



***MINUTES***  
***SPECIAL CITY COMMISSION MEETING***  
***TUESDAY, MARCH 4, 2008***  
***6:00 P.M.***

The Special Meeting of the City Commission was held at 6:00 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, Assistant City Manager Lauren Palmer, City Attorney Bill Frost, City Clerk Gary S. Fees, 7 staff, and approximately 8 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Phillips led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Phillips proclaimed March 10-16, 2008, *Brain Awareness Week*. Shilo Heger, President, The Pilot Club of Manhattan, and Betty Holder, President, Sunflower Pilot Club, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Phillips opened the public comments.

Dee R. Ross, 2304 Brockman Street, asked the Commission if City Manager Ron Fehr received a ten percent pay raise and stated the public would like to know.

Mayor Phillips and Commissioner Hatesohl responded to Mr. Ross' questions.

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

## COMMISSIONER COMMENTS

There were no Commissioner comments.

## CONSENT AGENDA

(\* denotes those items discussed)

### \* MINUTES

Jason Hilgers, Assistant City Manager and Redevelopment Coordinator, responded to questions from the Commission and stated the appraised market value on the O'Reilly's Automotive property was \$1,362,000.00.

Commissioner Strawn requested that actual appraisal amount for O'Reilly's Automotive be included in the minutes from the February 12, 2008, Special City Commission meeting.

The Commission approved the minutes of the Special City Commission Meeting held on Tuesday, February 12, 2008, and the Regular City Commission Meeting held Tuesday, February 19, 2008.

### CLAIMS REGISTER NOS. 2573 and 2574

The Commission approved Claims Register Nos. 2573 and 2574 authorizing and approving the payment of claims from February 13, 2008, to February 26, 2008, in the amounts of \$250,316.05 and \$1,988,595.96.

### LICENSE – CEREAL MALT BEVERAGE

The Commission approved a Cereal Malt Beverage License for calendar year 2008 for Rusty's Last Chance, 1213 Moro Street.

### FINAL PLAT – LEE MILL HEIGHTS ADDITION, UNIT FIVE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Lee Mill Heights Addition, Unit Five, generally located south of Miller Ranch Parkway along Lochenshire Circle, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### FINAL PLAT – SILO TOWNHOMES RESIDENTIAL PLANNED UNIT DEVELOPMENT

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Silo Townhomes Residential Planned Unit Development, generally located at 2729 Casement Road, based on conformance with the Manhattan Urban Area Subdivision Regulations.

## CONSENT AGENDA (CONTINUED)

- \* **ORDINANCE NO. 6686 – LEVY – SPECIAL ASSESSMENTS (GOB 2008A)**  
Dee R. Ross, 2304 Brockman Street, asked what the percentages were for the City-at-large costs.

Ron Fehr, City Manager, informed Mr. Ross that this information is public record and has appeared on previous City Commission agendas.

The Commission found that Lots 146-151, Stone Pointe Addition, Unit Two, should be excluded from any assessments for the sewer and water projects that serve Stone Pointe Addition, Unit Two, since they receive no benefit from the improvements; and approved Ordinance No. 6686 levying special assessments against the following benefiting property in the thirty-nine (39) public improvement districts: *Grand Mere Village – Street (ST0528); Stone Pointe Addition, Unit One, Phase One – Sanitary Sewer (SS0605) and Street (ST0611); Western Hills Addition, Unit Thirteen – Street (ST0604); Kimball Townhomes – Street (ST0622); Daisy Meadow Subdivision – Sanitary Sewer (SS0620), Street (ST0624), and Water (WA0623); Eureka Addition – Sanitary Sewer (SS0607) and Water (WA0610); Four Winds Village, Block Two – Sanitary Sewer (SS0601), Street (ST0603), and Water (WA0602); Prairie Lakes Addition, Unit Three – Sanitary Sewer (SS0617) and Water (WA0619); Stone Pointe Addition, Unit One, Phase Two – Sanitary Sewer (SS0614), Street (ST0617), and Water (WA0616); Cedar Glen Addition – Stormwater (SM0602), Sanitary Sewer (SS0615), and Water (WA0617); Grand Vista Addition, Unit One – Sanitary Sewer (SS0519), Street (ST0527), and Water (WA0520); Grand Mere Vanesta, Unit Two – Sanitary Sewer (SS0623) and Water (WA0627); Lee Mill Heights Addition, Unit Three – Stormwater (SM0604), Sanitary Sewer (SS0622), Street (ST0626), and Water (WA0625); Miller Ranch Addition, Unit Three, Phase Two – Sanitary Sewer (SS0610) and Water (WA0612); Stone Pointe Addition, Unit Two – Sanitary Sewer (SS0624) and Water (WA0628); Heritage Square – US-24 & Traffic Signals (ST0702); Heritage Square – External Waterline (WA0614); and Heritage Square South P.U.D. – Sanitary Sewer (SS0612), Street (ST0616), and Water (WA0613).*

