



MINUTES
CITY COMMISSION MEETING
TUESDAY, JANUARY 19, 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 Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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 17 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Strawn led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Strawn proclaimed January 22, 2010, *Kansas Academic Decathlon Day*. Tyler Axman, K-State Mortar Board member, was present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Sherow acknowledged the recipients of the community service awards during the Martin Luther King, Jr., celebration and thanked all the individuals involved that made it a successful event.

Commissioner Morris-Hardeman thanked all the volunteers that donated their time and talents during the Martin Luther King, Jr., holiday on January 18.

Mayor Strawn congratulated those involved with the Wefald Pavilion ice skating activities on Monday, January 18, and stated that the ice rink was packed with young kids and families enjoying the new facility.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, January 5, 2010, and the Special City Commission Meeting held on Monday, January 11, 2010.

CLAIMS REGISTER NOS. 2628 and 2629

The Commission approved Claims Register Nos. 2628 and 2629 authorizing and approving the payment of claims from December 30, 2009, to January 12, 2010, in the amounts of \$1,161,738.06 and \$2,961,411.05, respectively.

LICENSES

The Commission approved an annual Cereal Malt Beverage License for Dara's Fast Lane, 1701 Anderson Avenue; Oppy's Service, Inc., 605 S. 3rd Street; and Kangolf, Inc., 800 Anneberg Circle.

* **ORDINANCE NO. 6809 – LOAN AGREEMENT – BLUE TOWNSHIP SEWER EXTENSION (SS1001)**

Ron Fehr, City Manager, provided additional background information on the Loan Agreement and arrangement with the Blue Township for the sewer extension.

The Commission approved Ordinance No. 6809 authorizing the execution of a new loan agreement between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Loan Fund in order to finance the City's portion of the Blue Township Sewer Extension Improvements project (SS1001); establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; designating Dale Houdeshell, Director of Public Works, as the Authorized Representative for the City of Manhattan for the loan; and authorizing certain other actions in connection with the loan agreement.

* **ORDINANCE NO. 6810 – ISSUE GENERAL OBLIGATION BONDS – SOUTH END CONFERENCE CENTER**

The Commission approved Ordinance No. 6810 issuing up to \$9.5 million in general obligation bonds for the design and construction of the conference center.

* **RESOLUTION NO. 011910-A – SUPPORT HOUSING TAX CREDIT – NORTHWING ADDITION, UNIT ONE**

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

CONSENT AGENDA (CONTINUED)

* **RESOLUTION NO. 011910-A – SUPPORT HOUSING TAX CREDIT – NORTHWING ADDITION, UNIT ONE (CONTINUED)**

Commissioner Morris-Hardeman thanked the Manhattan Area Housing Partnership with their efforts to provide affordable housing in the community.

The Commission approved Resolution No. 011910-A indicating the City of Manhattan's support for the Manhattan Area Housing Partnership to apply for tax credits and HOME funding from the State of Kansas to pursue an affordable housing development in Unit One of the Northwing Addition.

REQUEST FOR PROPOSALS – KIMBALL AVENUE AND DENISON AVENUE TRAFFIC IMPROVEMENTS (ST1001)

The Commission authorized City Administration to solicit proposals for the design of Kimball Avenue and Denison Avenue Intersection and Denison Avenue south of Kimball Avenue for the National Bio and Agro Defense Facility (NBAF) Traffic Improvements (ST1001) and appointed Commissioner Pepperd to serve on the Selection Committee.

INTERLOCAL AGREEMENT – VALLEYWOOD SEWER DISTRICT

The Commission authorized the Mayor and City Clerk to execute an Interlocal Agreement with the Valleywood Subdivision Combined Sanitary Sewer and Storm Sewer Drainage District to directly bill the District's sewer customers for sewer services provided by the City of Manhattan.

* **AMENDMENT – AIR SERVICE AGREEMENT**

Ron Fehr, City Manager, provided an overview of the amendment to the Air Service Agreement with American Eagle Airlines and the Manhattan Area Chamber of Commerce.

The Commission authorized the Mayor and City Clerk to execute the Amendment to the Air Service Agreement with American Eagle Airlines, Inc., and the Manhattan Area Chamber of Commerce.

BOARD APPOINTMENTS

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

Downtown Business Improvement District Advisory Board

Appointment of Kathryn Focke, 3310 Abbey Circle, to a two-year term. Ms. Focke's term begins immediately, and will expire December 31, 2011.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS

Riley County Park Board

Re-appointment of Michael Roediger, 1419 Beechwood Terrace, to a four-year City term. Mr. Roediger's term begins immediately, and will expire December 31, 2013.

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item E, ORDINANCE NO. 6810 – ISSUE GENERAL OBLIGATION BONDS – SOUTH END CONFERENCE CENTER, which carried 4-1, with Commissioner Pepperd voting against the item.

GENERAL AGENDA

SETTLEMENT AGREEMENT -EDDIE JAMES LOWERY, ET AL., V. THE COUNTY OF RILEY, ET AL.

Bill Frost, City Attorney, presented an overview of the item and informed the Commission of the terms of the proposed settlement agreement. He then responded to questions from the Commission.

David Cooper, Attorney for the City, Fisher Patterson Saylor & Smith, LLP, Topeka, Kansas, provided additional information regarding the proposed settlement agreement and recommendation. He then responded to questions from the Commission regarding risk management, the mediation process, and explained that the City of Manhattan is involved because of its funding responsibility to the Riley County Police Department.

Ron Fehr, City Manager, informed the Commission that if they concurred with the recommendation, the City's portion of the settlement amount should be part of the budget process for 2011.

Bernie Hayen, Director of Finance, provided several debt financing options and mill levy impact in order to fund the City's potential \$1.424 million obligation under the settlement agreement. He then responded to questions from the Commission regarding prior reserve fund carryovers.

Bill Frost, City Attorney, provided additional information and clarification on the item. He then requested that the Commission consider adding to the proposed motion the following: "to authorize the payment of \$80,000 as the City's proportionate share of Farmer's obligation, if Farmer's fails to do so."

GENERAL AGENDA (CONTINUED)

SETTLEMENT AGREEMENT -EDDIE JAMES LOWERY, ET AL., V. THE COUNTY OF RILEY, ET AL. (CONTINUED)

David Cooper, Attorney for the City, Fisher Patterson Saylor & Smith, LLP, provided the Commission with additional information regarding the settlement agreement and stated that he expected all signatures required on the settlement agreement to be completed within ten (10) business days.

Commissioner Snead asked for clarification on the proposed motion.

Bill Frost, City Attorney, responded to questions from the Commission.

After discussion, Commissioner Snead moved to authorize the Mayor to execute the settlement agreement, with such modifications as are approved by the Attorneys for the City; approve Resolution No. 011910-C, authorizing the issuance of general obligation bonds in order to provide funds to satisfy the City's obligations; authorize the acceptance of the funds from Hartford and authorize the Mayor to execute a release to Hartford and the payment of the Hartford funds into the settlement; authorize the payment of \$80,000.00 as the City's proportionate share of Farmer's obligation, if Farmer's fails to do so; and, authorize the Attorneys for the City to pursue the collection of funds, including Attorney fees, from Farmer's, in the event Farmer's does not participate in the settlement. Commissioner Sherow seconded the motion.

Mayor Strawn asked that citizens and media be patient until the settlement agreement is fully executed and to direct all questions to legal counsel. He then stated that David Cooper, Attorney for the City, Fisher Patterson Saylor & Smith, LLP, did a wonderful job in representing the City of Manhattan in this matter and would be available in the lobby of the City Commission Room to answer questions from the public or media on this item.

On a roll call vote, motion carried 5-0.

Ron Fehr, City Manager, responded to questions from the Commission regarding discussion on funding that will need to take place during the next budgetary cycle.

DISCUSSION - SOUTH INFRASTRUCTURE DESIGN UPDATE

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, introduced the item.

Chuck Bartlett, HWS Consulting Group, presented the public infrastructure improvements within the South End Redevelopment Area. He then responded to questions from the Commission.

Scott Bingham, Bowman Bowman and Novick (BBN), presented an overview and update on the South End Redevelopment Area design plans and materials envisioned for the area.

GENERAL AGENDA (CONTINUED)

DISCUSSION - SOUTH INFRASTRUCTURE DESIGN UPDATE (CONTINUED)

Brent Bowman and Paul J. Novick, BBN, presented proposed features for the park, plaza area, parking garage, decorative concrete, tree grates, planters and urns, and presented design elements envisioned for the area. They also presented proposed tree, shrubs and ornamental grasses envisioned, as well as light fixtures and streetscape amenities. They then responded to questions from the Commission regarding the safety of fireplaces and pedestrian market.

Scott Bingham, BBN, provided additional information about the extension of an underground tunnel from the South Redevelopment Area to reach the Union Pacific Depot.

