



***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, MARCH 27, 2012***  
***7:00 P.M.***

The Special 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 Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 10 staff, and approximately 11 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Sherow led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Sherow proclaimed March 2012, ***Brain Injury Awareness Month***. Dr. Jane Garcia, Group Leader of the Manhattan Support Group for Traumatic Brain Injury, was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Jankovich reported that he has not talked with his brother, Tim Jankovich, regarding the news media reporting that he is a potential candidate to replace Frank Martin as the next men's basketball coach at Kansas State University. He then congratulated the Riley County Police Department, Manhattan Fire Department, Riley County Emergency Medical Services, and all agencies, businesses, and individuals who helped coordinate and provide good communications with the recent Green Break event.

Commissioner Butler also thanked those that worked to make Green Break a better event this year and to begin preparation for next year.

Commissioner Matta added his support to those agencies and individuals that worked in preparation for the Green Break event.

## COMMISSIONER COMMENTS (*CONTINUED*)

Mayor Sherow commended all those involved with Green Break in Aggieville and expressed his appreciation for the excellent collaboration and communication efforts. He then provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission updated calendar items; discussed the Housing Round Table follow-up and informed citizens that a future Work Session would be planned to identify specific goals; discussed opening dates for the Flint Hills Discovery Center; discussed revisiting signage and zoning regulations; discussed the potential sale of City-owned property that no longer has a use; received an update and discussed concerns from the Arbor Heights neighborhood regarding noise and screening possibilities; discussed potential dates to meet with the Manhattan Public Library Board to discuss the proposed expansion of the children's library; and received an overview from the recent National League of Cities Conference and Congressional delegation meetings attended by Mayor Sherow, Commissioner Pepperd, and City Manager Fehr.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 6, 2012.

\* **CLAIMS REGISTER NOS. 2696 and 2697**

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding the accounting for expenditures and revenues associated with the Flint Hills Discovery Center.

Ron Fehr, City Manager, provided information on the budget for the Flint Hills Discovery Center and the Parks and Recreation Department budget. He then responded to questions from the Commission regarding revenue sources and expenditures for the Flint Hills Discovery Center.

Bernie Hayen, Director of Finance, informed the Commission that an expenditure and revenue report for the Flint Hills Discovery Center could be generated and provided to the City Manager.

The Commission approved Claims Register Nos. 2696 and 2697 authorizing and approving the payment of claims from February 29, 2012, to March 20, 2012, in the amounts of \$73,666.66 and \$6,346,147.47, respectively.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – BELLERIVE ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Bellerive Addition, Unit Two, generally located northwest of the intersection of Grand Mere Parkway and Heartland Drive intersection, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### ORDINANCE NO. 6943 – EXPAND SCHOOL ZONE – NORTHVIEW ELEMENTARY SCHOOL

The Commission approved Ordinance No. 6943 amending Section 31-221 of the City Code expanding the school zone times for Northview Elementary School.

### FIRST READING – EMINENT DOMAIN – FEATHER FIELD FARMS

The Commission approved first reading of an ordinance authorizing the commencement of eminent domain proceedings to acquire property owned by Feather Field Farms, LLC, for Wildlife Fence Improvements at the Manhattan Regional Airport.

### FIRST READING – NO PARKING ZONE – NORTH 4<sup>TH</sup> STREET (BLUEMONT AVENUE TO VATTIER STREET)

The Commission approved first reading of an ordinance designating a “No Parking Zone” along the east side of North 4<sup>th</sup> Street from its intersection with Bluemont Avenue to Vattier Street and along the west side of North 4<sup>th</sup> Street from its intersection with Bluemont Avenue to the north alley between Bluemont Avenue and Vattier Street.

### \* RESOLUTION NO. 032712-A – ESTABLISH – VOLUNTARY DONATION PROGRAM

Commissioner Butler provided an overview of the item and encouraged citizens to sign-up for the voluntary donation program for social services. He stated that City staff is also working on a potential vendor purchase card and a City credit card with donations going into a special fund for future allocations.

The Commission approved Resolution No. 032712-A establishing a voluntary donation program on monthly utility bills.

### RESOLUTION NO. 032712-B – AMEND BOND INTEREST RATE – WESTERN EXTRALITE

The Commission approved Resolution No. 032712-B to consent to amend the interest rate of bonds issued for Fraternal Investors, LLC, and authorized the Mayor and City Clerk to execute the amended bond documents.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – KDOT FEDERAL FUNDS EXCHANGE

The Commission authorized City Administration to request the federal funds exchange and finalize an agreement with Kansas Department of Transportation and authorized the Mayor and City Clerk to execute the final funds exchange agreement.

### AGREEMENT – VETERINARY SERVICES – SUNSET ZOO

The Commission authorized the Mayor to execute the veterinary services agreement with Kansas State University.

### AGREEMENT – OUTSIDE CITY WATER SERVICES – 1599 SOUTH ROSENCUTTER ROAD

The Commission authorized the Mayor and City Clerk to execute an outside city limits water service connection agreement with Stan A. Cook and Billie D. Deam for a single-family residence at 1599 South Rosencutter Road.

### AGREEMENT – OUTSIDE CITY SEWER SERVICES – 4800 SKYWAY DRIVE

The Commission authorized the Mayor to execute an agreement with the Russell K. Briggs Trust and Russell K. Briggs and Ilene M. Briggs for an outside of city limits sewer service connection for the real estate located at 4800 Skyway Drive.

### HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM - EXTENSION – MANHATTAN EMERGENCY SHELTER

The Commission authorized the Mayor and City Clerk to execute an agreement with the Kansas Housing Resources Corporation and Amendment No. 2 with the Manhattan Emergency Shelter, Inc, for a time extension to June 22, 2012, to the 2009 Homeless Prevention and Rapid Re-Housing grant.

### BOARD APPOINTMENTS

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

#### *Human Rights and Services Board*

Re-appointment of DeRay Gamble, 1300 Marlatt Avenue, Lot 603, to a three-year term. Mr. Gamble's term begins immediately and will expire March 9, 2015.

#### *Riley County Law Enforcement Board*

Appointment of Richard Jankovich, 2021 Somerset Square, to fill the unexpired City Commissioner term of James E. Sherow. Commissioner Jankovich's term begins immediately and will expire December 31, 2012.

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### *Social Services Advisory Board*

Appointment of Sara Fisher, 811 Osage Street, to fill the unexpired term of Christopher Renner. Ms. Fisher's term begins immediately and will expire June 30, 2012.

After discussion, Commissioner Jankovich moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### CHANGE ORDER NO. 2 - MILLER PARKWAY WATER MAIN PROJECT (WA0622)

Commissioner Jankovich announced that he had a conflict of interest due to a professional relationship with the contractor and would be abstaining on the item.

Rob Ott, City Engineer, presented an overview of the item and the project timeline. He then responded to questions from the Commission.

After discussion and comments from the Commission, Commissioner Pepperd moved to authorize execution of Change Order No. 2 for Miller Parkway Project, resulting in a net increase in the amount of \$39,410.00 (+5.03%) with Bayer Construction, of Manhattan, Kansas, for the EMS access to the Miller Ranch and Lee Mill Heights neighborhoods. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0-1, with Commissioner Jankovich abstaining on the item.

### DISCUSSION - BALLOT OPTIONS - RENEWAL OR REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX

Ron Fehr, City Manager, provided background information on the item. He informed the Commission that if the Kansas Attorney General determines that Riley County is not obligated to resubmit the same question, then several options are available and provided an overview of three possible options to pursue.

Lauren Palmer, Assistant City Manager, provided an overview on three possible ballot options for consideration, as outlined in the City Commission Agenda Memorandum. Those options included a half-cent Riley County sales tax without an interlocal agreement; a half-cent City of Manhattan sales tax; and a quarter-cent City of Manhattan sales tax and a quarter-cent Riley County sales tax. She then highlighted the pros and cons of each option and responded to questions from the Commission.

## GENERAL AGENDA (*CONTINUED*)

### DISCUSSION - BALLOT OPTIONS - RENEWAL OR REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX (*CONTINUED*)

Bill Frost, City Attorney, provided clarification and additional information on the proposed ballot options.

After discussion and comments from the Commission, Ron Fehr, City Manager, responded to additional questions. He informed the Commission that his understanding was that Riley County had not yet submitted the question to the Attorney General for an opinion.

Lauren Palmer, Assistant City Manager, and Ron Fehr, City Manager, responded to additional questions from the Commission and provided information on the timeline to submit a ballot question.

Bill Frost, City Attorney, and Ron Fehr, City Manager, provided additional information regarding ballot options and potential considerations for an interlocal agreement.

After additional discussion and comments from the Commission, Ron Fehr, City Manager responded to questions from the Commission. He stated that on November 1, 2011, the City Commission approved a motion to utilize the state statutory formula for the sales tax distribution, rather than entering into a new interlocal agreement with Riley County to redistribute the proceeds.

Bill Frost, City Attorney, and Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission regarding an interlocal agreement, proposed ballot language, Attorney General's opinion, and discussed potential alternatives.

After additional discussion and comments from the Commission, the consensus was that option two, a half-cent City of Manhattan sales tax as outlined in the City Commission Agenda Memorandum, was the preference by the City Commission. The Commission also requested that a letter indicating their preference be sent to the Board of Riley County Commissioners and discussed other options that may be pursued.

Ron Fehr, City Manager, responded to additional comments from the Commission and stated that City staff would craft a letter from the Mayor to the Board of Riley County Commissioners based on the discussion and feedback received. He said the item would also be discussed at the Joint City/County meeting in April.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - BALLOT OPTIONS - RENEWAL OR REPLACEMENT OF THE 2002 RILEY COUNTY "ROADS AND JOBS" HALF-CENT SALES TAX (CONTINUED)

Lyle Butler, President, Manhattan Area Chamber of Commerce, thanked the Commission for their efforts to renew the sales tax and stated that the Chamber supports renewal of the sales tax for economic development dollars to be used as a tool when needed. He informed the Commission that the Chamber is willing to help with the educational piece and make presentations with City and County Commissioners. He then voiced concern given the existing timeframe and stressed the importance for a unified voice.

At 8:18 p.m., the Commission took a brief recess.

### EXECUTIVE SESSION

At 8:30 p.m., Commissioner Jankovich moved to recess into Executive Session until 9:00 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

At 9:00 p.m., the Commission reconvened with Mayor Sherow and Commissioners Pepperd, Matta, Butler, and Jankovich in attendance. Commissioner Jankovich moved to recess into Executive Session until 9:30 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

At 9:30 p.m., the Commission reconvened with Mayor Sherow and Commissioners Pepperd, Matta, Butler, and Jankovich in attendance.

### ADJOURNMENT

At 9:30 p.m., the Commission adjourned.

  
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Gary S. Fees, MMC, City Clerk