



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, OCTOBER 4, 2011***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, John Matta, Wynn Butler, and Richard B. Jankovich 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, 8 staff, and approximately 75 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Sherow led the Commission in the Pledge of Allegiance.

**MAYOR'S COMMUNITY SERVICE AWARDS**

Mayor Sherow recognized the Kansas State University Silver Key Sophomore Honorary members and also recognized City employees Marie Christian, Mike Buchanan, Ethan Kloster, and Gary Fees as recipients of the Mayor's Community Service Award.

**PROCLAMATIONS**

Mayor Sherow proclaimed October 9-16, 2011, ***Fire Prevention Week***. Ryan Almes, Fire Marshal, Manhattan Fire Department, was present to receive the proclamation.

Mayor Sherow proclaimed October 2011, ***Breast Cancer Awareness Month***. Rob Denell, University Distinguished Professor of Biology and Director, Johnson Center for Basic Cancer Research, Kansas State University, and Dave Lewis, Member, Research and Education Advisory Council, were present to receive the proclamation.

Mayor Sherow proclaimed October 2011, ***Cyber Security Awareness Month***. Ben Eckart, Information and Network Technology Instructor; William Leslie, Student; and Linda McQueary, Student, Manhattan Area Technical College, were present to receive the proclamation.

## PUBLIC COMMENTS

Mayor Sherow opened the public comments.

Hearing no comments, Mayor Sherow closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Jankovich reported that the Wildcat Creek Watershed Working Group met September 22, 2011, and received updates from various subcommittees and, were notified that the region was awarded a Silver Jacket Pilot Program Grant. He informed the public on the recent passing of Eleanor Stolzer and asked that the community keep her family in their thoughts and prayers.

Mayor Sherow informed the community that Friday, October 7, 2011, starting at 10:45 a.m., would be the cornerstone ceremony and building dedication of the Flint Hills Discovery Center. He invited the public to attend the event and enjoy the celebration.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 20, 2011.

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### CLAIMS REGISTER

Ron Fehr, City Manager, responded to questions from the Commission and stated that additional fund expenditures and percentages could be provided to the Commission.

The Commission approved Claims Register No. 2681 authorizing and approving the payment of claims from September 14, 2011, to September 27, 2011, in the amount of \$8,487,000.87.

### LICENSE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Asian Market, 2304 Stagg Hill Road, Suite D.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT - FIRST UNITED METHODIST ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the First United Methodist Addition, generally located at 612 Poyntz Avenue, 121 North 6<sup>th</sup> Street, and 621 Humboldt Street, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT - WESTPORT COMMONS, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Westport Commons, Unit Three, Commercial Planned Unit Development, generally located southeast of the intersection of Dickens Avenue and Browning Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

\* **ORDINANCE NO. 6921 - TEMPORARY NOTES - K-18 UTILITY RELOCATION PROJECT, PHASE IV (SS1108)**

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the approved budget item.

The Commission approved Ordinance No. 6921 authorizing the issuance of temporary notes for the K-18 Utility Relocation Project, Phase IV (SS1108).

### FIRST READING - STANDARD TRAFFIC ORDINANCE 2011 EDITION

The Commission approved first reading of an ordinance incorporating by reference the Standard Traffic Ordinance for Kansas Cities, 2011 Edition.

### CHANGE ORDER NO. 1 - GIBBONS EXHIBIT PROJECT (SZ0902)

The Commission approved Change Order No. 1 for the Gibbons Exhibit project (SZ0902), resulting in a net increase in the amount of \$27,790.00 (+8.3%) to the contract with Carley Construction Company, of Wamego, Kansas.

\* **REJECT BIDS - WESTERN INTERCEPTOR RELIEF SEWER (SS0913, WW014P)**

Commissioner Jankovich stated that he had a conflict of interest and would be abstaining on the item.

Ron Fehr, City Manager, and Dale Houdeshell, Director of Public Works, provided additional information on the Engineer's Estimate and on the bids received. They then provided additional information on the status of the item.

The Commission accepted the Engineer's Estimate in the amount of \$4,286,000.00 and rejected all bids for the Western Interceptor Relief Sewer (SS0913, WW014P).

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT - MCCALL ROAD 24-INCH WATERLINE EXTENSION PROJECT, PHASE TWO (WA1104)**

Commissioner Jankovich stated that he had a conflict of interest and would be abstaining on the item.

Ron Fehr, City Manager, responded to questions from the Commission and provided additional information on the approved budget item.

The Commission accepted the Engineer's Estimate in the amount of \$360,478.30 and awarded a construction contract to the lowest responsible bidder, Bayer Construction, Inc., of Manhattan, Kansas, in the amount of \$319,101.70 for the McCall Road 24-inch Waterline Extension Project, Phase Two (WA1104).

**AGREEMENT – ENGINEERING SERVICES - MCCALL ROAD WATERLINE EXTENSION PROJECT, PHASE TWO (WA1104)**

The Commission approved an agreement with SMH Consultants, of Manhattan, Kansas, for construction-related engineering services in an amount not to exceed \$17,400.00 for the McCall Road 24-inch Waterline Extension Project, Phase Two (WA1104).

**RESOLUTION NO. 100411-A- TEMPORARY NOTES - MCCALL ROAD WATERLINE EXTENSION PROJECT, PHASE TWO (WA1104)**

The Commission approved Resolution No. 100411-A authorizing the issuance of temporary notes for the McCall Road 24-inch Waterline Extension Project, Phase Two (WA1104).

\* **PURCHASE - CITY PARK LIGHTING PROJECT (SZ0902)**

Ron Fehr, City Manager, provided additional information on the item. He informed the Commission that the impact of issuing temporary notes could be discussed further during the October 25, 2011, City Commission Work Session on multi-year forecasting and budgeting.

The Commission awarded the purchase of lighting materials in the amount of \$46,924.03 from Mercer-Zimmerman, of Topeka, Kansas, for the City Park Lighting project (SZ0902), to be paid from the City/University Special Projects Fund.

\* **AWARD CONTRACT - CITY HALL RENOVATION PROJECT (SP1114)**

Ron Fehr, City Manager, provided additional background information on the item and timeframe of the proposed project. He then responded to questions from the Commission regarding the budgeted funds to pay for the renovation project and budget considerations for the additional position.

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT - CITY HALL RENOVATION PROJECT (SP1114)**  
**(CONTINUED)**

Jason Hilgers, Assistant City Manager, provided clarification on the item.

The Commission accepted the Architect's Estimate in the amount of \$75,000.00 and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$38,300.00 with Ron Fowles Construction, of Manhattan, Kansas, for the City Hall Renovation project (SP1114).

**KDOT AGREEMENT – EXCHANGE OF FUNDS - CASEMENT ROAD AND HAYES DRIVE INTERSECTION IMPROVEMENTS (ST1013) (CIP EN027P)**

The Commission approved and authorized the Mayor and City Clerk to execute Agreement 181-11 for the exchange of federal funds for state funds to be used for the Casement Road and Hayes Drive intersection improvements (ST1013) (CIP EN027P).

**AWARD CONTRACT - HOUSING REHABILITATION PROGRAM**

The Commission accepted the bids for 220 Dix Drive; awarded a contract to Ben Kitchens Painting Co., Inc., of Junction City, Kansas, in the amount of \$11,688.00; authorized the Mayor and City Clerk to enter into agreements with the contractor and property owner for expenditure of Housing Rehabilitation Funds; and authorized City Administration to approve any necessary change orders.

\* **CONTRACT - FLINT HILLS DISCOVERY CENTER EXHIBIT**

Ron Fehr, City Manager, responded to questions from the Commission on the Flint Hills Discovery Center exhibit budget and provided additional information on the item.

Bob Workman, Director, Flint Hills Discovery Center, provided additional information on the status of the Flint Hills Discovery Center Foundation and the funding sources for the Discovery Center. He then responded to additional questions from the Commission regarding the exhibits, the process in selecting exhibits, and explained the challenge in finding high-quality exhibits in the marketplace that are reasonable and cost effective.

Ron Fehr, City Manager, provided additional clarification on the funds being provided in either fees or transient guest tax for the Flint Hills Discovery Center.

## CONSENT AGENDA (CONTINUED)

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item I, REJECT BIDS - WESTERN INTERCEPTOR RELIEF SEWER (SS0913, WW014P), and Item J, AWARD CONTRACT - MCCALL ROAD 24-INCH WATERLINE EXTENSION PROJECT, PHASE TWO (WA1104), which carried 4-0-1, with Commissioner Jankovich abstaining; and, with the exception of Item O, CONTRACT - FLINT HILLS DISCOVERY CENTER EXHIBIT, which failed 3-2, with Commissioners Pepperd, Matta, and Butler voting against the item.

Ron Fehr, City Manager, responded to additional questions from the Commission on Item O, CONTRACT-FLINT HILLS DISCOVERY CENTER EXHIBIT, regarding underwriting and exhibits.

Bob Workman, Director, Flint Hills Discovery Center, provided additional information on the Discovery Center business plan and mission; the proposed Conservation Quest exhibit; types of quality interactive exhibits and programs that are available and have been planned; and clarified the overall budget that has been developed for the Discovery Center. He then responded to questions from the Commission.

Bernie Hayen, Director of Finance, provided additional information on the budgeting and forecasting that has been conducted and revenue sources for the Flint Hills Discovery Center.

Bob Workman, Director, Flint Hills Discovery Center, responded to questions from the Commission on the process of the exhibit selection and stated that they will probably lose this particular exhibit if they are not able to execute this contract.

After additional discussion and comments by the Commission on the Conservation Quest exhibit, City Manager Ron Fehr informed the Commission that City staff could try to put additional information together and if the exhibit contract is still pending, the item could be placed on the October 18, 2011, City Commission legislative meeting agenda for reconsideration.

## GENERAL AGENDA

### PUBLIC HEARING - CREATION OF A BENEFIT DISTRICT - SHUSS ROAD IMPROVEMENT (ST1111)

Rob Ott, City Engineer, presented an overview of the item and outlined the benefit district cost share diagram. He then responded to questions from the Commission.

Mayor Sherow opened the public hearing.

Ron Fowles, representing ownership of Group One of the proposed Shuss Road Benefit District Cost Share Diagram, voiced concerns with the assessment for Group One and requested that the proposed assessment be adjusted closer to the \$60,000.00 - \$80,000.00 range. He informed the Commission he has owned the lot for 22 years and asked that the item be sent back to City staff so that the benefit district is more equitable and fair. He then responded to questions from the Commission.

Charlene Brownson, 2822 Johnson Valley Drive, provided the Commission history about her property and stated that Shuss Road needs to be widened for safety. She provided an estimate received from Shilling Construction to pave the road to Johnson Valley Drive and requested that the Commission consider paving Shuss Road to the first intersection of Johnson Valley as part of the project. She then responded to questions from the Commission.

Michael Walter, 2921 Arbor Drive, President, Arbor Heights Homeowners Association, informed the Commission that the neighborhood and Arbor Heights Homeowners Association members were divided on the issue; however, he stated that as an individual, concerns for safety and details of the project have been addressed. He asked for consideration to pay off the assessments earlier and stated that timing is the greatest consideration with residents of Arbor Heights.

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding special assessments.

Enid Cocke, 2924 Hickory Court, stated that it is a major stroke of luck that the Kansas Department of Transportation is willing to pay for half of the project. She said the City is already spending money to maintain Shuss Road but once the improvement is done, there should be less expenses for maintenance and hoped the Commission would take advantage of this opportunity.

Allyn Moore, 2833 Arbor Drive, informed the Commission that he looked at the technical aspects of the project and stated that he was in favor of the current proposed project.

Hearing no other comments, Mayor Sherow closed the public hearing.