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

Chuck Bartlett, HWS Consulting Group, provided preliminary construction costs for the South End infrastructure and project schedule. He then responded to questions regarding the cost of the underpass and trail.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, responded to questions from the Commission regarding STAR Bonds and Transportation Development Districts. He informed the Commission that a public meeting would be held in the next couple of weeks to provide an update on the project.

Chuck Bartlett, HWS Consulting Group, and Brent Bowman, BBN, responded to questions regarding lights on the bridge and decorative street lighting.

Ron Fehr, City Manager, informed the Commission that the old street lights that were on the bridge are in storage and are in poor condition.

Scott Bingham, BBN, responded to questions regarding security and safety issues near the buildings and park.

Brent Bowman, BBN, responded to questions from the Commission regarding heated sidewalks and plaza areas. He stated that he would work with the engineers regarding the feasibility and possibility of constructing water piping to prevent freezing issues.

Paul J. Novick and Brent Bowman, BBN, explained the proposed grasses that would be used in the area and presented some potential water features and levels of interaction with people on the plaza area. They responded to questions from the Commission regarding the special features and points of interest proposed for 4th Street and Ft. Riley Boulevard intersection design.

GENERAL AGENDA (CONTINUED)

DISCUSSION - SOUTH INFRASTRUCTURE DESIGN UPDATE (CONTINUED)

Brent Bowman, BBN, presented several park perspectives and informed the Commission that his firm was sensitive to the alignment of the passageway to and from the Union Pacific Depot to the Redevelopment area and would be working with the Kansas Department of Transportation. He then responded to additional questions from the Commission regarding the landscaping around the Union Pacific Depot and the possibility of incorporating a small pump house for the proposed water feature.

Jason Hilgers, Assistant City Manager/Redevelopment Coordinator, and Ron Fehr, City Manager, responded to questions from the Commission regarding signage and way finding features that could be incorporated in the area.

CHANGE ORDER NO. 4 – 4TH STREET, PIERRE TO FORT RILEY BOULEVARD (ST0813)

Rob Ott, City Engineer, presented the item. He then responded to questions regarding the savings achieved through mobilization and traffic control for the construction project.

After discussion, Commissioner Sherow moved to approve Change Order No. 4 to the Manhattan Marketplace Downtown Redevelopment (4th Street South End) (ST0813) resulting in a net increase in the amount of \$262,786.19 (+16.8%) to the contract with Pavers, Inc., of Salina, Kansas, to add Colorado Street construction, the removal of Yuma Street from 3rd Street to 4th Street, and the removal of the alley from 3rd Street to 4th Street between Yuma Street and Colorado Street, and approve Resolution No. 011910-B, authorizing the issuance of General Obligation bonds. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

At 9:15 p.m., the Commission took a brief recess.

DISCUSSION - DISCOVERY CENTER BUILDING DESIGN DEVELOPMENT

Bob Workman, Director, Flint Hills Discovery Center, introduced the item and provided background information on the building design.

Brad Nederhoff, Verner Johnson & Associates, Inc, presented the mission statement for the Discovery Center and provided an overview of the program plan and concept model.

Paul J. Novick, BBN, provided an overview of the Discovery Center and streetscape and landscape elements planned around the Discovery Center. He then responded to questions from the Commission.

Brad Nederhoff, Verner Johnson & Associates, Inc., presented an overview of the floorplans of the Discovery Center, elevations, building materials, and renderings of the Discovery Center. He then responded to questions from the Commission.

GENERAL AGENDA (CONTINUED)

DISCUSSION - DISCOVERY CENTER BUILDING DESIGN DEVELOPMENT (CONTINUED)

Shelly Koehler, McCownGordon Construction, presented cost estimates based on 50 percent of the design development documents for the Discovery Center. She then responded to questions from the Commission.

Ron Fehr, City Manager, responded to questions from Commission regarding the process.

Brad Nederhoff, Verner Johnson & Associates, Inc., responded to questions regarding construction costs, LEED certification, and educational opportunities.

Shelly Koehler, McCownGordon Construction, provided the recommendations from the Steering Committee Meeting for the Discovery Center budget based on 50 percent design documents.

Ron Fehr, City Manager, provided additional information on the budget items proposed.

Shelly Koehler, McCownGordon Construction, responded to additional questions from the Commission regarding the process and stated that the guaranteed maximum price would be provided to the Commission in April 2010.

After additional discussion, the Commission asked the architecture team to proceed forward to the next project stage.

ADJOURNMENT

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



Gary S. Fees, MMC, City Clerk