



MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 18, 2007
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Tom Phillips and Commissioners Mark Hatesohl, Bob Strawn, and Bruce Snead were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Diane Stoddard, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 18 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Phillips proclaimed September 24-29, 2007, ***Dollar Wi\$e Week-Savings for Kids and Families***. Randy Anderes, Sunflower Bank; Tanna Thompson, Commerce Bank; Therese Miller, Community First Bank; Larry Heyka, Landmark Bank; and Lowell Kohlmeier, Kansas State Bank, were present to receive the proclamation.

Mayor Phillips proclaimed October 1 – November 17, 2007, ***One Book, One Community 2007 Reading Program***. Fred Atchison, Director; and Susan Withee, Reference Manager; Manhattan Public Library, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Snead informed the community of upcoming meetings regarding the Flint Hills Regional Growth Plan and encouraged citizens to become informed and provide input to the consultants. He also provided an update on the National Bio and Agro-defense Facility (NBAF) scoping meeting that was held on August 28, 2007, and informed citizens of opportunities to ask questions, voice concerns, or provide input on the proposed facility.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, September 11, 2007.

CLAIMS REGISTER NO. 2599

The Commission approved Claims Register No. 2599 authorizing and approving the payment of claims from September 5, 2007, to September 11, 2007, in the amount of \$602,180.93.

LICENSES – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2007 for Porter Bar and Deli, 706 North Manhattan Avenue; Ray's Apple Market #448, 3011 Anderson Avenue; and Ray's Apple Market #447, 222 North 6th Street.

FINAL PLAT – STONE POINTE ADDITION, UNIT THREE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Stone Pointe Addition, Unit Three, generally located northeast of the intersection of Stone Grove Drive and Highland Ridge Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – BARTON PLACE ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Barton Place Addition, generally located south of Wildcat Creek and approximately 950 feet west of Amherst Avenue, along the future extension of Wreath Avenue, approved by the Planning Board on August 6, 2007, based on conformance with the Manhattan Urban Area Subdivision Regulations.

AGREEMENT - RESTRICTIVE COVENANTS – BARTON LAKE

The Commission authorized the Mayor and City Clerk to execute the Agreement regarding maintenance of Barton Lake, construction, maintenance, and repair of Dobenin Place, and installation, maintenance, or repair of grinder pumps, or similar equipment.

* **ORDINANCE NO. 6663 – ANNEX – WOODLAND HILLS ADDITION, UNIT EIGHT**

Chad Jackson, 1717Kingwood Drive, informed the Commission that not everyone in the neighborhood had an opportunity to comment on the proposed development for the Woodland Hills annexation and rezoning and, stated that additional traffic and access is a concern. He asked that the item be sent back to the Manhattan Urban Area Planning Board or consider approving the item as R-1.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 6663 – ANNEX – WOODLAND HILLS ADDITION, UNIT EIGHT (CONTINUED)**

The Commission approved Ordinance No. 6663 annexing a 9.7-acre tract of land for the proposed Woodland Hills Addition, Unit Eight, generally located south of the intersection of Sumac Circle and Woodbridge Drive, and west of Rosencutter Road, based on conformance with the Comprehensive Plan, the Growth Vision, and the Capital Improvements Program.

* **ORDINANCE NO. 6664 – REZONE – WOODLAND HILLS ADDITION, UNIT EIGHT**

The Commission approved Ordinance No. 6664 rezoning Woodland Hills Addition, Unit Eight, generally located south of the intersection of Sumac Circle and Woodbridge Drive, and west of Rosencutter Road, from County G-1, General Agricultural District, to R-2, Two-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*).

RESOLUTION NO. 091807-A – LEE MILL VILLAGE ADDITION – STORM WATER IMPROVEMENTS (SM0702)

The Commission found the petition sufficient and approved Resolution No. 091807-A finding the project advisable and authorizing construction for Lee Mill Village Addition Storm Water Improvements (SM0702).

RESOLUTION NO. 091807-B – LEE MILL VILLAGE ADDITION – SANITARY SEWER IMPROVEMENTS (SS0704)

The Commission found the petition sufficient and approved Resolution No. 091807-B finding the project advisable and authorizing construction for Lee Mill Village Addition Sanitary Sewer Improvements (SS0704).

RESOLUTION NO. 091807-C – LEE MILL VILLAGE ADDITION – SANITARY SEWER LIFT STATION IMPROVEMENTS (SS0709)

The Commission found the petition sufficient and approved Resolution No. 091807-C finding the project advisable and authorizing construction for Lee Mill Village Addition Sanitary Sewer Lift Station Improvements (SS0709).

RESOLUTION NO. 091807-D – LEE MILL VILLAGE ADDITION – STREET IMPROVEMENTS (ST0709)

The Commission found the petition sufficient and approved Resolution No. 091807-D finding the project advisable and authorizing construction for Lee Mill Village Addition Street Improvements (ST0709).

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 091807-E – LEE MILL VILLAGE ADDITION – WATER IMPROVEMENTS (WA0705)

The Commission found the petition sufficient and approved Resolution No. 091807-E finding the project advisable and authorizing construction for Lee Mill Village Addition Water Improvements (WA0705).

AGREEMENT – ENGINEERING SERVICES – LEE MILL VILLAGE ADDITION IMPROVEMENTS (SM0702, SS0704, SS0709, ST0709, WA0705)

The Commission authorized the Mayor and City Clerk to execute an agreement with Schwab-Eaton, P.A., of Manhattan, Kansas, to perform engineering services for Street (ST0709), Water (WA0705), Sanitary Sewer (SS0704), Sanitary Sewer Force Main (SS0709), and Storm Drainage (SM0702) improvements.

AWARD CONTRACT – LEE MILL VILLAGE ADDITION IMPROVEMENTS (SM0702, SS0704, SS0709, ST0709, WA0705)

The Commission accepted the Engineer's Estimate in the amount of \$2,575,700.00 and awarded a construction contract in the amount of \$2,076,393.44 to the low bidder, Luttrell Construction Co., Inc., of Olathe, Kansas, for Lee Mill Village Addition Water (WA0705), Sanitary Sewer (SS0704), Sanitary Sewer Force Main (SS0709), Street (ST0709), and Storm Drainage (SM0702) Improvements.

BOARD APPOINTMENTS

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

Douglass Center Advisory Board

Re-appointment of Sharnee Hudgins, 3416 Westbaker Way, to a three-year Youth At-Large Position. Ms. Hudgins's term will begin on October 3, 2007, and will expire on October 2, 2010.

Appointment of Paulicia Bender-Gamble, 2111 Prairie Lea, to fill an unexpired term of Keener Tippin and to a three-year At-Large Position. Ms. Bender-Gamble's term begins immediately, and will expire on October 2, 2010.

Parks and Recreation Advisory Board

Re-appointment of Bruce McMillan, 525 Wickham Road, to a four-year term. Mr. McMillan's term begins immediately, and will expire on June 30, 2011.

Partner City Advisory Committee

Re-appointment of Jeff Chapman, 3430 Woodduck Way, to a three-year term. Mr. Chapman's term begins immediately, and will expire on August 31, 2010.

CONSENT AGENDA (CONTINUED)

Dee R. Ross, 2304 Brockman Street, asked the Commission if the recent annexations have taken into account the location of fire hydrants and size of water lines. He asked if the water lines to Heritage Square have been tested and if there is sufficient water pressure for the Manhattan Fire Department trucks.

Ron Fehr, City Manager, provided additional information on the item and stated that all water lines at Heritage Square were installed to City standards.

Jerry Snyder, Director of Fire Services, provided additional information on the questions raised and stated that all hydrants are tested as soon as the water line is completed.

After discussion, Commissioner Hatesohl moved to approve the consent agenda, as read. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0, with the exception of item F: *Annex and Rezone Woodland Hills Addition, Unit Eight*, which carried 3-1, with Commissioner Strawn voting against the motion.

GENERAL AGENDA

AWARD - INSURANCE BROKER "AGENT-OF-RECORD"

Cathy Harmes, Director of Human Resources/Risk Management, presented the item and answered questions from the Commission.

Phil Krug, Vice President, Sunflower Insurance Group, thanked the City of Manhattan for having the opportunity to serve for the last four years and stated that he looked forward in working with the City in the future. He then answered questions from the Commission.

