

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MARCH 1, 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 Bruce Snead and Commissioners James E. Sherow, Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn 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, 9 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Snead led the Commission in the Pledge of Allegiance.

**RECOGNITION**

Mayor Bruce Snead, City Manager Ron Fehr, and Parks and Recreation Director Curt Loupe, recognized Park Technician Rodney Johnson, Manhattan Parks and Recreation, for receiving a Special Project/Design Award for the Shamboni-Ice Rink Resurfacing Machine from the Kansas Recreation and Park Association.

**PROCLAMATION**

Mayor Snead proclaimed March 13-19, 2011, ***Brain Awareness Week***. Eileen Hinkin, Vice President, and Lynn Welle, representative, Little Apple Pilot Club, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Snead opened the public comments.

## PUBLIC COMMENTS (CONTINUED)

Elaine Johannes, 2500 Nutmeg, Chair, Special Alcohol Advisory Committee, and citizen, provided information to the Commission on concerns with Fake Patty's Day in Aggieville on March 12, 2011, and planning efforts of the Aggieville Safety Group and concerned citizens. She voiced concerns associated with overcrowding, public intoxication, traffic and parking issues, and nuisances. She then provided additional information from other university communities that have experienced similar events and action plans for that event.

Mayor Snead expressed appreciation for the ongoing efforts and measures in taking appropriate actions associated with the Fake Patty's Day event.

Elaine Johannes, 2500 Nutmeg, Chair, Special Alcohol Advisory Committee, and citizen, responded to questions from the Commission and provided additional information.

Lauren Palmer, Assistant City Manager, provide additional information on the planning efforts and discussions of the Aggieville Safety Group. She provided an overview on the plans and the proactive community response to Fake Patty's Day, which is provided on the front page of the City's web site.

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

## COMMISSIONER COMMENTS

Commissioner Sherow informed the community that he was asked to be the honorary chair of the March of Dimes annual fundraiser and encouraged everyone to become involved and to give generously.

Commissioner Morris-Hardeman highlighted the recent League of Women Voters poverty panel and discussion session. She also extended congratulations to Anne Smith, Director, Flint Hills aTa, for being recognized as a recipient of the Edith Stunkel Good Government award.

Mayor Snead provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission received an update on the K-18 project and associated funding issues; received a report on the activities with the Riley County-Manhattan Health Board; discussed the recent action by the Riley County Law Board on funding the consolidated dispatch; discussed that Fred Atchison, Director, Manhattan Public Library, announced he will be retiring and that the Library is planning an expansion of the children's library; received an update on the

## COMMISSIONER COMMENTS (*CONTINUED*)

Manhattan Housing Authority Board meeting; discussed a future housing summit and what it might accomplish; received an update on the Rental Inspection Program; received a report on the Community Partnership Conference; and received a March of Dimes update from Commissioner Sherow.

### CONSENT AGENDA

(\* denotes those items discussed)

#### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 15, 2011.

#### CLAIMS REGISTER NOS. 2664 and 2665

The Commission approved Claims Register Nos. 2664 and 2665 authorizing and approving the payment of claims from February 9, 2011, to February 22, 2011, in the amounts of \$187,351.64 and \$3,645,830.00, respectively.

#### FINAL PLAT – WEST LOOP SHOPPING CENTER ADDITION PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of West Loop Shopping Center Addition, a Commercial Planned Unit Development, generally located east of Seth Child Road, north of Anderson Avenue and south of Claflin Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

#### GRANT OF EASEMENTS AND COVENANT – WEST LOOP SHOPPING CENTER ADDITION PUD

The Commission authorized the Mayor and City Clerk to execute the Agreement creating a Grant of Easements and Covenant on Real Estate regarding construction, reconstruction, maintenance, repair, and use of private infrastructure.

#### FINAL PLAT – INDEPENDENCE PLACE ADDITION PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Independence Place Addition, a Residential Planned Unit Development, generally located 600 feet northeast of the intersection of Scenic Drive and Powercat Place, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

### AGREEMENT CREATING A RESTRICTIVE COVENANT – INDEPENDENCE PLACE ADDITION PUD

The Commission authorized the Mayor and City Clerk to execute the Agreement Creating a Restrictive Covenant on Real Estate regarding construction and maintenance of detention ponds and drainage structures.

### AWARD CONTRACT – WELL REHABILITATION PROJECT (WA1103)

The Commission awarded a contract to Cahoy Well and Pump Service, of Fredericksburg, Iowa, in the amount of \$64,781.00 for the Well Rehabilitation Project (WA1103).

\* **AWARD CONTRACT – 3<sup>RD</sup> STREET OPENINGS AT LEAVENWORTH AND PIERRE STREETS (ST0910)**

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

Dale Houdeshell, Director of Public Works, provided additional clarification on the bids received and responded to questions from the Commission on the material prices.

The Commission accepted the Engineer's Estimate in the amount of \$1,463,612.00 and awarded a construction contract in the amount of \$1,491,421.00 to Emery Sapp and Sons, Inc., of Kansas City, Missouri, for the Third Street Openings at Leavenworth and Pierre Streets (ST0910).

\* **AWARD CONTRACT – MANHATTAN/K-STATE INNOVATION CENTER PILOT SPACE (SP1105)**

Ron Fehr, City Manager, provided information on the wet lab space and clarification of the Manhattan/K-State Innovation Center Pilot Space Improvements project.

The Commission accepted the Architect's Estimate in the amount of \$1,200,000.00 and awarded a construction contract in the amount of \$974,430.00 to Cheney Construction, of Manhattan, Kansas, for the Manhattan/K-State Innovation Center Pilot Space (SP1105).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACTS – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOUSING REHABILITATION PROJECTS

The Commission accepted the bids for 515 South 18<sup>th</sup> Street and 825 Bertrand Street; awarded the bids to the lowest responsible bidders; authorized the Mayor and City Clerk to enter into agreements with the contractors and property owners for expenditure of CDBG Housing Rehabilitation funds; and authorized City Administration to approve any necessary change orders.

