholarships so that families that need the most help can obtain affordable quality childcare. She urged the Commission and citizens to help; this has to be a community effort.

Sandra Lapointe, 2020 Hunting Avenue, whose son attends the Center, stated she had committed her own resources and offered to act as a consultant for Manhattan Day Care.

Brian Saddler, 2613 Kimball Avenue, stated the need for daycare is great in the military and education communities and if the Center were to expand, it would help the community.

Amanda Deuser, 2929 Brookville Drive, single mother, stated she chose to live in Manhattan due to quality of daycare and urged the Commission to keep the Center open.

Beth Brintle, 17787 300th Rd, Alta Vista, who works and commutes to Manhattan, stated that it took her three months to find quality daycare for her son. She also stated that the Center provides excellent care and that it would be devastating for the community if the Center was to close, especially for low income families.

Shauna Gillelan, 831 Ewing Road, single parent, stated that it is hard to find daycare anywhere close to Manhattan to where she could survive. She does not want to leave town but if the Center was to close and she couldn't find daycare, she could possibly lose her job.

Selia Pierce, 1207 15th Street, Wamego, stated the Center is the only daycare her son likes and is happy there.

Abby Rohr, 415 Walters Drive, Apt. No. 1011, single parent, stated the Center is her daughter's second home and that it has done a wonderful job in providing care.

Jane Lingenfelter, 2415 Galloway Drive, knows firsthand how difficult it is to find good daycare.

GENERAL AGENDA (CONTINUED)

REQUEST - MANHATTAN DAY CARE AND LEARNING CENTER (CONTINUED)

After discussion, Commissioner Snead moved to authorize Manhattan Day Care and Learning Center to immediately access its 2009 Social Services Advisory Board (SSAB) allocation to be drawn down as-needed through December 31, 2008, and request that the Manhattan Day Care and Learning Center report back to the City Commission as soon as possible with a long-term strategy for addressing the issues involved with continuing operations. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

MANHATTAN EMERGENCY SHELTER COMMUNITY DEVELOPMENT BLOCK GRANT PERFORMANCE HEARING

Karen Davis, Director of Community Development, presented the item.

Mayor Hatesohl opened the public hearing.

Hearing no comments, Mayor Hatesohl closed the public hearing.

“DESIGN BUILD” REQUEST FOR PROPOSALS - CITY PARK SWIMMING POOL REPLACEMENT PROJECT and SPRAY PARK PROJECT FOR CITY PARK PLAYGROUND

Curt Loupe, Director of Parks & Recreation, presented the information on the deterioration of the City Park Pool and on a splash park, the efficient use of resources, and financing options which could possibly include a Zoo Education Building and renovation of Northview and CiCo pools. He then answered questions from the Commission.

Ron Fehr, City Manager, answered a question regarding possibly placing a sales tax bond issue on the ballot.

Curt Loupe, Director of Parks and Recreation, answered questions from the Commission.

Commissioner Strawn urged that Dave Fritchen be included as a member of the Selection Committee.

After discussion, Mayor Hatesohl moved to approve the Request for Proposals outlines for design-build services associated with City Park Pool Replacement and/or City Park Playground Splash Pad, authorize staff to proceed with the RFP process, and appoint Commissioner Phillips to the Selection Committee. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

At 8:52 p.m., the Commission took a short break.

CICO WATER TOWER MONOPOLE LAND LEASE - AT&T

Jason Hilgers, Assistant City Manager, provided information on the monopole and terms of the lease with AT&T. He introduced Caroline Boyd, Telecom Realty Consultants, representing AT&T.

Jason Hilgers, Assistant City Manager, Caroline Boyd, Telecom Realty Consultants, and Bill Frost, City Attorney, answered questions from the Commission.

After discussion, Commissioner Sherow moved to authorize City Administration to finalize and the Mayor and City Clerk to execute a land lease agreement between the City and AT&T for the use of City property adjacent to the City's CICO water tank to construct and utilize a monopole for the transmission and reception of communications signals. Commissioner Strawn seconded the motion. On a roll call vote, motion carried 5-0.

CHARTER ORDINANCE NO. 45 – ESTABLISH NUMBER OF CANDIDATES NECESSARY TO HOLD A CITY PRIMARY ELECTION

Bill Frost, City Attorney, reviewed changes in the State Statute and confusion caused by the wording in the Statute.

Bill Frost, City Attorney, answered questions from the Commission.

After discussion, Commissioner Snead moved to approve Charter Ordinance No. 45 establishing the number of candidates necessary to hold a City primary election at eight (8). Commissioner Sherow seconded the motion.

Bill Frost, City Attorney, asked for clarification of the motion.

Commissioner Snead withdrew his motion.

After discussion, Commissioner Snead moved to approve Charter Ordinance No. 45 establishing the number of candidates necessary to hold a City primary election at eight (8) or above; the primary election would reduce the candidates for the general election to six (6). If there are seven (7) candidates, there will be no primary and all seven (7) candidates would be listed on the general election ballot. Commissioner Sherow seconded the motion. On roll call vote, motion failed 3-2 with Commissioners Strawn and Phillips voting against.

GENERAL AGENDA (CONTINUED)

CHARTER ORDINANCE NO. 45 – ESTABLISH NUMBER OF CANDIDATES NECESSARY TO HOLD A CITY PRIMARY ELECTION (CONTINUED)

After discussion, Mayor Hatesohl moved to approve Charter Ordinance No. 45 establishing the number of candidates necessary to hold primary election at 10. Commissioner Strawn seconded the motion. On roll call vote, motion failed 3-2 with Commissioners Snead and Sherow voting against.

EXECUTIVE SESSION

Commissioner Snead moved to recess into Executive Session until 9:55 p.m. for the purpose of discussions with the Attorneys for the City regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow carried 5-0.

At 9:55 p.m., the Commission reconvened with Mayor Hatesohl and Commissioners Strawn, Snead, Sherow, and Phillips in attendance.

Commissioner Snead moved to come out of Executive Session. Commissioner Phillips seconded the motion. On roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:56 p.m. the Commission adjourned.


Brenda K. Wolf, CMC, Assistant City Clerk

Attachment No. 1

INTERSECTION	FLOW CONTROL	TYPE OF CONTROL
Brookville West and Walters Drive	South	Stop
Walters Drive and Brookpark Drive	North & South	Yield
Brookstone Drive/Brookstone Circle and Brookvill Drive	East & West	Yield
Little Kitten Avenue and Plymouth Road	Northeast & Southwest	Yield