



MINUTES
CITY COMMISSION MEETING
TUESDAY, JUNE 15, 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 Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn 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, 7 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Snead led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Snead, City Manager Ron Fehr, and City Clerk Gary Fees recognized the Citizens' Academy Participants for 2009-2010. Chris Fisher, Beth Ann Riley, Peggy Sawyers, Vincent Tracey, and Sandra Wolfe were present to receive their Certificates of Achievement. Other Academy participants that were unable to attend were Crystal Fore, Julie Lister, Stacy Mackey, and Mark Skochdopole.

PROCLAMATION

Mayor Snead proclaimed June 19, 2010, *Juneteenth*. Don Slater, Chair, Juneteenth Committee, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Morris-Hardeman presented information about the Summer Reading Program at the Manhattan Public Library and encouraged those interested to sign up at the Library or on the Library's web site.

Commissioner Pepperd informed the community that this year is the 50th anniversary of the Manhattan Association of Realtors. He then provided information on the annual Parade of Homes event.

Commissioner Sherow congratulated those involved with Sunset Zoo and the Friends of Sunset Zoo for the great support for the Wine in the Wild event.

Mayor Snead informed the community of items that were discussed during the Discussion/Briefing Session prior to the legislative meeting. Those items were: discussed draft signage ideas for the Hands-Free Use While Driving; requested potential items for the June Intergovernmental Meeting; established July 6, 2010, City Commission Meeting as a possible legislative date for sexual orientation discrimination and a potential charge for the Human Rights and Services Board; discussed proclamations made by the Mayor and process to be followed; provided an update on the Manhattan Area Chamber of Commerce Board meeting; received an update on the Flint Hills Regional Council; and stated that legal staff would continue to evaluate legal issues regarding water rates for public schools and churches. He then stated that he received a card from a couple visiting Manhattan from Florida for the steam car tour and enjoyed their experience in the beautiful Flint Hills. He thanked the Convention and Visitors Bureau staff for making this a wonderful event and for their work in reaching Manhattan's tourism potential.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 1, 2010.

CLAIMS REGISTER NO. 2644

The Commission approved Claims Register No. 2644 authorizing and approving the payment of claims from May 25, 2010, to June 8, 2010, in the amount of \$3,070,615.95.

LICENSES

The Commission approved a Tree Maintenance license for calendar year 2010 for S & S Tree Service, LLC, 266 Kansas Hwy 177, Alta Vista; and a Fireworks Display License on July 4, 2010, for Manhattan Country Club.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6829 – NO PARKING – CENTRAL PARK ROAD; ONE-WAY – NORTH PARK ROAD

The Commission approved Ordinance No. 6829 designating the east side of Central Park Road as “No Parking,” establishing parallel parking along the west side, and designating Central Park Road between Fremont Street and North Park Road as “One-Way.”

* **RESOLUTION NO. 061510-A – GRANDE BLUFFS AT MILL POINTE, UNIT ONE - STREET IMPROVEMENTS (ST1008)**

The Commission found the petition sufficient and approved Resolution No. 061510-A finding the project advisable and authorizing construction for Grande Bluffs at Mill Pointe, Unit One, Street Improvements (ST1008).

* **RESOLUTION NO. 061510-B – GRANDE BLUFFS AT MILL POINTE, UNIT ONE - SANITARY SEWER IMPROVEMENTS (SS1008)**

The Commission found the petition sufficient and approved Resolution No. 061510-B, finding the project advisable and authorizing construction for Grande Bluffs at Mill Pointe, Unit One, Sanitary Sewer Improvements (SS1008).

* **RESOLUTION NO. 061510-C – GRANDE BLUFFS AT MILL POINTE, UNIT ONE - WATER IMPROVEMENTS (WA1007)**

The Commission found the petition sufficient and approved Resolution No. 061510-C, finding the project advisable and authorizing construction for Grande Bluffs at Mill Pointe, Unit One, Water Improvements (WA1007).

* **AGREEMENT – ENGINEERING SERVICES – GRANDE BLUFFS AT MILL POINTE, UNIT ONE, STREET (ST1008), SANITARY SEWER (SS1008), AND WATER (WA1007) IMPROVEMENTS**

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton Consultants, P.A., of Manhattan, Kansas, to perform professional services for the Grande Bluffs at Mill Pointe, Unit One, Street (ST1008), Sanitary Sewer (SS1008), and Water (WA1007) improvements.

REQUEST FOR PROPOSALS – 2002 ENERGY EMERGENCY RESPONSE PLAN UPDATE

The Commission authorized City Administration to advertise a Request for Proposals for the professional services related to the preparation of the update and appointed Mayor Snead to the Selection Committee for the 2002 *Energy Emergency Response Plan Update*

CONSENT AGENDA (CONTINUED)

* **AMENDMENT NO. 1 – ENGINEERING SERVICES – K-18 SANITARY SEWER IMPROVEMENT, PHASE I (SS0907)**

Dale Houdeshell, Director of Public Works, responded to questions from the Commission and provided additional information on the amendment to the contract.

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an amendment in the amount of \$95,600.00 with Schwab-Eaton, P.A., of Manhattan, Kansas, for additional professional services for the K-18 Sanitary Sewer Improvement, Phase I, Project (SS0907).

AGREEMENT – DESIGN SERVICES – WASTEWATER TREATMENT PLANT LABORATORY IMPROVEMENTS (SP1005)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$53,910.00 with Treanor Architects, of Lawrence, Kansas, for Design Services for the Wastewater Treatment Plant Laboratory Improvements Project (SP1005).

PURCHASE – LIGHT EMITTING DIODE (LED) PEDESTRIAN LIGHT FIXTURES – POYNTZ AVENUE ENERGY EFFICIENCY (SP0912)

The Commission accepted the Engineer's Estimate in the amount of \$199,999.64 and authorized the purchase of Light Emitting Diode (LED) Pedestrian Light Fixtures for the Poyntz Avenue Energy Efficiency Project in the amount of \$195,734.00, from Stanion Wholesale Electric Company, of Manhattan, Kansas.

* **AGREEMENT – ENGINEERING SERVICES – MILLER PARKWAY AND SCENIC DRIVE INTERSECTION (ST0705)**

Dale Houdeshell, Director of Public Works, responded to questions from the Commission.

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

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$72,397.50 with Schwab-Eaton, P.A., of Manhattan, Kansas, for the design of the intersection of Miller Parkway and Scenic Drive (ST0705).

* **AWARD CONTRACT – AIRPORT PERIMETER FENCE (GRANT #40)**

Ron Fehr, City Manager, responded to questions from the Commission regarding the Engineer's Estimate and bid alternates.

Peter Van Kuren, Airport Director, provided additional information on the proposed Airport perimeter fence project, bid alternates, and savings achieved.

CONSENT AGENDA (CONTINUED)

* **AWARD CONTRACT – AIRPORT PERIMETER FENCE (GRANT #40)**
(CONTINUED)

The Commission accepted the Engineer's Estimate in the amount of \$206,449.00 for the Base Bid and \$245,957.50 for the Bid Alternate and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$77,873.70 with AmeriFence Corporation, of Lenexa, Kansas, for construction of 3,500 feet of Wildlife Fence, contingent on receipt of an FAA Airport Improvement Program grant (#40).

FAA GRANT #40 - AIRPORT PERIMETER FENCE

The Commission accepted and authorized the Mayor and City Clerk to execute the FAA Grant Offer in the amount of \$159,918.00 once received.

* **HISTORIC PRESERVATION FUND GRANT AGREEMENT – AFRICAN-AMERICAN CULTURAL RESOURCES PROJECT**

Commissioner Sherow provided additional information on the Historic Preservation Fund Grant and African-American Cultural Resources Project. He then responded to questions from the Commission.

The Commission accepted the 2010 Historic Preservation Fund Grant award to prepare a Multiple Property Documentation Form (MPDF) and authorized the Mayor and City Clerk to execute Project Grant Agreement No. 20-10-21923-009 for the African-American Cultural Resources Project.

RENEWAL – SOFTWARE UPGRADE, MAINTENANCE, AND SUPPORT SERVICES AGREEMENT

The Commission authorized the City of Manhattan to renew the software upgrade, maintenance, and support services agreement for a term of July 1, 2010, to June 30, 2011, in the amount of \$71,509.60 with SunGard Public Sector, Inc., of Lake Mary, Florida.

RENEWAL – MICROSOFT VOLUME LICENSING AND SOFTWARE ASSURANCE SERVICES

The Commission authorized the City of Manhattan to renew the agreement for Microsoft Volume Licensing and Software Assurance services for a term of July 1, 2010, to June 30, 2013, in the amount of \$28,261.00 with Software House International, of Austin, Texas.

BOARD APPOINTMENTS

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

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Airport Advisory Board

Re-appointment of Karen Rogers, 2028 Arthur Drive, to a three-year term. Ms. Roger's term will begin June 27, 2010, and will expire on June 26, 2013.

Joint Corrections Advisory Board

Re-appointment of Linda Teener, 1900 Judson Street, to a three-year Juvenile term. Ms. Teener's Juvenile term will begin July 1, 2010, and will expire on June 30, 2013.

Re-appointment of Linda Teener, 1900 Judson Street, to a two-year Adult term. Ms. Teener's Adult term will begin July 1, 2010, and will expire on June 30, 2012.

Special Alcohol Funds Advisory Committee

Re-appointment of Yvonne Lacy, 2011 Anderson Avenue, to a three-year term. Ms. Lacy's term will begin July 1, 2010, and will expire on June 30, 2013.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Morris-Hardeman seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item E-PETITIONS/RESOLUTIONS/ENGINEERING AGREEMENT FOR GRANDE BLUFFS AT MILL POINTE, UNIT ONE, IMPROVEMENTS, which carried 4-1, with Commissioner Pepperd voting against the item.

GENERAL AGENDA

GUARANTEED MAXIMUM PRICE (GMP) - FLINT HILLS DISCOVERY CENTER BUILDING

Bob Workman, Director, Flint Hills Discovery Center, introduced the item.

Brad Nederhoff, Vernor Johnson & Associates, Inc., presented an update on the Flint Hills Discovery Center, including the site plan, concept models, site views, geothermal system, comparable priced museums, and sustainability features for building. He then responded to questions from the Commission regarding the exterior glass proposed for the facility.

GENERAL AGENDA (CONTINUED)

GUARANTEED MAXIMUM PRICE (GMP) - FLINT HILLS DISCOVERY CENTER BUILDING (CONTINUED)

Shelly Koehler, McCownGordon Construction, provided an overview of Construction Manager At-Risk process and process of management, construction cost reconciliation information, value enhancement and value engineering items, savings opportunities, and recent scope identification items.

Lauren Palmer, Assistant City Manager, presented the history of funding for the Flint Hills Discovery Center and STAR Bond eligible expenses. She then responded to questions from the Commission regarding the overall project budget and consultant fees.

Ron Fehr, City Manager, provided clarification on the STAR bonds and responded to questions from the Commission on shifting \$1.5 million allocation from the public park to the Flint Hills Discovery Center.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, responded to questions from the Commission regarding development costs, financing and acquisition costs, STAR bonds, potential development of Lot 9, and features to be included in the public park. He stated that as additional private investment is made, it will require less public investment.

Shelly Koehler, McCownGordon Construction, responded to questions from the Commission on the bid process and further explained the Construction Manager At-Risk fees.

Bob Workman, Director, Flint Hills Discovery Center, provided additional information on the schematic design of the Discovery Center building, clarified construction costs, and the Guaranteed Maximum Price (GMP). He stated that the Discovery Center will be an iconic building and is not the standard off-the-shelf architecture.

Lauren Palmer, Assistant City Manager, provided additional information on STAR bond eligible expenses that have already been approved by the City Commission.

Shelly Koehler, McCownGordon Construction, responded to questions from the Commission regarding the costs and guaranty of the construction documents.

Cheryl Collins, 1724 Fairchild Avenue, Discovery Center Steering Committee, informed the Commission that the City has chosen a very good group of people and project architect to work on this project. She stated that this has not been an easy process and voiced appreciation of the teamwork involved to make this a wonderful project that Manhattan will be proud of.