### **ORDINANCE NO. 6688 – INSTALLATION – STOP and YIELD SIGNS**

The Commission approved Ordinance No. 6688 establishing traffic control devices at multiple intersections throughout the City limits of Manhattan, based on the recommendations in the Manhattan Area Transportation Strategy Report and Manual of Uniform Traffic Control Devices (MUTCD), and which will be consistent with current practices/policies of the City of Manhattan. (*See Attachment No. 1*)

## CONSENT AGENDA (CONTINUED)

### **ORDINANCE NO. 6689 – REZONE – BARTON PLACE ADDITION**

The Commission approved Ordinance No. 6689 rezoning Barton Place Addition, generally located south of Wildcat Creek and west of Miller Ranch, Units Three and Four, from PUD, Residential Planned Unit Development District, to R, Single-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 2*).

### \* **REQUEST FOR PROPOSALS – CITY PARK PAVILION**

Curt Loupe, Director of Parks and Recreation, responded to questions from the Commission and provided information on the present facility and use of the facility.

The Commission authorized City Administration to solicit proposals for the design of a new City Park Pavilion with restroom and appointed Commissioner Sherow to serve on the Selection Committee.

### **AGREEMENT – 2008 CITY-UNIVERSITY SPECIAL PROJECTS FUND**

The Commission authorized the Mayor and City Clerk to execute the 2008 City-University Special Projects Fund agreement with Kansas State University in the amount of \$151,200.00

### \* **OUTSIDE CITY SERVICES AGREEMENT – SEWER SERVICES – 4914 SKYWAY DRIVE**

Dee R. Ross, 2304 Brockman Street, asked where this is located and if the City is providing money or special bonuses to this individual or business.

Ron Fehr, City Manager, responded to questions and explained the procedure followed for outside services requests.

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the City of Manhattan's public sanitary sewer collection system by Hackermann Enterprises, LLC, of Manhattan, Kansas, for the real estate located at 4914 Skyway Drive, Riley County, Kansas.

After discussion, Commissioner Snead moved to approve the consent agenda as presented. Commissioner Sherow seconded the motion. After discussion, on roll call vote, motion carried 5-0.

## GENERAL AGENDA

### AGREEMENT - RILEY COUNTY SENIORS' SERVICE CENTER – RESTROOM IMPROVEMENTS

Lauren Palmer, Assistant City Manager, provided an overview on the item.

Jami Ramsey, Director, Riley County Seniors' Service Center, provided additional information on the request. She then responded to questions from the Commission in regards to associated project costs and items involved in the request.

Ron Fehr, City Manager, responded to questions from the Commission and stated funds could be used from capital reserves generated by a cash carry-over.

Cliff Meloan, 2908 Princeton Place, volunteer tax preparer, informed the Commission that he has used the restrooms at the Riley County Seniors' Center and supported their request to improve the facilities.

After discussion, Commissioner Snead moved to authorize City Administration to negotiate terms of an agreement with the Riley County Seniors' Service Center for improvements to the restroom facilities of the Senior Center building and authorize the Mayor and City Clerk to execute the agreement with Riley County Seniors' Service Center in the amount of \$25,000.00, contingent upon an equivalent contribution to the project by Riley County. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

### REQUEST FOR PROPOSALS - DESIGN - FIRE STATIONS #3 and #5

Jerry Snyder, Fire Chief, presented the item. He then answered questions from the Commission regarding the locations chosen for the fire stations, noise levels, response times, frequency and nature of calls, and coverage areas of the community.