After discussion, Commissioner Strawn moved to authorize the Mayor and City Clerk to sign an "agent-of-record" agreement in the amount of \$31,100.00, with the agency of Sunflower Insurance Group, of Salina, Kansas, beginning January 1, 2008, renewable for a period of up to five years through 2012. Commissioner Snead seconded the motion. On a roll call vote, motion carried 4-0.

EXECUTIVE SESSION

At 7:40 p.m., Commissioner Snead moved to recess into Executive Session until 8:40 p.m. for the purpose of discussions with the City Attorney regarding pending legal matters that need to be confidential and that are deemed privileged in the attorney-client relationship. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 4-0.

EXECUTIVE SESSION (CONTINUED)

At 8:40 p.m., the Commission reconvened with Mayor Phillips and Commissioners Hatesohl, Strawn, and Snead in attendance.

ADJOURNMENT

Commissioner Snead moved to adjourn. Commissioner Hatesohl seconded the motion. On vote, motion carried 4-0.

At 8:41 p.m., the Commission adjourned.



Gary S. Ees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: County G-1, General Agricultural District

TO: R-2, Two-Family Residential District

APPLICANT: Jan and Kris Kissinger

ADDRESS: Rt. 3 Clay Center, KS 67432

LOCATION: Generally located south of the intersection of Sumac Circle and Woodbridge

Drive, and west of Rosencutter Road.

AREA: 9.7 acres

DATE OF PUBLIC NOTICE PUBLICATION: Monday, July 30, 2007

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, August 20, 2007

CITY COMMISSION: Tuesday, September 11, 2007

EXISTING USE: Vacant and undeveloped woodlands.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: Much of the site is covered with dense stands of cedar trees and other mature deciduous trees. The site is a hilly area with an extremely steep slope along Rosencutter Road and more gently sloping terrain to the west.

SURROUNDING LAND USE AND ZONING:

(1) **NORTH:** Woodland Hills, Unit Six subdivision, agriculture land and woodlands, several developed and undeveloped single-family residential uses; R-1, Single-Family Residential District and County G-1, General Agricultural District.

(2) **SOUTH:** Farmsteads and hilly woodlands; G-1, District

(3) **EAST:** Rosencutter Road, farmsteads; G-1 District

Attachment No. 1

(4) WEST: Woodland Hills, Brier Heights, Sunrise Cemetery and agricultural land; G-1 District, R-1, Single-Family Residential District, R-S, Single-Family Residential Suburban District.

GENERAL NEIGHBORHOOD CHARACTER: The area is located at the southwest edge of the community's urban development. The area is primarily characterized by existing and developing single-family neighborhoods to the northwest. There area is also characterized by steep slopes to the east, which place the site well above Rosencutter Road and farmsteads further to the east. The remainder of the area is primarily open woodland areas that are located to the west and south.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is zoned County G-1, General Agricultural District, which permits a broad range of agricultural uses, single-family homes and mobile homes associated with farming operations, oil and gas drilling, and a number of conditional uses such as quarries, outdoor recreational uses, kennels and feed lots. The site does not appear to be suitable for most of these uses, due the steep slopes and heavy forestation.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: As with most vacant land converted to single-family and two-family uses, there will be an increase in traffic, noise, and light. However, it is not anticipated that these changes will have a substantially adverse impact on nearby properties, which are zoned R-1 District and R-S District to the north and northwest. Due to the steep slope along Rosencutter Road no vehicular access will be obtained from Rosencutter Road. Rather, the site will gain access from Woodbridge Drive, a proposed street in the Woodland Hills Addition, Unit Six. The site will drain primarily to the east. Prior to future development, the site will have to be platted and the future developed site will be subject to the requirements of the Manhattan Urban Area Subdivision Regulations and the Stormwater Management Master Plan to ensure that storm water run-off is adequately handled.

CONFORMANCE WITH COMPREHENSIVE PLAN: The proposed site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM) and Environmentally Sensitive Areas. The density range RLM is less than one up to 11-dwelling units per net acre.

The Environmentally Sensitive Areas include steep, wooded slopes that run along the west side of Rosencutter Road. The remaining portion of the subject site in comprised of land covered in mature stands of cedar trees and other deciduous trees. The applicants have stated in their written application that conservation easements will be established during

the platting process to preserve and protect the steep slopes on the eastern edge of the property and the natural ravines running through the property.

Applicable Policy Statements include:

CHAPTER 4, LAND USE AND GROWTH MANAGEMENT

RLM 1: Characteristics

The Residential Low/Medium Density designation incorporates a range of single-family, single-family attached, duplex, and town homes, and in appropriate cases include complementary neighborhood-scale supporting land uses, such as retail, service commercial, and office uses in a planned neighborhood setting, provided they conform with the policies on Neighborhood Commercial Centers. Small-scale multiple-family buildings and condominiums may be permissible as part of a planned unit development, or special mixed-use district, provided open space requirements are adequate to stay within desired densities.

RLM 2: Appropriate Density Range

Densities in the Residential Low/Medium designation range between less than one dwelling unit/acre up to 11 dwelling units per net acre.

RLM 3: Location

Residential Low/Medium Density neighborhoods typically should be located where they have convenient access and are within walking distance to community facilities and services that will be needed by residents of the neighborhood, including schools, shopping areas, and other community facilities. Where topographically feasible, neighborhoods should be bounded by major streets (arterials and/or collectors) with a direct connection to work, shopping and leisure activities.

CHAPTER 5: NATURAL RESOURCES AND ENVIRONMENT

NRE 1: Corridors, Buffers, and Linkages and Preserved Open Space

The City and County should use a variety of methods (both public and private) to facilitate the creation of a continuous, permanent, system of open space corridors using natural features such as preserved open space areas, drainages, streams, and rivers to the extent possible. Corridors should be identified during the subdivision or master planning process and should be used to provide linkages within and between non-contiguous parks, environmentally sensitive and preserved open space areas, as well as neighborhoods and other development areas. Buffers can also be used to provide a transition between different intensities of uses. The current width and shape and other features of a naturally occurring corridor (such as a drainageway) should be preserved, in order to maintain its environmental integrity and avoid creating an “engineered” appearance.

Attachment No. 1

NRE 4: Environmentally Sensitive Areas: Wildlife Habitat and Corridors, Wetlands, Riparian Areas and Prairie Ecosystems

The Urban Area is home to a variety of environmentally sensitive areas, including: Wildcat Creek, the Big Blue and Kansas Rivers, numerous secondary stream corridors, drainage areas, and wetlands, as well as prairie ecosystems. In addition to their scenic quality, these areas provide other benefits, such as water quality enhancement and flood control, potential ecotourism, and also serve as important wildlife habitat. The City and County shall work to ensure that development impacts upon these areas are minimized.

NRE 5: Environmentally Sensitive Site Design

The City and County shall ensure that environmentally sensitive site design practices are used in new development. Sensitive site design practices can minimize unnecessary physical and visual impacts upon the surrounding landscape, caused by excessive removal of existing vegetation or severe roadway cuts, and excessive grading of natural topography.

NRE 6: Natural Hazards

Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater slope), floodways, and other special flood hazard areas.

The rezoning conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site has been under the County G-1, General Agricultural District zoning classification, and has remained vacant as zoned.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Regulations is to protect the public health, safety and general welfare, and to protect property values, through the creation of zoning districts in which land uses are controlled in order to be compatible with other nearby uses. The proposed R-2 District is designed to provide for low to medium density with a mix of single-family, single-family attached and two-family dwelling within the development. The proposed R-2 District and proposed Single-Family Attached housing is consistent with the intent and purpose of the Zoning Regulations by providing for development which is compatible with the surrounding developing neighborhoods. The applicants have proposed to develop the property into single-family attached homes.

Attachment No. 1

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE APPLICANT: There is no apparent significant gain to the public health, safety and general welfare that denial of the request would accomplish, compared to the hardship, if any, that would be imposed upon the applicant.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: The site can be adequately served with public utilities and services through the extension of existing systems from adjacent areas. Street connections from the platted Woodbridge Drive will be extended in the near future for access.

OTHER APPLICABLE FACTORS: A preliminary plat will need to be approved prior to development of the 9.7 acre tract of land.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District, to R-2, Two-Family Residential District

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District to R-2, Two-Family Residential District stating the basis for such recommendation.
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

POSSIBLE MOTION:

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Woodland Hills, Unit Eight from County G-1, General Agriculture District to R-2, Two-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, Planner

DATE: August 10, 2007