## GENERAL AGENDA (CONTINUED)

### RESOLUTION NO. 100411-B - CREATION OF A BENEFIT DISTRICT - SHUSS ROAD IMPROVEMENT (ST1111)

Rob Ott, City Engineer, provided additional clarification of the Shuss Road Benefit District cost share being proposed for Group One and on the original Planned Unit Development for Mr. Fowles' property. He then responded to questions from the Commission regarding current maintenance costs for Shuss Road; curb and gutter improvements; timing of the project; special assessments for Miller Ranch, Unit One; extension of paving considerations and stormwater improvements; associated costs and contingencies; and provided additional information and allocation on the proposed Benefit District cost shares for Groups One, Two, Three, and Four.

Bill Frost, City Attorney, provided additional information and clarification on the proposed Benefit District improvement and apportionment of costs.

Rina Neal, Operations Officer, responded to questions from the Commission on the item and provided additional information on special assessments for Miller Ranch, Unit One.

Ron Fehr, City Manager, provided the Commission with information on funding the City-at-Large portion of the project.

Bill Frost, City Attorney, and Rob Ott, City Engineer, provided clarification on the bid process and special assessments that would be levied for the project.

Ron Fehr, City Manager, responded to questions from the Commission on possible alternatives to extend improvements to Johnson Valley Drive.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve Resolution No. 100411-B, making findings and establishing the parameters of the project, as set forth in the Notice, deeming the project advisable and authorizing construction of the improvements to Shuss Road (ST1111). Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

At 9:10 p.m., the Commission took a brief recess.

### FIRST READING - AGGIEVILLE AND DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FEES ORDINANCES

Karen Davis, Director of Community Development, presented the item. She then responded to questions from the Commission why residential uses were not assessed and provided clarification on the respective Business Improvement Districts.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - AGGIEVILLE AND DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FEES ORDINANCES (CONTINUED)

Ron Fehr, City Manager, provided clarification on the maintenance of private and public areas in the Business Districts.

Karen Davis, Director of Community Development, responded to questions from the Commission regarding the number of members in the Aggieville Business Improvement District and the process if businesses do not pay their annual fees.

Jason Hilgers, Assistant City Manager, informed the Commission that the Riley County Police Department would address overnight parking violators.

Tim Fitzgerald, President, Aggieville Business Association, informed the Commission that Aggieville was seeking a similar type of funding and membership model as used by the Downtown Business Improvement District. He stated that this would be more equitable for all members and then responded to questions from the Commission.

Jeff Denney, Chair, Aggieville Business Improvement District Board, informed the Commission of the desire to combine the Business Improvement District and Aggieville membership together for greater equity among businesses and to have a clear line of communication between businesses for different events and promotions, such as dealing with problems around Fake Patty's Day.

Tim Fitzgerald, President, Aggieville Business Association, and Jeff Denney, Chair, Aggieville Business Improvement District Board, responded to questions from the Commission regarding their desire for better equity between businesses in Aggieville. Both stated that additional membership and funds would provide better promotional coordination and expanded budgets, increase snow removal efforts, and assist with cleaning of sidewalks in front of businesses. They then responded to questions from the Commission on comments and feedback received from businesses in Aggieville.

Bill Frost, City Attorney, responded to questions from the Commission on levying fees for the District and on the process for petitioning to disband the District.

Ron Fehr, City Manager, responded to questions from the Commission on snow removal in the Aggieville area and in the District.

Karen Davis, Director of Community Development, provided additional information on the administrative costs associated with billing, postage, and staff time. She then responded to questions from the Commission and provided clarification on the assessments to the businesses.

GENERAL AGENDA (CONTINUED)

FIRST READING - AGGIEVILLE AND DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FEES ORDINANCES (CONTINUED)

After discussion and comments from the Commission, Commissioner Butler moved to approve first reading of ordinances continuing the establishment of the Aggieville and Downtown Business Improvement Districts with the proposed changes in fees, and levying Business Improvement Service Fees for the year 2012, on businesses located within the Districts. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:50 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk