



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, NOVEMBER 27, 2012
5:00 P.M.

The Special Meeting of the City Commission was held at 5:00 p.m. in the City Commission Room. Mayor Loren J. Pepperd and Commissioners John Matta, Wynn Butler, Richard B. Jankovich, and James E. Sherow were present. Also present were the Assistant City Manager Lauren Palmer, Assistant City Attorney Sarah Hoskinson, City Clerk Gary S. Fees, 8 staff, and approximately 8 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pepperd led the Commission in the Pledge of Allegiance.

Mayor Pepperd announced that the Mayor's Spirit of the Holidays Lighted Parade and Tree Lighting Ceremony will be held on Friday, November 30, 2012. He stated that the parade will begin at 6:00 p.m., followed by the annual lighting of the tree in Triangle Park in Aggieville and then the Festival of Trees event. He encouraged the community to attend the events and to support the Flint Hills Breadbasket.

SPECIAL CITY COMMISSION MEETING ITEM

**FIRST READING – ISSUE – REFUNDING GENERAL OBLIGATION BOND
SERIES NO. 2012-C**

Bernie Hayen, Director of Finance, presented an overview of the item. He then responded to questions from the Commission regarding the purpose of the refunding issuance and potential savings to the City of Manhattan.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance authorizing and providing for the issuance of not to exceed \$5,205,000 principal amount of General Obligation Refunding Bonds, Series 2012-C, of the City of Manhattan. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

WORK SESSION ITEMS

SALES AND DISCHARGE OF FIREWORKS

Jerry Snyder, Director of Fire Services, presented the current regulations for the sale and discharge of fireworks in Manhattan, the surrounding area, and the State of Kansas regulations. He also provided what other communities are doing and recommendations for the Commission. He then responded to questions from the Commission.

Brad Schoen, Director, Riley County Police Department (RCPD), responded to questions from the Commission regarding enforcement issues and difficulties associated with regulating and citing for the unlawful discharge of fireworks. He then responded to questions from the Commission.

Jerry Snyder, Director of Fire Services, and Sarah Hoskinson, Assistant City Attorney, responded to questions from the Commission regarding regulations prohibiting discharging fireworks in public roadways.

Brad Schoen, Director, RCPD, provided additional information on the challenges associated with police enforcement and difficulties with juveniles violating the ordinance.

After discussion and comments from the Commission, Jerry Snyder, Director of Fire Services, provided additional information and clarification on the recommendation to ban sky lanterns and for the Director of Fire Services to have the authority to declare an emergency and ban the sales and/or discharge of fireworks. He informed the Commission that he did not recommend a six-foot rule ban on aerial fireworks due to enforcement concerns and issues.

Scott Terril, 2900 James Avenue, informed the Commission that he has been selling fireworks as a fundraiser for his soccer team. He stated that a total ban on fireworks sales would put a real burden on the many fireworks stands that generate funding for kids programs. He stated that he did not have a problem with a ban on sky lanterns; however, voiced concern with a ban on aerials as those items are about 80 percent what they sell and would be very difficult to enforce. He also asked that if the Director of Fire Services has the ability to ban fireworks due to a drought that the vendors be provided with a reasonable advance warning. He then responded to questions from the Commission.

Jerry Snyder, Director of Fire Services, informed the Commission that he has talked with Riley County officials and they are willing to adopt what regulations the City adopts.

WORK SESSION ITEMS (CONTINUED)

SALES AND DISCHARGE OF FIREWORKS (CONTINUED)

Rich Cooper, Operator/Owner, fireworks stand at 10th Street and Fort Riley Boulevard, stated that he understood the ban for emergency situations, but asked to know in advance as soon as possible. He said that he purchases his own fireworks and rents space for his stand. He informed the Commission that he chose not to sell the sky lanterns and stated that if a six-foot rule is imposed, it would put him out of business and affect a lot of people.

Kathy Wichmann, 222 South Delaware Avenue, representing the Manhattan Marlins, informed the Commission that the fireworks stand is a major fundraiser for the Marlins. She said the revenues generated provides about \$8,500 and that a contract is signed in February. She voiced agreement with the comments from the two gentlemen that spoke earlier.

Greg Girard, 2100 Londondery Drive, stated that fireworks are a fire hazard and are dangerous. He voiced concerns with the house in his neighborhood that burned down last year and asked the Commission what the City is going to do regarding the sale and discharge of fireworks.

Scott Terril, 2900 James Avenue, informed the Commission that he appreciates the concern expressed regarding a house fire, but stated that that there has been very little fire damage before that incident due to fireworks. He asked how damage is caused much annually from alcohol-related incidents and how intrusive is the City going to be?

After additional discussion and comments from the Commission, Brad Schoen, Director, RCPD, and Jerry Snyder, Director of Fire Services, responded to questions from the Commission and provided additional information.

Jerry Snyder, Director of Fire Services, and Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding consideration to extend the current timeframe to July 5 in case of rain.

Ryan Almes, Deputy Chief of Technical Services, responded to questions from the Commission regarding insurance requirements and the potential to provide public property that could be potentially used as a designated place for fireworks. He then provided additional information regarding regulations and guidelines provided to fireworks stand vendors.

WORK SESSION ITEMS (CONTINUED)

SALES AND DISCHARGE OF FIREWORKS (CONTINUED)

After additional discussion and comments from the Commission, Mayor Pepper summarized the comments expressed by a majority of Commissioners to ban the sale and use of sky lanterns and to provide the Director of Fire Services, in consultation with the Mayor and/or City Commission, the authority to declare an emergency situation banning the sale and discharge of fireworks. He asked the Director of Fire Services to bring the item back to a future City Commission meeting.

As this was a work session item for discussion, there was no action taken on the item.

AQUATICS FACILITIES ANNUAL REPORT AND RECOMMENDATIONS

Curt Loupe, Director of Parks and Recreation, presented highlights from the 2012 pool season, breakdown of attendance, revenue and expense overview, and challenges and recommendations for the 2013 pool season.

Kelly Cook, Aquatics Supervisor, provided additional information on the item and discussed facility use. He stated that for security and liability reasons the City needs to have its own lifeguards at activities, even when groups bring their own lifeguards. He suggested that those costs could be passed along to the renters of the pool facilities.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding lifeguard services, outside group use and rental fees, and swim competitions and practice times for the Manhattan Marlins.

Mike Buchanan, Recreation Superintendent, provided additional information on the supervision and rental fees for basketball, volleyball, baseball, and softball. He responded to questions from the Commission on the Manhattan Marlins use of the pool.

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission regarding swim lessons and lifeguard supervision for activities at the pools. He stated that shortage of lifeguards is a nationwide problem.

Mike Buchanan, Recreation Superintendent, and Kelly Cook, Aquatics Supervisor, provided additional information on the difficulties in keeping lifeguards until Labor Day and staffing considerations. They responded to questions from the Commission regarding the Natatorium at K-State and the difficulty in keeping lifeguards.

Curt Loupe, Director of Parks and Recreation, informed the Commission that they have reduced the amount of the subsidy and explained the expenses associated with the pools.

WORK SESSION ITEMS (CONTINUED)

AQUATICS FACILITIES ANNUAL REPORT AND RECOMMENDATIONS (CONTINUED)

Kathy Wichmann, 222 South Delaware Avenue, informed the Commission that the Manhattan Marlins are a year-round program and hire six coaches. She provided information on the use of City Park Pool and the use of the K-State Natatorium by the Marlins. She stated the Marlins are currently paying to use the Natatorium and did not want to see additional costs to use the City Park Pool and did not see the need to have additional lifeguards on site, since their coaches are lifeguard certified and above.

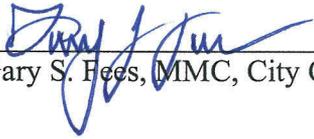
After additional discussion and comments from the Commission, there was a desire from the Commission to extend the pool season through Labor Day with at least one pool open and were favorable to the recommendations highlighted.

Curt Loupe, Director of Parks and Recreation, provided additional information and reiterated the difficulty in keeping the pools open later because of a shortage of lifeguards. He responded to additional questions from the Commission regarding a possible non-resident fee to use the pools and stated the logistic challenges in doing that.

As this was a work session item for discussion, there was no action taken on the item.

ADJOURNMENT

At 6:44 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk