

MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 6, 2012
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, 6 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Sherow led the Commission in the Pledge of Allegiance.

PRESENTATION

Doug Vance, Executive Director, Kansas Recreation and Park Association; Marlou Wegener, Community Relations Manager, Blue Cross Blue Shield of Kansas; and Michelle Fell, representing Manhattan office, Blue Cross Blue Shield of Kansas, presented the Manhattan Parks and Recreation Department a \$2,500.00 check from Blue Cross/Blue Shield for a Community Partnership BlueCHIP Award to create a healthier community.

MAYOR'S COMMUNITY SERVICE AWARDS

Mayor Sherow recognized Kathy Stevens and Kim McAtee as recipients of the Mayor's Community Service Award for their exemplary community service and volunteer work.

Mayor Sherow also recognized City employees Mike Buchanan and Kelly Walters as recipients of the Mayor's Community Service Award for their work during the 2A State Basketball Tournament.

PROCLAMATION

Mayor Sherow proclaimed March 12-18, 2012, *Brain Awareness Week*. Rose Harris, Coordinator, Brain Awareness Month project; Shirley Delano, Advisor; and Therese Miller, Fundraising Coordinator, Little Apple Pilot Club; and, Amanda Ogorzolka, Sunflower Pilot Club, 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 congratulated the Illinois State Redbirds basketball team and former Manhattan High School graduate and player Jackie Carmichael and Coach Tim Jankovich for an outstanding Missouri Valley Conference Tournament. He wished the Redbirds continued success in the upcoming tournament selection process.

Commissioner Butler stated that during the Discussion/Briefing Session it was discussed that plans to raise money for social services via donations with water bill utility payments was making progress with the Finance Department and moving forward.

Mayor Sherow informed the Manhattan community that it lost a really fine volunteer and citizen in the death of Professor Todd Simon, who passed away last night. He stated that Professor Simon was the President of the Manhattan Public Library Board of Directors and was well respected for his professionalism and integrity at Kansas State University and in the community. He said that his death is a great loss to the community and asked citizens to keep his family in your thoughts.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, February 28, 2012.

CONSENT AGENDA (CONTINUED)

* **CLAIMS REGISTER NOS. 2694 and 2695**

Bernie Hayen, Director of Finance, responded to questions from the Commission and provided additional information on radio read water meters.

The Commission approved Claims Register Nos. 2694 and 2695 authorizing and approving the payment of claims from February 22, 2012, to February 28, 2012, in the amounts of \$11,754.101 and \$1,847,733.80, respectively.

LICENSE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Dillons #94, 1101 Westloop Place.

ORDINANCE NO. 6940 – AMEND – VEHICLES FOR HIRE

The Commission approved Ordinance No. 6940 amending Chapters 34 and 19 of the Code of Ordinances relating to vehicles for hire.

ORDINANCE NO. 6941 – BUS LOADING ZONE – FLINT HILLS DISCOVERY CENTER

The Commission approved Ordinance No. 6941 designating a “Bus Loading Zone” on the north side of the 200 block of Colorado Street beginning 90 feet east of the centerline of South 3rd Street, thence east 95 feet.

ORDINANCE NO. 6942 – ALCOHOL PERMITTED – BLUE EARTH PLAZA

The Commission approved Ordinance No. 6942 amending Sections 4-2 and 31-156 of the Code of Ordinances to permit alcohol usage at Blue Earth Plaza, under specific rules and regulations.

FIRST READING – AMEND SCHOOL ZONE – NORTHVIEW ELEMENTARY SCHOOL

The Commission approved first reading of an ordinance amending Section 31-221 of the City Code expanding the school zone times for Northview Elementary School.

* **AGREEMENT – DESIGN SERVICES – 2012 WATER SYSTEM IMPROVEMENTS PROJECT (WA1202)**

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$24,319.00 with BG Consultants, of Manhattan, Kansas, for design services related to the 2012 Water System Improvements Project (WA1202, CIP #WA082P, WA083P, #WA041P).

CONSENT AGENDA (CONTINUED)

AWARD CONTRACT – STAGG HILL BOOSTER STATION BACKUP POWER PROJECT (WA1201)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$59,500.00, awarded a contract, and authorized the Mayor and City Clerk to execute the contract in the amount of \$35,343.00 with Heineken Electric, of Beloit, Kansas, for the Stagg Hill Booster Station Backup Power Project (WA1201, CIP #WA067P)

AWARD CONTRACT – HYDRANT AND VALVE REPLACEMENT PROJECT (WA1204)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$110,000.00, awarded a construction contract, and authorized the Mayor and City Clerk to execute the contract in the amount of \$105,800.00 with Larson Construction, Inc., of Manhattan, Kansas, for the Hydrant and Valve Replacement Project (WA1204, CIP #WA042P).

* CHANGE ORDER NO. 11 – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705)

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

The Commission approved Change Order No. 11 to the Wastewater Treatment Plant Upgrade and Expansion Project (SP0705, CIP #WW057E) resulting in a net increase in the amount of \$64,971.00 (+.2838%) to the contract with Walters-Morgan Construction, Inc., of Manhattan, Kansas.

