

MINUTES
CITY COMMISSION MEETING
TUESDAY, FEBRUARY 3, 2009
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark J. Hatesohl and Commissioners Bob Strawn, Bruce Snead, James E. Sherow, and Tom Phillips 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 18 interested citizens.

PLEDGE OF ALLEGIANCE

A Dress the Heart Committee led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Hatesohl proclaimed February 2009, *American Heart Month*. Belinda Snyder, Chair, and Lydia Huber, A Dress the Heart Committee; Margie Michal, Mercy Community Health Foundation; and Jana Broadbent, Mercy Regional Health Center; were present to receive the proclamation.

Amy Button Renz, KSU Alumni Association, and Emily Taylor, Selena Strate, and Becky Thiessen, KSU Homecoming Committee, presented a check for \$3,700.00 from the Homecoming Race for the Wefald Pavilion Project.

Mayor Hatesohl proclaimed February 14, 2009, *Sharing with the Shepherd Day*. Joan McIlvaine, President, and Jan Connizzo, Executive Director, Shepherd's Crossing, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Russ Weisbender, Overlay Properties, Inc. voiced concerns with up stream trash and siltation issues into the lakes in the Prairie Lakes subdivision. He stated that the City of Manhattan contributed to the investment in these lakes in the amount of \$650,000.00 and should want to protect its investment. He asked that the siltation caused in part at Blue Hills Shopping Center and Meadowlark Hills construction projects be addressed and asked the Commission to resolve this issue and give consideration to inserting chambered settling ponds along Butterfield Street.

Dee R. Ross, 2304 Brockman Street, stated that the City of Manhattan has bicycle issues and asked if the City has thought about registering, licensing, and carrying insurance for people that have bicycles. He then asked how much City taxes are derived from tobacco sales.

Bernie Hayen, Director of Finance, responded to questions regarding tobacco taxes.

Dee R. Ross, 2304 Brockman Street, stated that the City should not benefit from tobacco sales because of the socialistic fascist who passed the ordinance. He voiced his displeasure with a Commissioner and the socialistic fascist dictators who met in Topeka and have mapped out a plan for a statewide no smoking policy. He stated that it sickens him when we thank our veterans for their service but then take away their freedoms.

David McGillis, 203 Colgate Terrace, informed the Commission of a situation involving a car that was towed from a private lot in Manhattan. He proposed that the current ordinance be amended to include: 1) prohibitions against spotters; 2) payment from the towing company to the property owners/authorized representatives to be prohibited; 3) a cap of \$150.00 to be placed on towing and storage fees or other services required to remove a vehicle; 4) set a timeframe in which the vehicle can be recovered; and 5) area for storing the vehicle must be within City limits. He then responded to questions from the Commission and informed the Commission that the current towing charge is an exhorbant amount to pay and is an unfair practice.

Bill Frost, City Attorney, and Ron Fehr, City Manager, provided additional information on the item and informed the Commission that additional background material would be brought forward to the Commission.

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

COMMISSIONER COMMENTS

Commissioner Strawn responded to comments made earlier by Mr. Ross and stated that he was the Commissioner that went to Topeka, along with other members in the community, speaking on the subject of a proposed state-wide smoking legislation. He informed Mr. Ross that his comments regarding socialist fascist were inappropriate and asked that he be more respectful of the legislative process.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 20, 2009.

CLAIMS REGISTER NOS. 2600 and 2601

The Commission approved Claims Register Nos. 2600 and 2601 authorizing and approving the payment of claims from January 14, 2009, to January 27, 2009, in the amounts of \$527,815.62 and \$2,172,051.08.

FINAL PLAT – TECUMSEH LOFTS

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Tecumseh Lofts, a Residential Planned Unit Development, generally located at 2005 and 2011 Tecumseh Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – COLLEGE VIEW ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of College View Addition, Unit Two, generally located at 2012 College View Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – CEDAR GLEN ADDITION, UNIT TWO

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Cedar Glen Addition, Unit Two, generally located 1,800 feet north of the intersection of Kimball Avenue and Little Kitten Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (CONTINUED)

SET PUBLIC HEARING DATE – LEVY – SPECIAL ASSESSMENTS (GOB 2009A)

The Commission set February 17, 2009, as the date to hold the public hearing levying special assessments against the benefiting properties in the following eleven (11) projects, which have been completed: *Cedar Glen Addition – Street (ST0618)*; *Grand Mere Vanesta, Unit Two – Street and Storm Drainage (ST0629/SM0605)*; *Hawthorne Woods Addition – Sanitary Sewer (SS0711), Street (ST0715), Water (WA0709) and Trail (SP0707)*; *Scenic Meadows Addition, Unit Two, Phase I – Sanitary Sewer (SS0702), Sanitary Sewer – Lift Station (SS0703), Street (ST0701), and Water (WA0702), and 1600 Block Alley between Houston and Pierre Streets – Street (ST0801)*.