Cliff Meloan, 2908 Princeton Place, informed the Commission that the noise activity from fire trucks and police cars has risen considerably and requested that sirens not be used all the time, especially near the residential neighborhoods. He also asked that an additional traffic route be established from the Miller Ranch area to Anderson Avenue to reduce the amount of noise in the neighborhood.

Jerry Snyder, Fire Chief, responded to additional questions from the Commission regarding the use of sirens during an emergency, response times and coverage areas.

Ron Fehr, City Manager, provided additional information on the designation of locations for the proposed fire stations and responded to questions regarding coverage areas and alternate traffic studies that have been discussed.

**GENERAL AGENDA (CONTINUED)**

**REQUEST FOR PROPOSALS - DESIGN - FIRE STATIONS #3 and #5**

Jerry Snyder, Fire Chief, responded to additional questions from the Commission regarding the use of emergency sirens.

After discussion, Commissioner Hatesohl moved to authorize City Administration to solicit proposals for the design of two fire stations on property owned by the City at 3900 Vanesta Drive and 2715 Amherst Avenue and appoint Commissioner Snead to serve on the Selection Committee. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

**ADJOURNMENT**

At 7:13 p.m. the Commission adjourned.

  
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Gary S. Fees, CMC, City Clerk

*Attachment No. 1*

<b>INTERSECTION</b>	<b>FLOW CONTROL</b>	<b>TYPE OF CONTROL</b>
Southport East & Southport West	East & West	Stop
Northfield Road & Butterfield Road	East & West	Stop
Lilac Lane & Dix Drive	East & West	Stop
Judson Street & Gross Street	East & West	Stop
Strong Avenue & Gross Street	North & South	Stop
Plymouth Road & Everett Road	East & West	Yield
Kirkwood Street & Goodrich Drive	East & West	Yield
Hanly Street & Blaker Drive	East & West	Yield
Hanly Street & Green Avenue	North & South	Yield
Hanly Street & Sloan Street	East & West	Yield
Spain Drive & Knoxberry Drive	Northeast & Southwest	Yield
Knoxberry Drive & Hackberry Avenue	North & South	Yield
Goodrich Drive & Kirkwood Street	North & South	Yield
Ranser Road & Cassell Road	East	Yield
Ranser Road & Vaughn Drive	North & South	Yield
Vaughn Drive & Kenmare Drive	East & West	Yield

**STAFF REPORT**

**ON AN APPLICATION TO REZONE THE BARTON PLACE ADDITION**

**FROM:** PUD, Residential Planned Unit Development District.

**TO:** R, Single-Family Residential District.

**APPLICANT:** Frank Tillman.

**ADDRESS:** 1044 Brianna Court, Manhattan KS 66503.

**OWNER:** Cedar Hills Development Corp.

**ADDRESS:** 1044 Brianna Court, Manhattan KS 66503.

**LOCATION:** south of Wildcat Creek Golf & Fitness, and generally 950 feet west of that portion of Amherst Avenue in the Miller Ranch subdivision.

**DESCRIPTION:** Barton Place Addition, Residential Planned Unit Development, Lots 1-8, and Tracts A and B.

**AREA:** Approximately 60 acres.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, January 14, 2008

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, February 4, 2008  
**CITY COMMISSION:** Tuesday, February 19, 2008

**EXISTING USE:** Undeveloped residential PUD for large lot up-scale single-family dwellings.

**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** The site is typical Flint Hills land form, with native grasses and mature trees. The site drains to the northwest to Wildcat Creek. There is an existing pond on the site constructed in the 1930's. The site is heavily wooded around the eastern, southern and western sides of the pond.

**SURROUNDING LAND USE AND ZONING:**

**(1) NORTH:** Wildcat Creek Golf Course and Fitness Center, and Wildcat Creek; G-1 District.

*Attachment No. 2*

**(2) SOUTH:** Miller Ranch Addition, Unit Three and undeveloped multiple-family, Lee Mill Village Townhomes and future single-family residential development; R District, R-3, Multiple-Family Residential District and PUD.

**(3) EAST:** Miller Ranch Addition, Unit Three and Unit Four for future single-family residential, Amherst Avenue and Miller Ranch Addition, Unit Two, single-family residential; R District and R-1, Single-Family Residential District.

**(4) WEST:** Single-family homes on large unplatted tracts; G-1 District.

**GENERAL NEIGHBORHOOD CHARACTER:** Low density single-family residential.

The 60 acre site is adequate in area for low density single-family residential dwellings.

**COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The site adjoins Miller Ranch Addition, Unit Three, which is zoned R District. To the south is an undeveloped R-3 District. To the north is Wildcat Creek Golf Course and to the west are two single family homes in Riley County on large tracts of land. The proposed R District is compatible with the overall low density single-family character of the neighborhood.

**CONFORMANCE WITH COMPREHENSIVE PLAN:** The site is shown on the Future Land Use map in the Southwest Planning Area as a combination of Residential Low Medium (RLM), Preserved Open Space, and Flood Hazard area (100-Year Flood Plain). A possible wetland is shown in the approximate center of the tract. A portion of the Wreath Avenue extension from the Miller Ranch area, which is intended to eventually connect to Anderson Avenue, has been platted as a part of the Barton Place Addition. The proposed rezoning conforms to the Comprehensive Plan.

**ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** There are no structures on the site. The site has been zoned PUD, Residential Planned Unit Development District, since July 3, 2007.

June 5, 2006                      Manhattan Urban Area Planning Board recommends approval of annexation and rezoning of the Barton Place Addition from County G-1, General Agricultural District, to R, Single-Family Residential District.

June 19, 2006                     Manhattan Urban Area Planning Board conducts a public hearing to consider the Preliminary Plat of Barton Place Addition and approves Preliminary Plat.

*Attachment No. 2*

- June 20, 2006 City Commission approves first reading of annexation and rezoning of Barton Place Addition to R, Single-Family Residential District.
- July 11, 2006 City Commission approves Ordinance Nos. 6551 and 6552 annexing and rezoning Barton Place to R, Single-Family Residential District.
- Nov. 6, 2006 Manhattan Urban Area Planning Board approves the Final Plat of Barton Place Addition.
- Nov. 21, 2006 City Commission accepts easements and rights-of-way as shown on the Final Plat of Barton Place Addition and authorizes the Mayor and City Clerk to execute an Agreement regarding maintenance of Barton Lake.
- December 2006 Applicant requests that the 40-lot Final Plat of Barton Place Addition not be filed.
- Feb. 15, 2007 Applicant submits application to rezone Barton Place from R, Single Family, to PUD.
- May 21, 2007 Manhattan Urban Area Planning Board recommends approval of the proposed rezoning to Barton Place PUD, with ten (10) conditions of approval.
- June 19, 2007 City Commission approves first reading of the rezoning of Barton Place PUD.
- July 3, 2007 City Commission approves Ordinance No. 6631 rezoning Barton Place PUD.
- August 6, 2007 Manhattan Urban Area Planning Board approves Final Plat of the Barton Place Addition, reflecting the new 8-lot PUD layout, and concurrently sets aside the original unfilled 40-lot Barton Plat.

*Attachment No. 2*

September 18, 2007 City Commission accepts easements and rights-of-way as shown on the Final Plat of Barton Place Addition and authorizes the Mayor and City Clerk to execute an Agreement regarding maintenance of Barton Lake, construction and maintenance and repair of Dobenin Place, and installation, maintenance or repair of grinder pumps, or similar equipment.

**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 R, Single-Family Residential District, is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet. Minimum lot area is 10,000 square feet. A revised Final Plat of the Barton Place Addition is proposed and lots will need to conform to the minimum requirements of the R District. The 60 acre site is adequate in area to conform to the requirements of the Zoning Regulations.

**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 that denial would accomplish. It may be a hardship to the applicant if the rezoning is denied.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate streets, sanitary sewer and water will be extended to serve the site. Street connections from future Hemlock Avenue and Silverleaf Drive in Miller Ranch Addition, Unit Three, and Wreath Avenue from Lee Mill Village PUD will connect to the site in the near future.

**OTHER APPLICABLE FACTORS:** None.

**STAFF COMMENTS:**

City Administration recommends approval of the proposed rezoning of Barton Place Addition from PUD, Residential Planned Unit Development District, to R, Single-Family Residential District.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Barton Place Addition from PUD, Residential Planned Unit Development District, to R, Single-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 Barton Place Addition from PUD, Residential Planned Unit Development District, to R, Single-Family Residential District, based on the findings in the Staff Report.

**PREPARED BY:** Steve Zilkie, AICP, Senior Planner

**DATE:** January 28, 2008