APPLICATION – ITS GRANT – ANDERSON AVENUE (WREATH AVENUE TO WESTPORT DRIVE)

The Commission authorized City Administration to complete the necessary application forms for an ITS Grant for the Manhattan ITS Network Enhancement Project along Anderson Avenue, from Wreath Avenue to Westport Drive, and submit all necessary application documents to KDOT.

BOARD APPOINTMENT – HUMAN RIGHTS AND SERVICES BOARD

The Commission approved the appointment of Jo Ann Brunner, 304 S. Delaware Avenue, to a three-year term. Ms. Brunner's term will begin March 10, 2012, and will expire March 9, 2015.

CONSENT AGENDA (CONTINUED)

After discussion, Commissioner Jankovich moved to approve the consent agenda, as read, with Commissioner Jankovich abstaining from Item H, AGREEMENT – DESIGN SERVICES – 2012 WATER SYSTEM IMPROVEMENTS PROJECT (WA1202), and Item K, CHANGE ORDER NO. 11 – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705), due to a conflict of interest. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item H, AGREEMENT – DESIGN SERVICES – 2012 WATER SYSTEM IMPROVEMENTS PROJECT (WA1202), and Item K, CHANGE ORDER NO. 11 – WASTEWATER TREATMENT PLANT UPGRADE AND EXPANSION (SP0705), which carried 4-0-1, with Commissioner Jankovich abstaining on the items.

GENERAL AGENDA

TRADE OF LOTS 214-216 AND 434-435, WARD 5 - HOWIE'S ENTERPRISES, INC.

Karen Davis, Director of Community Development, presented the item and provided an aerial view of the property. She then responded to questions from the Commission on the proposal and appraisal of the property.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, responded to questions from the Commission on the item.

Ron Fehr, City Manager, provided additional information on the item and on the proposed land swap and value associated with the adjacency to the existing property.

Greg Wilson, 9040 Tonya Terrace, Howie's Enterprises Inc., provided background information on the item and request. He informed the Commission that their company has provided about \$21,000.00 to help the Community Gardens in relocating. He stated that Howie's plays a vital role in meeting the recycling needs of the community and asked the Commission to support the request. He then responded to questions from the Commission and provided additional detail on the items and work provided to the Community Gardens.

Linda Teener, Executive Director, University for Mankind (UFM) Community Learning Center, informed the Commission that the Manhattan Community Garden is a program sponsored by UFM Community Learning Center. She stated that Howie's work in securing the new Collins Lane site and help in preparing the site has been appreciated. She said they have been good neighbors and that they could not have begun to think about moving to another site without their help. She also requested that the remaining garden space be re-designated as permanent green space, to be used as a community garden; and,

GENERAL AGENDA (CONTINUED)

TRADE OF LOTS 214-216 AND 434-435, WARD 5 - HOWIE'S ENTERPRISES, INC. (CONTINUED)

requested a one-time \$5,000.00 financial commitment from the City of Manhattan to allow for continued development at the new site and to help replace depleted reserve funds.

Ron Downey, Vice President, Manhattan Community Gardens, informed the Commission that they appreciated Howie's contributions and the contributions from various individuals and businesses. He stated that members of the Community Gardens Board have put in countless hours for the new gardens and he thanked the Commission for their support. He then responded to questions from the Commission on equipment and building needs.

Linda Teener, Executive Director, UFM Community Learning Center, provided additional information on the item and the need to replenish funds for equipment and further development of the garden. She then responded to additional questions from the Commission.

Bill Frost, City Attorney, responded to questions from the Commission regarding the possible designation of green space.

Ron Fehr, City Manager, provided additional information on the Commission's intent to leave the remaining site as green space; however, he stated that this action could not limit future Commissions to change the designation of green space. He then responded to questions from the Commission regarding the potential for the City to consider options in working with the Community Gardens to provide in-kind services or equipment versus providing them with cash assistance.

After discussion and comments from the Commission, Commissioner Jankovich moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an agreement with 625 South Tenth, LLC, and Wilson Valley, LLC, for a trade of Lots 214-216 and 434-435 in Ward 5; and, to also authorize City Administration to provide up to \$5,000.00 in either in-kind or cash support to assist in the transition to the new Community Gardens location. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

After additional discussion, Commissioner Jankovich moved to adopt a resolution designating the current Community Gardens as green space (Resolution No. 030612-B, pertaining to the remaining lots, 23-24 and 217-224 in Ward 5). Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

EXECUTIVE SESSION - RESOLUTION FOR CONDEMNATION OF PROPERTY FOR AIRPORT IMPROVEMENTS

At 8:00 p.m., Commissioner Jankovich moved to recess into Executive Session until 8:20 p.m. for the purpose of preliminary discussions related to the acquisition of real estate. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

At 8:20 p.m., the Commission reconvened with Mayor Sherow and Commissioners Pepperd, Matta, Butler, and Jankovich in attendance.

RESOLUTION NO. 030612-A – EMINENT DOMAIN PROCEEDINGS - AIRPORT WILDLIFE FENCE IMPROVEMENTS

After discussion, Commissioner Jankovich moved to approve Resolution No. 030612-A, declaring it necessary to acquire the subject property owned by Feather Field Farms, LLC, by condemnation for Wildlife Fence Improvements at the Manhattan Regional Airport, and directing staff to complete and file a survey of the property. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 8:21 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk