

MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 6, 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, Bruce Snead, and James E. Sherow were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, Youth in Government Representative Sean Weston, 11 staff, and approximately 75 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Phillips led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Phillips proclaimed November 10, 2007, ***Buddy Poppy***. Walt Gatsche, Commander, VFW #1786, was present to receive the proclamation.

Mayor Phillips proclaimed November 11, 2007, ***Veteran's Day***. Mike Kearns, President; Dick Jepsen, Board of Directors; and Walt Gatsche, Commander, VFW #1786, were present to receive the proclamation.

Mayor Phillips proclaimed November 12, 2007, ***Manhattan Bethel A.M.E. Church Recognition Day***. JohnElla Homes, Anniversary Chairperson and President; Juanita McGowan, Minister of Education; James E. Butler, Church Trustee and Treasurer; and Arlene Cole, Vice President, Bethel Missionary Society, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Phillips opened the public comments.

Chris Renner, 508 Valley Drive, Acting Chair, Flint Hills Human Rights Project, provided a listing of resources to the Commission and asked the Commission to support the proposal from the Flint Hills Human Rights Project to amend the City of Manhattan's Anti-Discrimination Ordinance No. 4814, to include sexual orientation and gender identity/expression.

Cora Holt, 907 Pine, Wamego, Kansas State University student, informed the Commission that she was fired from Manhattan Christian College because she is gay and asked the Commission to protect and provide equality for everyone.

Erica Boatman, 3512 Chippewa Circle, informed the Commission that a friend was removed from a bar in Aggieville for being too gay and requested that the Commission make a goal for next year to include sexual orientation and gender identity.

Nancy Twiss, 2327 Bailey Drive, and Floridie Pettis, 1224 Pierre Street, founding members of the Human Rights and Services Board, established in 1964, requested that sexual orientation be added to the ordinance and supported the protection of basic rights and fairness for all.

Michael Oldfather, 3007 Tumbleweed Terrace, asked that the ordinance be amended to include sexual orientation and gender identity/expression and, stated that there is a significant cost to the community in having good workers that are underutilized and economic efficiency that is compromised.

Pharamond Guice, 112 Northfield Road, Kansas State University student, asked the Commission to extend the same protection as other citizens receive so that we can have a better life for ourselves and for our families.

Dorinda Lambert, 531 Wickham Road, Chair, Kansas State University Campus Campaign for Non-Violence, asked the Commission to help prevent this violence and to take a stand that these actions are not acceptable or tolerated by our community and, asked to adopt the request being proposed tonight.

Jason Dockins, 1850 Claflin Avenue, urged the Commission to take this issue up and show that Manhattan is not a community for hate. He said the Mayor talked about companies who are looking at Manhattan and this will help show them that we have the best workers, students and employers.

PUBLIC COMMENTS (*CONTINUED*)

Kent Cormack, 212 Carlisle Terrace, Pastor, First Congregational United Church of Christ, asked the Commission to hear the issue and to give fair consideration in order for all people to have the right to flourish without fear of losing their job or home in Manhattan.

Cia Verschelden, 1204 Colorado Street, Administrator/Teacher, Kansas State University, stated that we have a long way to go in providing equality for everyone and that Manhattan needs to protect the rights of all and, asked as a citizen and as a parent, to add this protection to the ordinance.

Torry Dickinson, 2391 Grandview Terrace, informed the Commission that sexual genders are different and all humans are blessed with diversities and deserve full citizenship and rights. He asked that the request be supported.

Michael Nelson, 36301 West Spring Creek Road, Minister, Unitarian Universalist Fellowship, provided an example of a gay man that was not allowed to attend his church. He asked the Commission to provide dignity and opportunities for all human beings.

Joshua McGuin, 1032 Bertrand Street, representing Kansas State University Student Senate, informed the Commission that the Kansas State Student Senate passed a resolution of support for gender identity and sexual orientation. He stated that we as a community want to thrive and attract new businesses in an environment that supports diversity of sexual orientation and gender identity.

Joshua Reed, 113 North 9th Street, informed the Commission that he was a lifelong citizen of Riley County and has experienced discrimination and has been a target of physical aggression. He asked that protection be provided to all people in our community.

Jerry Hanna, 815 Wildcat Ridge, Co-President, Flint Hills Chapter of PFLAG, asked the Commission to move Manhattan forward so no person is deprived from housing based on sexual orientation or gender identity.

Melodie Pooler, 130 Longview Drive, informed the Commission that one of her children is gay and that she has dealt with discrimination at school, at her church, and through horrible phone calls. She asked the Commission to stand up and help end the ongoing issues.

Kenny Foust, 419 Leavenworth Street, Vocational Rehabilitation Counselor, voiced concern for pleasures that we should all be able to enjoy and asked for the needed protection of this significant issue.

PUBLIC COMMENTS (*CONTINUED*)

Joyce Ray, 3213 Anderson Avenue, urged the Commission to listen and hear what's being said tonight and to allow the civil rights that everyone else has as you represent all of Manhattan citizens.

D.J. Radford, 326 Marlatt Hall, Kansas State University student, stated that America is based on diversity and innovation and, asked that the ordinance be changed to help end discrimination.

Steven Nall, 325 Fordham Road, stated that this is a gender neutral ordinance that protects every member of the community and is not a special rights issue.

Mayor Phillips informed those speaking tonight that the Commission would take the item under advisement and would determine where we go from here.

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

COMMISSIONER COMMENTS

Commissioner Sherow thanked the Good Neighbors Task Force and Neighborhood Coalition for their clean-up efforts over the weekend. He also noted the significance of Veteran's Day and the proclamation recognizing Manhattan Bethel A.M.E. Church and, those issues expressed from citizens tonight regarding basic rights to be enjoyed by all. He stated that at a future time, the item can be brought back to the Commission to discuss an ordinance that includes sexual orientation and gender identity.

Commissioner Snead expressed appreciation to those speaking tonight from the Flint Hills Human Rights Project in bringing awareness about their concerns and looked forward to further discussion of the issue if two other Commissioners wished to do so.

Mayor Phillips introduced Sean Weston, Youth in Government representative.

Gary Fees, City Clerk/Communications Manager, informed the community that the City would be playing a best practices video on stormwater management on local cable Channel 3 over the next several weeks.

Mayor Phillips expressed appreciation for those speaking tonight and wanted to meet again with Chris Renner, Acting Chair, Flint Hills Human Rights Project.

CONSENT AGENDA
(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, October 16, 2007.

CLAIMS REGISTER NO. 2562

The Commission approved Claims Register No. 2562 authorizing and approving the payment of claims from October 10, 2007, to October 30, 2007, in the amount of \$3,775,833.36.

LICENSES - RENEWALS

The Commission approved the following renewal applications for 2007-08 Cereal Malt Beverage (CMB) and Tree Maintenance licenses for calendar year 2008: CMB-Silverado Saloon, 531 North Manhattan Avenue; and Tree Maintenance-Affordable Tree, 821 Cottonwood, Emporia, Kansas; Don's Stump Removal and Tree Service, 3761 South 33rd Street; Mugler Tree Care, 2400 West 60th Street; Salina Tree, Inc., 2681 West State Street Road, Salina, Kansas; and Wright Tree Service, Inc., 139 6th Street, West Des Moines, Iowa.

FINAL PLAT – HAWTHORNE WOODS ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Hawthorne Woods Addition, generally located north of the intersection of Gary Avenue and Churchill Street, east of Grand Mere Vanesta Addition, Unit 3, and west of the Kansas Farm Bureau, based on conformance with the Manhattan Urban Area Subdivision Regulations.

**ORDINANCE NO. 6668 – GENERAL OBLIGATION BONDS 2007-C;
RESOLUTION NO. 110607-B – DELIVERY OF BONDS**

The Commission approved Ordinance No. 6668 issuing \$3,275,000.00 in general obligation bonds (Series 2007-C) to finance nine (9) special assessment projects and approve Resolution No. 110607-B authorizing delivery of the bonds to the low bidder for the following projects: *Lee Mill Heights Addition, Unit Two – Street (ST0509); Abbott Acres Addition – Street (ST0605); Hylton Heights Road – Street (ST0504); Miller Ranch Addition, Unit Three, Phase One – Street (ST0521); Brookfield Addition, Unit Eight – Sanitary Sewer (SS0604), Street (ST0610), and Water (WA0607); and Kimball Townhomes – Sanitary Sewer (SS0609) and Water (WA0621).*

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 6669 – LEVY BUSINESS IMPROVEMENT SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 6669, levying Business Improvement Service Fees, for the year 2008, on businesses located within the Aggieville Business Improvement District

ORDINANCE NO. 6670 – AMEND BOUNDARIES – LEVY BUSINESS IMPROVEMENT SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved Ordinance No. 6670, continuing the establishment of a Downtown Business Improvement District, amending the boundaries and levying Business Improvement Service Fees, for the year 2008, on businesses located within the Downtown Business Improvement District.

ORDINANCE NO. 6671 – ADOPT – 2007 STANDARD TRAFFIC ORDINANCE

The Commission approved Ordinance No. 6671 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2007.

ORDINANCE NO. 6672 – UNLAWFUL HOSTING OF MINORS

The Commission approved Ordinance No. 6672 amending Section 4-3 of the Code of Ordinances, relating to the unlawful hosting of minors.

PUBLIC HEARING – VACATE RIGHT-OF-WAY – LOT 1, WESLEY ADDITION

Mayor Phillips opened the public hearing.

Hearing no comments, Mayor Phillips closed the public hearing.

FIRST READING – VACATE RIGHT-OF-WAY – LOT 1, WESLEY ADDITION

The Commission approved first reading of an ordinance vacating all of Gillespie Drive road right-of-way in Lot 1, Wesley Addition and establishing an eight foot (8') utility easement along the south eight feet (8') of said right-of-way on Lot 1, Wesley Addition, City of Manhattan, Riley County, Kansas.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 110607-A – TEMPORARY NOTE SERIES NO. 2007-04

The Commission approved accepting the best bid for selling the notes and approved Resolution No. 110607-A issuing Temporary Note Series No. 2007-04 in the amount of \$8,130,000.00 to finance the following 12 special assessment and capital projects to be debt financed: *Lee Mill Village Addition, Storm Water (SM0702), Gravity Sanitary Sewer (SS0704), Lift Station (SS0709), Street (ST0709) and Water (WA0705) Improvements; Stone Pointe Addition, Unit 2, Storm Water (SM0606), Sanitary Sewer (SS0624), Street (ST0630) and Water (WA0628) Improvements; Airport-Armory Building Office Remodel (AP0701); Downtown Redevelopment (North End) – North 4th Street Improvements (ST0712); and Downtown Redevelopment (North End) – Osage and 3rd Street Improvements (ST0631).*

RESOLUTION NO. 110607-C – SUPPORT – TEA SUBMITTAL – FORT LEAVENWORTH TO FORT RILEY MILITARY TRAIL-PHASE 1, MILLER PARKWAY TO SCENIC DRIVE

The Commission approved Resolution of Support No. 110607-C for Transportation Enhancement Program Project submittal for the Fort Leavenworth to Fort Riley Military Trail - Phase I, Miller Parkway to Scenic Drive for fiscal year 2009-2010.

RESOLUTION NO. 110607-D – SUPPORT – TEA SUBMITTAL – TUTTLE CREEK BOULEVARD DITCH, PHASE III (BLUEMONT AVENUE TO MCCALL ROAD)

The Commission approved Resolution of Support No. 110607-D for Transportation Enhancement Program Project submittal for the Bluemont Avenue to McCall Road Drainage Way Improvements for fiscal year 2009-2010.

* **NEGOTIATE CONTRACT – ENGINEERING SERVICES – K-18 AND MILLER PARKWAY/DAVIS DRIVE INTERSECTION PROJECT (ST0713)**

Dale Houdeshell, Director of Public Works, provided additional information on the item and responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item and potential recommendations of the engineers working on this project.

CONSENT AGENDA (CONTINUED)

* **NEGOTIATE CONTRACT – ENGINEERING SERVICES – K-18 AND MILLER PARKWAY/DAVIS DRIVE INTERSECTION PROJECT (ST0713) (CONTINUED)**

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with Schwab Eaton, of Manhattan, Kansas, for engineering services for the K-18 and Miller Parkway/Davis Drive Intersection Project (ST0713).

AMENDMENT – TEST WELL DRILLING SERVICES – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT PROJECT (WA0611)

The Commission authorized the Mayor and City Clerk to execute an amendment to the agreement with Carollo Engineers, of Kansas City, Missouri, for engineering services for the Water Treatment Plant and Wellfield Improvements Project (WA0611) to include test well drilling services in the amount not to exceed \$53,570.00.