GENERAL AGENDA (CONTINUED)

GUARANTEED MAXIMUM PRICE (GMP) - FLINT HILLS DISCOVERY CENTER BUILDING (CONTINUED)

Karen Hibbard, Director, Manhattan Conventions and Visitors Bureau, Discovery Center Steering Committee, stated that the Flint Hills Discovery Center will put Manhattan on the map and will represent the Flint Hills very well and with pride. She informed the Commission that a lot of thought and consideration has been put into this project and that there is only one opportunity to build this facility and to build it right. She then responded to questions from the Commission.

Ron Fehr, City Manager, responded to questions from the Commission about the additional one percent sales tax to be collected by the State of Kansas and the STAR bond district.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the revenue generation in the North and South Redevelopment areas, revenue projections, and the project impact by the additional sales tax imposed by the State of Kansas.

Bernie Hayen, Director of Finance, responded to questions from the Commission and stated that he was comfortable with the due diligence that has been conducted in order to move forward. He then responded to additional questions about delinquency rates related to benefit district financing.

After discussion, Commissioner Sherow moved to approve the Guaranteed Maximum Price as proposed by McCownGordon Construction, of Kansas City, Missouri, for the construction of the Flint Hills Discovery Center, and direct City Administration to include add alternates in the project in the following priority order, if sufficient savings can be achieved over the course of construction to do so:

1. Temporary Exhibitions Gallery Fit Out
2. Café Fit Out
3. Administrative Office Space Partitions.

Commissioner Morris-Hardeman seconded the motion.

Scott Kimzey, McCownGordon Construction, responded to questions from the Commission regarding the three alternates being proposed.

Commissioner Strawn voiced his concerns with the Construction Manager At-Risk process and with the changes from the initial construction costs. He requested that the Commission wait and see how the bids come in before considering approving the next item to negotiate a contract for the exhibits with a Construction Manager At-Risk approach.

GENERAL AGENDA (CONTINUED)

GUARANTEED MAXIMUM PRICE (GMP) - FLINT HILLS DISCOVERY CENTER BUILDING (CONTINUED)

Commissioner Sherow voiced support for the Construction Manager At-Risk approach and stated that drawings are done and that there will not be any additional costs associated with potential change orders. He understood the concerns, but was comfortable with the GMP and with the expectations from the State to spend money for this project.

Commissioner Pepperd voiced concern in the amount of money going into the museum and with the indebtedness of the City.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, provided additional information on the investments with the Discovery Center, conference center, and parking garage.

Commissioner Morris-Hardeman thanked the Steering Committee for their work and said the intent of the project is to get good bids, realizing that we are in a good bid climate and to maintain protection with the Construction Manager At-Risk process.

Mayor Snead stated that based on his experience and involvement with this project that he would support the motion and that this is the best approach. He said this is a complex and unique building design and that we need to maximize value for the project.

After additional discussion by the Commission, on a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

NEGOTIATE CONTRACT - FLINT HILLS DISCOVERY CENTER EXHIBITS - CONSTRUCTION MANAGER AT-RISK SERVICES

Bob Workman, Director, Flint Hills Discovery Center, presented an overview on the item and responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item and clarified the benefits in using the Construction Manager At-Risk approach.

Bob Workman, Director, Flint Hills Discovery Center, responded to questions from the Commission about exhibit costs, life expectancy of the exhibits, timeframe of the project, Guaranteed Maximum Price, and provided an update on fundraising initiatives.

After discussion, Commissioner Strawn asked that the Commission table the item until the construction bids come back and it is clear that the Construction Manager At-Risk process is the best process to take.

GENERAL AGENDA (CONTINUED)

NEGOTIATE CONTRACT - FLINT HILLS DISCOVERY CENTER EXHIBITS - CONSTRUCTION MANAGER AT-RISK SERVICES (CONTINUED)

Lauren Palmer, Assistant City Manager, provided clarification on the action to negotiate a contract with McCownGordon Construction.

Ramin Cherifat, Vice President, McCownGordon, responded to questions from the Commission and stated that when the bids are received in three to four weeks and if they come in 20 percent to 30 percent under budget, we have not done our job in some respects in providing the Commission the most accurate information to maximize the project. He stated that the market will determine what the project costs will be.