CHANGE ORDER NO. 1-FINAL – HAWTHORNE WOODS – STREET IMPROVEMENTS (ST0715)

The Commission approved Change Order No. 1 – Final for Hawthorne Woods Street Improvements, resulting in a net increase of \$55,525.46 (+14.8%) to the contract with Larson Construction, of Manhattan, Kansas.

BOARD APPOINTMENTS

The Commission approved appointments by Mayor Hatesohl to the Special Alcohol Funds Advisory Committee.

Special Alcohol Funds Advisory Committee

Appointment of Camelia Owens, 730 Allen Road #133, to fill an unexpired term of Tiffany Parker. Ms. Owens' term begins immediately, and will expire December 31, 2010.

Appointment of Larry Brockson, 2704 Candlewood Drive, to a three-year term. Mr. Brockson's term begins immediately, and will expire December 31, 2011.

Appointment of Julie Voelker, 727 Poyntz Avenue, to a three-year term. Ms. Voelker's term begins immediately, and will expire December 31, 2011.

Appointment of Penny Peirce, 1731 Humboldt Street, to a three-year term. Ms. Peirce's term begins immediately, and will expire December 31, 2011.

Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

AWARD CONTRACT - 2008-2012 CITY AUDIT

Bernie Hayen, Director of Finance, presented the item and discussed the complexity associated with information in the Comprehensive Annual Financial Report (CAFR). He then responded to questions from the Commission regarding the performance of the current auditing firm, the summary of results from the scoring sheet, and considerations given for the City's auditing firm.

Libby Peterson, City Controller, provided additional information on the guidance received from the City's current auditing firm.

Ron Fehr, City Manager, responded to questions from the Commission regarding the professional recommendation made by City Staff.

Mike Rogers, Varney & Associates, informed the Commission that their firm is well qualified to do the job, that their firm is local and submitted a proposal for less money than the firm City Staff has recommended, and that their firm has a Certified Governmental Financial Manager.

Joe Knopp, 104 Oakwood Circle, asked the Commission to consider the critical factor of trust that the community seeks in moving forward with an auditing firm. He stated that Mr. Rogers is the kind of person we can trust and as the community moves to a higher level of standards and, it will be critical to have the trust and confidence in a local firm over the next five years.

After discussion, Commissioner Sherow moved to authorize the Mayor and City Clerk to execute a one-year audit contract with the firm of Varney's & Associates, of Manhattan, Kansas, and the extension of annual renewals to this contract for a four-year period of time. Commissioner Phillips seconded the motion.

Commissioner Sherow stated that Varney's has a Certified Governmental Financial Manager on staff and voiced support for a local business.

Commissioner Phillips stated that he looked at the auditing firm's expertise, experience, and price and, was confident that Varney & Associates can do the job and get the answer to whatever question comes along.

Commissioner Snead provided background information on the change of auditors and stated that he was comfortable with the local auditing firm and that City Staff and Varney & Associates can work together to produce a quality audit and Comprehensive Annual Financial Report.

GENERAL AGENDA (CONTINUED)

AWARD CONTRACT - 2008-2012 CITY AUDIT (CONTINUED)

Bernie Hayen, Director of Finance, responded to questions from the Commission regarding execution of the contract.

Commissioner Strawn voiced support for the motion based on locality, quality, and price. He stated that he was not comfortable with the make-up of the Selection Committee of City finance personnel and suggested that next time the Selection Committee be comprised of three community members, the Director of Finance, and a City Commissioner.

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

Mayor Hatesohl stated that in times of economic slow-down, the selection of a local firm will help stimulate the local economy.

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

ADJOURNMENT

At 8:10 p.m. the Commission adjourned.



Gary S. Fees, MMC, City Clerk