CHANGE ORDER NO. 1-FINAL – GRAND MERE VILLAGE – STREET IMPROVEMENTS (ST0528)

The Commission approved Change Order No. 1-Final for Grand Mere Village Street Improvements (ST00528), resulting in a net increase in the amount of \$26,364.99 (+1.7%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

CHANGE ORDER NO. 1-FINAL – 2007 STREET MAINTENANCE-MILL AND OVERLAY-ASPHALT PROJECT (ST0706)

The Commission approved Change Order No. 1-Final for the 2007 Mill and Overlay-Asphalt Project, resulting in a net increase in the amount of \$15,779.70 (+4.0%) to the contract with Shilling Construction Company, Inc., of Manhattan, Kansas.

AGREEMENT – AIRSTAIRS AND DEICING SERVICES

The Commission authorized the Mayor and City Clerk to execute the Airport Airstairs and Deicing Agreement with Kansas Air Center.

CONSENT AGENDA (CONTINUED)

THIRD PARTY ADMINISTRATOR SERVICES – HEALTH/DENTAL/VISION/SECTION 125 CAFETERIA PLAN

The Commission authorized City Administration to negotiate and the Mayor and City Clerk to execute a contract with Fiserv Health of Kansas, of Wichita, Kansas, to provide Third Party Administration Services for the City's Health/Dental/Vision Plan and Section 125 Cafeteria Plan, and to obtain stop-loss insurance for the 2008 plan year.

APPLICATION – 2008 SURVEY AND PLANNING GRANT

The Commission authorized the Mayor and City Clerk to sign an application for 2008 Survey and Planning Grant funds from the Kansas State Historical Society.

* LEASES – SOUTH END REDEVELOPMENT DISTRICT PROPERTIES

Bill Frost, City Attorney, provided additional information on the item and answered questions from the Commission.

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

Steve Saroff, Manhattan Ice and Cold Storage, informed the Commission that he signed the Lease because he felt he had no choice and asked the Commission to reconsider the amount of the Lease to a lesser amount. He then answered questions from the Commission.

Jason Hilgers, Assistant City Manager, and Brian Williams, Management Assistant, responded to questions from Mr. Saroff regarding the ammonia odor at the facility.

Steve Saroff, Manhattan Ice and Cold Storage, provided additional information and stated to the Commission that anything the Commission could do to help reduce the amount of the Lease would be helpful.

Bill Frost, City Attorney, provided clarification on the appraisal, market rent, and the lease that was communicated to Mr. Saroff's attorney, based on the instructions of the Commission.

Steve Saroff, Manhattan Ice and Cold Storage, voiced concern with the possible removal of utilities and wanted to negotiate the rent amount in the Lease.

CONSENT AGENDA (*CONTINUED*)

* **LEASES – SOUTH END REDEVELOPMENT DISTRICT PROPERTIES**
(*CONTINUED*)

Bill Frost, City Attorney, provided additional information on the item and on the signed Lease received by Mr. Saroff and voiced the importance for the City to be able to control the end date of the Lease. He informed the Commission that this is the first time he has heard of any issues with the terms of the Lease.

Steve Saroff, Manhattan Ice and Cold Storage, provided additional information on the terms of the Lease and that he would be out of the facility by the Lease date.

Bill Frost, City Attorney, responded to questions from the Commission regarding the appeal process and said the agreement can be changed if mutually agreed to by both parties.

The Commission authorized the Mayor to execute leases for properties located in the South End Redevelopment District with Earthgrains Baking Companies, Inc., 230 Yuma Street, and Manhattan Ice and Cold Storage, Inc., 209 Yuma Street.

BOARD APPOINTMENTS

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

Board of Zoning Appeals

Appointment of Joseph Aistrup, 2510 Tiana Terrace, to fill an unexpired term of Kate Watson, and a three-year term. Mr. Aistrup's term begins immediately, and will expire on December 31, 2010.

Joint Corrections Advisory Board

Appointment of Reggie Jackson, 2716 Kirkwood Drive, to fill an unexpired Adult term of Becky Topliff, and to a three-year Juvenile term. Mr. Jackson's Adult term begins immediately, and will expire on June 30, 2008. The Juvenile three-year term begins immediately, and will expire on June 30, 2010.

Parks and Recreation Advisory Board

Appointment of Walt Pesaresi, 3039 Conrow, to fill an unexpired USD 383 term of Randy Martin. Mr. Pesaresi's term begins immediately and will expire on June 30, 2009.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Parks and Recreation Advisory Board (CONTINUED)

Appointment of Curt Herrman, 3405 Woodduck Way, to a four-year USD 383 term. Mr. Herrman's term begins immediately, and will expire on June 30, 2011.

After further discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item S- *Leases-South End Redevelopment District Properties*, which carried with 4 affirmative votes, with Commissioner Sherow abstaining from the item.

GENERAL AGENDA

FIRST READING – REZONE – BOYS AND GIRLS CLUB OF MANHATTAN, INC.

Eric Cattell, Assistant Director for Planning, presented the item.

Brent Bowman, Bowman, Bowman, and Novick, Architects, responded to questions regarding the building design.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance rezoning Lots 569-570, Ward 1, located generally on the northwest corner of South 5th Street and Pierre Street, from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4, Central Business District, based on the findings in the Staff Report. (*See Attachment No. 1*) Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

Commissioner Strawn announced that he would not be participating on the next General Agenda Item, Meadowlark Hills Retirement Community Economic Development application, due to the fact that his daughter-in-law is employed at Meadowlark Hills Retirement Community.

At 8:50 p.m., the Commission took a brief recess.

ECONOMIC DEVELOPMENT APPLICATION - MEADOWLARK HILLS RETIREMENT COMMUNITY

Brian Williams, Management Assistant, introduced the item.

GENERAL AGENDA (*CONTINUED*)

ECONOMIC DEVELOPMENT APPLICATION - MEADOWLARK HILLS RETIREMENT COMMUNITY (*CONTINUED*)

John Pagen, Manhattan Area Chamber of Commerce, presented the economic impact portion of the proposal.

Brian Williams, Management Assistant, presented the economic development proposal, proposed incentives package, community fit, annual accountability provisions, clawback provisions, security provisions, and significant positive aspects of the application. He then answered questions from the Commission.

Bill Frost, City Attorney, responded to questions from the Commission regarding security provisions for the City.

Steve Shields, President and Chief Executive Officer, Meadowlark Hills Retirement Community, provided additional information on the proposal and the economic impact on the community and other businesses in Manhattan. He also provided an update on the employment base and projected number of jobs this expansion will bring to Meadowlark Hills.

Craig Smith, Extension Associate, Kansas State University, presented the economic impact of Meadowlark Hills on the Manhattan/Riley County economy on behalf of John Leatherman, Professor, Kansas State University, Department of Agriculture Economics.

Lyle Butler, President, Manhattan Area Chamber of Commerce, spoke in support of the application and the importance in taking care of our seniors. He stated that Steve Shields is a national leader in the industry and urged the Commission to support the item.

Tracy Anderson, Architect, Anderson Knight Architects, spoke in support of Meadowlark Hills and their application. He informed the Commission that Meadowlark Hills provides approximately 20 percent of their businesses revenue and provides value in the community for quality, long-term care.

Wayne Sloan, 321 Valley Drive, informed the Commission that his firm has had a relationship with Meadowlark Hills for the past 27 years and the impact on his firm has been great. He asked the Commission to support the project.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION - MEADOWLARK HILLS RETIREMENT COMMUNITY (CONTINUED)

Mark Knackendoffel, Chief Executive Officer, The Trust Company of Manhattan, informed the Commission that Meadowlark Hills is a wonderful resource that attracts individuals to the community and stated that approximately 10 percent of their clientele can be attributed to Meadowlark residents. He said the indirect benefits of philanthropy generated by its residents are much greater than \$1 million annually and asked the Commission to support the project.

John Kellstrom, Kellstrom Pharmacy, informed the Commission that their firm has been associated with Meadowlark Hills since 1980. He encouraged the Commission to support the item.

Keith Westervelt, representing Blueville Nursery, stated that his firm has been involved with numerous landscape projects at Meadowlark Hills and that Meadowlark Hills is a great partner. He encouraged the Commission to support the item and to keep the older generation in Manhattan for their wisdom and volunteerism that they provide to our community.

Marsha Newell thanked Meadowlark Hills for their support of Michael while he was a resident and dependent on limited resources. She asked the Commission to support this request.

Jeff Chapman, Director of Marketing and Public Relations and Charitable Foundation, Meadowlark Hills Retirement Community, stated that Meadowlark Hills is a volunteerism and financial resource for the community with representation on over 120 boards and committees.

Jennifer Pishney, Executive Director, Manhattan Day Care, spoke in support of the application of Meadowlark Hills and stated the staff at Meadowlark Hills has provided much assistance and played an important role in the operations of Manhattan Day Care.

Gayle Doll, Kansas State University Center of Aging, , stated that Meadowlark Hills is innovative because of the needs of future retirees and was excited to be associated in this endeavor of a learning community.

After discussion, Commissioner Hatesohl moved to schedule November 20, 2007, as the date for a final determination on an economic development incentive package for Meadowlark Hills Retirement Community. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

RECONSIDER - FIRST READING – ANNEX/REZONE - PROPOSED KNIGHT'S PARK ADDITION

Commissioner Strawn joined the Commission at the dais.

Eric Cattell, Assistant Director for Planning, presented the item and provided clarification on the Commission agenda memorandum.

Chris Bohm, Ruggles-Bohm, representing the Applicant, provided site maps and floodplain information on the proposed site. He referred to the Capital Improvement Project items identified for the area, addressed green space and potential park land space, and provided additional information about the proposal and stated that they believe that all aspects of the Planning Board's requests have been met. He then answered questions from the Commission.

Russ Weisbender, Applicant, provided additional information on the proposal and items that the City has earmarked to improve the area. He stated that they have tried to meet the requests and needs of the City and would continue to do that if the project goes forward.

Paul Irvine, 3370 Casement Road, informed the Commission that the proposed development is in the wrong location and not recommended by the Comprehensive Land Use Plan. He voiced concern for flooding in the area and asked that the application be denied.

Linda Morse, 2118 Spain Drive, spoke against the development and stated that a strong recommendation was made from City Staff and from the Manhattan Urban Area Planning Board against this proposal.

Diane Hoobler, 1239 Sandy Land Road, stated that she is serving on Vision 2025 with Riley County and said this land is zoned agriculture and asked that the zoning and annexation request be denied.

Rod Moyer, 901 Knox Lane, stated that he lives downstream from the site and was there during the 1993 flood. He said the proposal is ill-conceived and urged the Commission to not approve the project.

Mayor Phillips informed the community that the Commission received a letter from Mark Bachamp with Schultz Construction on the item, but no position was expressed.

GENERAL AGENDA (CONTINUED)

RECONSIDER - FIRST READING – ANNEX/REZONE - PROPOSED KNIGHT'S PARK ADDITION (CONTINUED)

After discussion, Commissioner Snead moved to decline the request to annex a 135-acre tract of land for the proposed Knight's Park Addition, generally located southeast of the intersection of Casement Road and Marlatt Avenue, based on the annexation not being in conformance with the Comprehensive Plan and the Growth Vision and because of reservations about the proposal's ability to provide the same levels of protection to the area, with such action making the related rezoning request moot. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

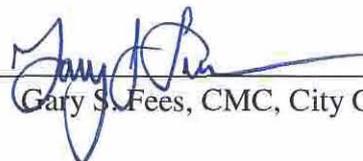
At 10:55 p.m. Commissioner Snead moved to recess into Executive Session until 11:15 p.m. for the purpose of discussing matters related to employer-employee negotiations regarding Local 2275, International Association of Fire Fighters, the union representing certain members of the Manhattan Fire Department. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

At 11:15 p.m., the Commission reconvened with Mayor Phillips and Commissioners Hatesohl, Strawn, Snead, and Sherow in attendance.

Commissioner Snead moved to adjourn. Commissioner Hatesohl seconded the motion. On vote, motion carried unanimously.

ADJOURNMENT

At 11:16 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY TO RELOCATE THE BOYS AND GIRLS CLUB OF MANHATTAN

FROM: R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District.

TO: C-4, Central Business District.

APPLICANT: Boys & Girls Club of Manhattan Inc.

ADDRESS: 305 S. 4th Street.

OWNERS: City of Manhattan.

ADDRESS: 1101 Poyntz Avenue.

LOCATION: NW corner of South 5th Street and Pierre Street. Lots 569 and 570, Ward 1.

AREA: 15,000 square feet.

DATE OF PUBLIC NOTICE PUBLICATION: Monday, September 24, 2007.

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, October 15, 2007.

CITY COMMISSION: Tuesday, November 6, 2007.

EXISTING USE: Municipal parking lot constructed of asphalt and containing 41 off-street parking spaces. The City Commission purchased the two lots in early 1969 to provide public off-street parking in the area of South 5th Street and Pierre Street. The parking lot was constructed some time after early 1969.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is a corner lot, 100 feet in width, east to west, along Pierre Street, and 150 feet in length, north to south, along South 5th Street. Access is from two (2) curb cuts off Pierre Street and the public alley along the north property line. There is no green space within the parking lot; however, the adjoining rights-of-ways have grass islands with two (2) large mature trees along South 5th Street and one (1) large mature tree on Pierre Street. Concrete sidewalks abut both street frontages. The lot is relatively flat and drains to the streets and the alley. The site is located in a 500 Year Flood Plain, which is not regulated for flood plain requirements.

SURROUNDING LAND USE AND ZONING:

(1) NORTH: Public alley, single-and two family and multiple-family dwellings, Houston Street, public parking lot, office building, bank and Poyntz Avenue; R-M/TNO District and C-4 District.

(2) SOUTH: Pierre Street, multiple-family dwelling, two-family and single family dwellings, nonprofit social service agency (Big Brothers/Big Sisters), Colorado Street, service commercial and mixed use; R-M/TNO District, C-5, Highway Service Commercial and PUD.

(3) EAST: South 5th Street, municipal parking lot, commercial, fraternal and professional office uses, multiple family dwelling; C-4 District and PUD.

(4) WEST: Multiple-family, single-family and two-family dwellings; R-M/TNO District.

GENERAL NEIGHBORHOOD CHARACTER: The site is a corner lot at the intersection of Pierre Street and S. 5th Street, which serves as a boundary and separates commercial uses from the medium density neighborhood. Commercial and mixed uses, however, extend west of South 5th Street further to the north and south of the site. The immediate character of the neighborhood around the site is a combination of single-family to multiple family dwellings, off-street parking, public facilities, churches and commercial uses.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The site is a municipally owned off-street parking lot and a permitted use in the district, subject to the provisions for municipally owned and operated public facilities of the Manhattan Zoning Regulations (Article III, General Provisions, Section 3-412, State of Municipally Owned and Operated Public Utilities and Facilities). The site is also suitable for uses in the R-M/TNO District.

Additionally, the site is under contract to be sold to the Boys and Girls Club, which must relocate from its current location in the C-4 District due to the South Redevelopment Project.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: An increase in light, noise, and traffic can be expected, but should not be inconsistent with the same characteristics associated with the neighborhood, in which there is a mixture of single-family through multiple-family, commercial, public parks, churches and public facilities. The proposed use is youth related activity and should not adversely affect the use of nearby properties.

Attachment No. 1

Pierre Street and South 5th Street traffic volumes are a mixture of residential and commercial trips. Access to the site is from an alley off South 5th Street and from curb cuts off Pierre Street. Vehicular traffic is expected to increase with the use, but not unlike traffic volumes along both streets due to the site's location adjacent to the C-4 District.

The C-4 District allows a much broader range of commercial retail and service commercial uses that may have an adverse affect on the residential character of the neighborhood to the north, south and west of the site. (*Note: the applicant proposes to place a restrictive covenant on the property, which will restrict the uses of the property to: Boys & Girls Club of Manhattan; Churches, chapels temples and synagogues; and, Group Day Care Center, which would require a Conditional Use Permit prior to that use being established. The covenant will be enforceable by the City.*) Limiting the uses as proposed, through the self-imposed covenant, is not inconsistent with typical school and church, or similar youth activities in neighborhoods. Impacts on adjacent streets and intersections should, as described above, should be minimal. Off-street parking is available to the east in a municipal parking lot. In addition, the covenant provides minimum 8 foot north and west side yard setbacks from the adjoining residential district, a setback requirement of the C-4 District, as well as a 15 foot front yard setback along Pierre Street, which is generally consistent with several dwellings fronting on Pierre Street and TNO District recommendations. Additionally, a 6 foot fence will need to be provided along the west boundary line, as required by the C-4 District.

The site is within 500 feet of four (4) historic properties, which could potentially be impacted by the project. The Historic Resources Board reviewed the project on September 4, 2007 and found that it, "Meets the Standards and Guidelines for Evaluating the Effect of projects on Environs and will not encroach upon, damage or destroy any listed historic property or environs." (See *attached letter to State Historic Preservation Officer and other supporting documents.*)

CONFORMANCE WITH COMPREHENSIVE PLAN: The Comprehensive Plan (*attachment*) indicates the site should develop with RMH, Residential Medium to High Density uses, at a density range of from 11 to 19 dwelling units per net acre. The RMH category suggests a density range of 11 to 19 dwelling units per net acre. The proposed rezoning may be considered an infill project and appropriate for the location. The Plan indicates that the proposed site is to the west of the CBD, Central Business District. CBD land uses include a full range of retail and professional service activities. The CBD would be implemented by the C-4, Central Business District. The Plan also encourages infill development on underutilized sites.

Attachment No. 1

Policy characteristics of the RMH category suggest that a mix of residential and nonresidential uses may coexist in the same area if compatible, in scale and harmony with the neighborhood where the uses will locate.

Chapter 4, Land Use and Growth Management, Policy RMH 1: Characteristics

The Residential Medium/High Density designation shall incorporate a mix of housing types in a neighborhood setting in combination with compatible non-residential land uses, such as retail, service commercial, and office uses, developed at a neighborhood scale that is in harmony with the area's residential characteristics and in conformance with the policies for Neighborhood Commercial Centers. Appropriate housing types may include a combination of small lot single-family, duplexes, townhomes, or fourplexes on individual lots. However, under a planned unit development concept, or when subject to design and site plan standards (design review process), larger apartment or condominium buildings may be permissible as well, provided the density range is complied with.

The rezoning may be considered an Infill project for an underutilized public off-street parking lot. Applicable policies include:

Chapter 4, Land Use and Growth Management, Policy GM 9: Infill and Redevelopment

Infill and redevelopment within established areas of the City is generally encouraged where deteriorated or obsolete structures have become detrimental to an area, where new uses can be accommodated on vacant properties, and in areas that have been specifically identified for redevelopment. Projects may range in size from a single residential lot to the redevelopment of multiple contiguous blocks within a neighborhood or commercial area. Regardless of its scale, infill and redevelopment shall be designed in a manner that is sensitive to and reflects the character of the surrounding area. Important design considerations include building scale, mass, roof form, height, and orientation, parking location, lot coverage, architectural character, and landscape elements. These design considerations are particularly important when infill or redevelopment occurs within or adjacent to an established residential neighborhood, or when a change in use or intensity would otherwise negatively impact the established character of the surrounding area. For additional policies related to infill and redevelopment, refer to the Land Use Policies below and to Chapter 9, Housing and Neighborhoods.

Chapter 9, Housing and Neighborhoods, Policy HN 5: Promote Infill and Redevelopment

The City and County should encourage infill development and redevelopment on vacant or underutilized parcels where infrastructure and services are readily available and where it would foster the stabilization or revitalization of an existing area. Infill and redevelopment should be sensitive to the established character of the surrounding neighborhood. Infill means the development of new housing or other buildings on scattered vacant sites in a built-up area. Redevelopment means the replacement or reconstruction of buildings that are in substandard physical condition, or that do not make effective use of the land on which they are located. If properly designed, infill and redevelopment can serve an important role in achieving quality mixed use neighborhoods.

As an infill project, the proposed rezoning generally conforms to the Comprehensive Plan.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED: The site is part of the original town plat.

1926-1965 B, Second Dwelling House District
1965-1969 B, Multiple Family Dwelling District
1969-1987 R-3, Multiple-Family Residential District
1987-2003 R-M, Four-Family Residential District
December 16, 2003- Present R-M, Four Family Residential District with TNO District

The City acquired the two lots in 1969 for off-street parking. The parking lot was built around that same time period.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values. The C-4 District is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities (*C-4 District regulations attached*). The proposed covenant will, however, limit the uses allowed on the site to be more consistent with similar activities in a residential neighborhood..

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 appears to be no gain to the public health, safety and welfare that denial would accomplish, compared to the hardship to the applicant that has to move from its current location in the South Redevelopment Area.

Attachment No. 1

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: Adequate public streets, sanitary sewer and water are available to serve the site. There are sidewalks along Pierre Street and South 5th Street. A public alley is available for access for off-street parking to serve the site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS: City Administration recommends approval of the proposed rezoning of Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business 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 Lots 569 and 570, Ward 1 from R-M, Four-Family Residential District with TNO, Traditional Neighborhood Overlay District, to C-4 Central Business District, based on the findings in the Staff Report .

PREPARED BY: Steve Zilkie, AICP, Senior Planner

DATE: October 10, 2007

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