\* **PURCHASE – STORM WARNING SIREN – DRAKE DRIVE AND FORDHAM ROAD**

Don Francis, Deputy Fire Chief, responded to questions from the Commission regarding battery backup for the siren replacement.

The Commission authorized City Administration to enter into a purchase agreement in the amount of \$20,635.02 with Blue Valley Public Safety, of Grain Valley, Missouri, for the purchase and installation of a Federal Signal Corporation warning siren located at the corner of Drake Drive and Fordham Road.

### APPLICATION – 2011 EMERGENCY SHELTER GRANT

The Commission authorized the Mayor and City Clerk to sign an application for the 2011 Emergency Shelter Grant funds.

\* **BOARD APPOINTMENTS**

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

#### *Cemetery Board*

Appointment of Larry Fry, 1104 Village Drive, to fill the unexpired term of Judy Atwood. Mr. Fry's term begins immediately, and will expire December 31, 2012.

#### *Flint Hills Discovery Center Advisory Board*

Appointment of Dave Kendall, 6921 S.W. Douglass Road, Topeka, to a one-year term. Mr. Kendall's term begins immediately, and will expire January 31, 2012.

#### *Municipal Audit Committee*

Appointment of Eric Higgins, 3316 Woods Drive, to a one-year Citizen-At-Large term. Mr. Higgins' term begins immediately, and will expire March 31, 2012.

## CONSENT AGENDA (CONTINUED)

\* **BOARD APPOINTMENTS (CONTINUED)**

Riley County Solid Waste Management Committee

Recommendation of Judy Willingham, 324 Fordham Road, to the Riley County Commission to fill the unexpired City term of Jill Dalton.

After discussion, Commissioner Sherow moved to approve the consent agenda, as read. Commissioner Pepperd seconded the motion.

After additional discussion of the Commission, on a roll call vote, motion carried 5-0, with the exception of Item K-Board Appointment to the Municipal Audit Committee, which carried 4-0-1 with Commissioner Strawn abstaining on the item.

## GENERAL AGENDA

### **FIRST READING – ESTABLISH - ARTS AND HUMANITIES ADVISORY BOARD**

Lauren Palmer, Assistant City Manager, presented an overview of the item and responded to questions from the Commission.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance establishing the Arts and Humanities Advisory Board. Commissioner Morris-Hardeman seconded the motion.

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

### **FIRST READING - GREASE MANAGEMENT PROGRAM**

Robert Pugh, Assistant Director of Public Works – Utilities, provided an overview on grease maintenance issues and costs, highlighted the proposed grease management program ordinance, and discussed user costs, funding, and staffing. He then responded to questions from the Commission.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission.

Brad Claussen, Building Official, provided clarification of the plumbing code regulations and requirements for grease interceptors. He then responded to additional questions from the Commission.

## GENERAL AGENDA (*CONTINUED*)

### FIRST READING - GREASE MANAGEMENT PROGRAM (*CONTINUED*)

Robert Pugh, Assistant Director of Public Works – Utilities, presented additional information on the proposed staffing, permitting process, inspections, and administration of the grease management program.

Brad Claussen, Building Official, responded to questions from the Commission on grease traps and number of interceptors in restaurants.

Rob Pugh, Assistant Director of Public Works – Utilities, responded to additional questions regarding recycling opportunities for grease, maintenance costs, annual permit fees, proposed maintenance log requirements, inspection reviews, and best management practices.

Dale Houdeshell, Director of Public Works, provided additional information on the reporting requirements outlined in the proposed ordinance.

Rob Pugh, Assistant Director of Public Works – Utilities, informed the Commission that educational programs, seminars, and brochures would be created for the food establishments. He also responded to concerns expressed by the Commission in the proposed reporting requirements in maintaining a monthly maintenance log.

After discussion, Commissioner Sherow moved to approve first reading of the Grease Management Program Ordinance. Commissioner Pepperd seconded the motion.

Rob Pugh, Assistant Director of Public Works – Utilities, responded to questions from the Commission regarding the maintenance log requirements.

Lauren Palmer, Assistant City Manager, responded to questions from the Commission regarding restaurant inspections by the Riley County-Manhattan Health Department and the state restaurant inspections.

After discussion of the Commission, the consensus was to exclude the requirement of the maintenance log and amend the proposed ordinance for second reading.

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

## EXECUTIVE SESSION

At 8:35 p.m., Mayor Snead moved to take a brief recess and then recess into Executive Session until 9:10 p.m. for the purpose of discussions with the Attorney for the City regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 9:10 p.m., the Commission reconvened with Mayor Snead and Commissioners Sherow, Pepperd, Morris-Hardeman, and Strawn in attendance. Commissioner Sherow moved to recess into Executive Session until 9:40 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Pepperd seconded the motion. On vote, motion carried 5-0.

At 9:40 p.m., the Commission reconvened with Mayor Snead and Commissioners Sherow, Pepperd, Morris-Hardeman, and Strawn in attendance. Commissioner Sherow moved to recess into Executive Session until 10:05 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Morris-Hardeman seconded the motion. On vote, motion carried 5-0.

At 10:05 p.m., the Commission reconvened with Mayor Snead and Commissioners Sherow, Pepperd, Morris-Hardeman, and Strawn in attendance.

## ADJOURNMENT

Mayor Snead moved to adjourn the meeting. Commissioner Pepperd seconded the motion. On vote, motion carried 5-0.

At 10:05 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Faes, MMC, City Clerk