After discussion by the Commission, Commissioner Sherow moved to authorize City Administration to negotiate a contract with McCownGordon Construction, of Kansas City, Missouri, for Construction Manager At-Risk services for exhibits for the Flint Hills Discovery Center. Commissioner Morris-Hardeman seconded the motion.

After additional discussion, on a roll call vote, motion carried 4-1, with Commissioner Strawn voting against the motion.

DISCUSSION - FLINT HILLS DISCOVERY CENTER ADVISORY BOARD STRUCTURE

Bob Workman, Director, Flint Hills Discovery Center, provided an overview on the proposed advisory board structure for the Flint Hills Discovery Center. He then responded to questions about the board structure and voiced a preference to include individuals from the region.

Ron Fehr, City Manager, responded to additional questions about the make-up of City advisory boards and committees. He stated that having a regional presence for the advisory board structure would be good.

Bob Workman, Director, Flint Hills Discovery Center, provided additional information on the item and responded to questions from the Commission regarding the make-up of the advisory board, legal considerations in developing an advisory board, and voiced a desire for the advisory board to be involved in the fundraising campaign.

After additional discussion, the Commission asked City Staff to provide a proposal for an advisory board for the Flint Hills Discovery Center and to consider creating subcommittees to be involved in specific aspects of the Discovery Center, such as fundraising and education. The Commission voiced a desire to bring the item back to the Commission with additional information and asked for additional community feedback on the make-up of the board.

GENERAL AGENDA (CONTINUED)

DISCUSSION - FLINT HILLS DISCOVERY CENTER ADVISORY BOARD STRUCTURE (CONTINUED)

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the application process and procedures. He informed the Commission that the item would come back to the Commission as a legislative item with a proposed nominating process, sample application form, proposed bylaws, and additional detail.

At 9:45 p.m., the Commission took a brief recess.

FIRST READING - AMEND - REFUSE CONTAINERS, REFUSE HAULERS, AND TRASH NUISANCES

Brad Claussen, Building Official, presented the item and the proposed ordinance changes. He then responded to questions from the Commission regarding the notification and abatement process and associated costs.

Bill Frost, City Attorney, provided clarification on Municipal Court costs and the process used to assess the abatement against the property owner.

Brad Claussen, Building Official, responded to additional questions from the Commission and clarified the abatement costs are in addition to the administrative fee.

After discussion, Commissioner Morris-Hardeman moved to approve first reading of ordinances amending Chapters 16 and 21 of the Code of Ordinances to implement various changes related to refuse containers, refuse haulers, and trash nuisances as recommended by City Administration. Commissioner Pepperd seconded the motion.

Bill Frost, City Attorney, provided clarification on the proposed ordinance regarding notification of the owner and any known occupant.

After additional discussion, on a roll call vote, motion carried 5-0.

FIRST READING - AMEND - STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2009, IN REGARDS TO CELL PHONE USE, TEXTING, AND SEATBELTS

Katharine Jackson, Assistant City Attorney, presented an overview of the item and the proposed amendments to the ordinance. She then responded to questions from the Commission regarding the recent State law that was passed, when the State was initiating warnings and citations, enforcement of the ordinance by the Riley County Police Department, and the fine schedule.

GENERAL AGENDA (CONTINUED)

FIRST READING – AMEND - STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2009, IN REGARDS TO CELL PHONE USE, TEXTING, AND SEATBELTS (CONTINUED)

Bill Frost, City Attorney, provided additional information on fines and court costs. He recommended that the fines be left up to the local judges.

Bill Frost, City Attorney, and Katharine Jackson, Assistant City Attorney, informed the Commission that if the Commission has a preference to extend the issuance of warnings by the Riley County Police Department versus issuing citations in regards to cell phone use, that could be accomplished. They then responded to questions from the Commission regarding the fine schedule at the State and local level.

City Staff and the Commission discussed potential draft signage options and the Commission provided their preferences, contingent on approval from the Kansas Department of Transportation.

After additional discussion, Commissioner Strawn moved to approve first reading of an ordinance amending the provisions of the 2009 Standard Traffic Ordinance for Kansas Cities relating to the use of seat belts and wireless communications devices. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Pepperd voting against the motion.

ADJOURNMENT

At 10:40 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk