

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MARCH 2, 2010***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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, City Clerk Gary S. Fees, 9 staff, and approximately 30 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Strawn led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Strawn proclaimed ***2010 Census***. Leo Prieto, Census Partnership Specialist, was present to receive the proclamation.

Mayor Strawn proclaimed March 14-20, 2010, ***Brain Awareness Week***. Rose Harris, President, Little Apple Pilot Club; Therese Miller, Little Apple Pilot Club; and Lynn Waugh, 2009 District Governor, were present to receive the proclamation.

Mayor Strawn proclaimed March 2010, ***National Ethics Awareness Month***. Brian Williams, Assistant to the City Manager, and Ryan Almes, Fire Marshal, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Strawn opened the public comments.

Zeke Sorenson, graduate student, Kansas State University, informed the Commission of an incident this past fall with him and his boyfriend. He stated that his boyfriend was going to come to Manhattan, move in with him, and that he had approached his landlord regarding their plans. He said that his landlord denied his request. Mr. Sorenson stated

## PUBLIC COMMENTS (CONTINUED)

that he felt that this was an injustice, that he was discriminated against, and that he had no means to investigate the matter. He urged the Commission to consider this issue and to seek out means to resolve these injustices in the City's discrimination policies. He then responded to questions from the Commission.

Mayor Strawn apologized for this happening to him and informed Mr. Sorenson that there was a venue in City government with the Human Rights and Services Board. He asked Mr. Sorenson to send him an e-mail regarding his situation.

Commissioner Sherow asked Mr. Sorenson if he had talked with Larry Hackney, Human Resources Department, with the City and encouraged him to look at his lease agreement.

Ron Fehr, City Manager, stated that Mr. Hackney could provide information that he has available.

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

## COMMISSIONER COMMENTS

Commissioner Sherow voiced his support for the K-State teams, saying Go Cats!

Commissioner Morris-Hardeman informed the community about the Manhattan Public Library's annual book sale this weekend and encouraged citizens to attend and to support our Public Library.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 16, 2010.

### CLAIMS REGISTER NOS. 2634 and 2635

The Commission approved Claims Register Nos. 2634 and 2635 authorizing and approving the payment of claims from February 10, 2010, to February 23, 2010, in the amounts of \$127,936.94 and \$2,243,465.43, respectively.

## CONSENT AGENDA (CONTINUED)

### LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance license for calendar year 2010 for Chopper Tree Care, LLC, 1729 Houston Street, and Hosfelt Tree Service, 409 South 7<sup>th</sup> Street, Marysville.

### PUBLIC HEARING – SPECIAL ASSESSMENTS (GOB 2010A) – LEE MILL HEIGHTS ADDITION, UNIT FOUR, PHASE ONE

Mayor Strawn opened the public comments.

Hearing no comments, Mayor Strawn closed the public comments.

### \* ORDINANCE NO. 6816 – LEVY SPECIAL ASSESSMENTS (GOB 2010A)

The Commission approved Ordinance No. 6816 levying special assessments against the benefiting properties in the following fourteen (14) public improvement districts: *Lee Mill Heights Addition, Unit Four, Phase One – Storm Drainage (SM0703); Sanitary Sewer (SS0705); Street (ST0710); and Water (WA0706); Northwing Addition, Unit One – Storm Drainage (SM0808); Sanitary Sewer (SS0811); Street (ST0818); and Water (WA0807); Silo Townhomes – Storm Drainage (SM0805); Sanitary Sewer (SS0803); Street (ST0808); and Water (WA0802); Stone Pointe Pedestrian Bridge – Pedestrian Bridge (SP0701); and Gary Avenue, Treesmill Circle and Treesmill Drive (Effingham) Drainage, Phase Two – Storm Drainage (SM0807).*

### ORDINANCE NO. 6817 – VACATE UTILITY EASEMENT – LOT 2, MANHATTAN MARKETPLACE SHOPS, UNIT ONE

The Commission approved Ordinance No. 6817 vacating a portion of a utility easement on Lot 2, Manhattan Marketplace Shops, Unit One, City of Manhattan, Riley County, Kansas.

### ORDINANCE NO. 6818 – ISSUE GENERAL OBLIGATION BONDS – KONZA AREA SEWER EXTENSION (SS1002)

The Commission approved Ordinance No. 6818 authorizing the issuance of bonds to finance the Konza Area Sewer Extension (SS1002).

### NEGOTIATE CONTRACT – WASTEWATER TREATMENT PLANT LAB UPGRADE DESIGN

The Commission authorized City Administration to solicit proposals for Design Services for the Wastewater Treatment Plant Laboratory Improvements Project and appointed Commissioner Sherow to serve on the Selection Committee.

## CONSENT AGENDA (CONTINUED)

### NEGOTIATE CONTRACT – WATER STORAGE TANK ASSET MANAGEMENT PROGRAM

The Commission authorized City Administration to solicit proposals for the Water Storage Tank Asset Management Program and appointed Commissioner Morris-Hardeman to serve on the Selection Committee.

### NEGOTIATE CONTRACT – COMMISSIONING AGENT – FLINT HILLS DISCOVERY CENTER

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Smith & Boucher Engineers, of Olathe, Kansas, for Commissioning Agent services for the Flint Hills Discovery Center.

### NEGOTIATE CONTRACT - KIMBALL AVENUE AND DENISON AVENUE INTERSECTION MODIFICATIONS (ST1001)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with BG Consultants, of Manhattan, Kansas, for the Kimball Avenue and Denison Avenue Intersection and Denison Avenue south of Kimball Avenue Design Modification for the National Bio and Agro Defense Facility (ST1001).

### AWARD CONTRACT – NATIONAL BIO-AGRO DEFENSE FACILITY WATER MAIN RELOCATION (WA0907A, WA0907B)

The Commission accepted the Engineer's Estimate in the amount of \$1,758,100.00 and awarded a construction contract in the amount of \$962,141.00 to the low bidder, Middle Creek Corporation, of Peabody, Kansas, for the National Bio-Agro Defense Facility Watermain Relocation Project (WA0907A, WA0907B).

\* **AWARD CONTRACT – WELL REHABILITATION (WA1001)**

Ron Fehr, City Manager, provided additional information on the item.

The Commission awarded a contract in the amount of \$39,760.00 to Cahoy Well and Pump Service, of Fredericksburg, Iowa, for the 2010 Well Rehabilitation Project (WA1001).

### AGREEMENT – DESIGN AND CONSTRUCTION SERVICES – CICO (CP0902) AND NORTHVIEW (CP0903) POOLS RENOVATIONS

The Commission authorized City Administration to finalize and Mayor and City Clerk to execute an agreement in the amount of \$400,600.00 with Water's Edge Aquatic Design, LLC, of Lenexa, Kansas, for the design and construction services of the CiCo (CP0902) and Northview (CP0903) pools project.

## CONSENT AGENDA (CONTINUED)

### MEMORANDUM OF UNDERSTANDING – PLAYGROUND CONSTRUCTION - KANSAS STATE UNIVERSITY CENTER FOR CHILD DEVELOPMENT

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Agreement with Kansas State University for the construction of a playground for the K-State Center for Child Development.

### BOARD APPOINTMENT – RILEY COUNTY-MANHATTAN HEALTH BOARD

The Commission approved the appointment by Mayor Strawn of Dr. Daniel Winter, 428 Houston Street, to fill the unexpired Dentist term of Dr. Paul Stagner to the Riley County-Manhattan Health Board. Dr. Winter's term begins immediately and will expire on January 31, 2011.

After discussion, Commissioner Pepperd moved to approve the consent agenda. Commissioner Morris-Hardeman seconded the motion.

Commissioner Pepperd stated that he would vote against item D regarding the special assessments for the Stone Pointe Pedestrian Bridge.

Bill Frost, City Attorney, asked for clarification from Commissioner Pepperd and stated that if he was voting against a specific item in levying special assessments to one of the benefitting properties, then he would be voting against all the items related to the special assessments.

Commissioner Pepperd stated that he would be voting against the ordinance levying special assessments.

On a roll call vote, motion carried 4-0, with the exception of item D, Levy Special Assessments, which carried 3-1, with Commissioner Pepperd voting against the item.

## GENERAL AGENDA

### HISTORIC PRESERVATION FUND GRANT APPLICATION – AFRICAN-AMERICAN CULTURAL RESOURCES

Eric Cattell, Assistant Director for Planning, presented the item. He then responded to questions from the Commission regarding the criteria and process to nominate properties on the National Register.

## **GENERAL AGENDA (CONTINUED)**

### **HISTORIC PRESERVATION FUND GRANT APPLICATION – AFRICAN-AMERICAN CULTURAL RESOURCES (CONTINUED)**

After discussion by the Commission, Commissioner Sherow moved to authorize the Mayor and City Clerk to sign the application for a 2010 Historic Preservation Fund Grant application from the Kansas State Historical Society, for “African-American Cultural Resources in Manhattan” and any grant agreement if funding is awarded. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

### **NEGOTIATE - FIXED BASE OPERATOR (FBO) AGREEMENT**

Peter Van Kuren, Airport Director, presented an overview of the item, meetings with the Airport Advisory Board and the current FBO, and discussions with the Federal Aviation Administration (FAA). He then responded to questions from the Commission regarding the current FBO agreement, terms of the agreement, additional hanger agreements at the Airport, and the recommendation provided by the Airport Advisory Board and City Administration.

Bill Frost, City Attorney, provided additional information on the item and clarification on ownership of hangers at the Manhattan Regional Airport.

Peter Van Kuren, Airport Director, provided additional information on the item and responded to questions from the Commission regarding requirements and services provided by the FBO.

Ron Fehr, City Manager, provided additional information on charter services and associated fees.

Ron Nordt, Kansas Air Center, Inc., provided the history of Kansas Air Center and its commitment to the Airport’s growth and to Manhattan. He also presented information on their charter service, charter and aircraft management, flight school and aircraft rental, flight support operations, general aviation, military activity, fuel and services for commercial and private charter services, and stated that they also provide Transportation Security Administration (TSA) screening. He stated that he is a proven partner and asked the Commission to approve the request for a five-year extension. He then responded to questions from the Commission regarding an increase in rents.

Ron Fehr, City Manager, stated that KAC has provided great service to the Airport, but the City hasn’t increased rent rates in about ten years. He then provided additional information on the item.

## GENERAL AGENDA (CONTINUED)

### NEGOTIATE FIXED BASE OPERATOR (FBO) AGREEMENT (CONTINUED)

Commissioner Sherow requested that a good strategic plan be developed for the Airport, with benchmarks for the Airport and for the FBO.

After discussion, Commissioner Sherow moved that the City Commission hereby finds that: (a) it would be unreasonably costly, burdensome, and impractical for more than one entity to provide FBO services at the Manhattan Regional Airport; and, (b) the City would have to reduce the leased space that is currently being used by the existing FBO in order to accommodate a second FBO. He further moved that the City Commission hereby directs City Administration to enter into negotiations with Kansas Air Center, Inc., for a new agreement to provide FBO services at the Airport, including terms which reflect increased operational costs at the Manhattan Regional Airport and the changing needs for FBO services at the Airport, and return any proposed agreement to the Commission for approval. Commissioner Pepperd seconded the motion.

On a roll call vote, motion carried 4-0.

### AWARD CONTRACT - BLUEMONT AVENUE AND TUTTLE CREEK BOULEVARD TRAFFIC SIGNAL (ST0908)

Rob Ott, City Engineer, presented the item.

Jason Hilgers, Assistant City Manager, presented additional information on the item.

Rob Ott, City Engineer, provided additional information on traffic movements during the construction period and responded to questions from the Commission regarding timing of the project, the mast arm, and phasing of the signals.

After discussion, Commissioner Sherow moved to accept the Engineer's Estimate in the amount of \$85,800.00 and award a construction contract to the low bidder, I.E.S. Commercial, Inc., of Holdrege, Nebraska, in the amount of \$44,725.00 for the Bluemont Avenue and Tuttle Creek Boulevard Traffic Signal (ST0908). Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 4-0.

Rob Ott, City Engineer, then presented additional information on the roundabout project at the intersection of Bluemont Avenue and Fourth Street.

Ron Fehr, City Manager; Rob Ott, City Engineer; and Jason Hilgers, Assistant City Manager, provided additional information on landscaping, design plans, directional signage, coordination with the Kansas Department of Transportation and HWS Consulting Group, and projected project costs.

GENERAL AGENDA (CONTINUED)

ADJOURNMENT

At 9:11 p.m., the Commission adjourned with Mayor Strawn voicing his support for the K-State Wildcats.

A handwritten signature in blue ink, appearing to read "Gary S. Fees", is written over a horizontal line.

Gary S. Fees, MMC, City Clerk