



MINUTES
CITY COMMISSION MEETING
TUESDAY, AUGUST 5, 2008
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Pro Tem Bob Strawn and Commissioners Bruce Snead, James E. Sherow, and Tom Phillips 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, 6 staff, and approximately 13 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Strawn led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Pro Tem Strawn proclaimed August 15-16, 2008, ***Relay For Life of Riley County Days***. Joshua Hanshaw, Community Manager-Development, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor Pro Tem Strawn opened the public comments.

Dee Robert Ross, 2304 Brockman Street, informed the Commission that within the last few weeks he has been bombarded with various petitions. He stated that America is a free democratic society and every day our freedoms are being watered down and pushed aside by different interest groups wanting us to comply.

Hearing no other comments, Mayor Pro Tem Strawn closed the public comments.

COMMISSIONER COMMENTS

Ron Fehr, City Manager, informed the community of the passing away of City employee Doug Stotler. He stated that the City will miss Doug and the mark he left on his work as a Computer Aid Design Technician in the Engineering division. He asked the community to keep the Stotler family in their thoughts and prayers.

Mayor Pro Tem Strawn stated that he met with the Parks and Recreation Advisory Board regarding the City Park Pavilion project and naming rights. He stated the Parks and Recreation Advisory Board voted 3-1 in support of the naming of the Pavilion and that the item would be coming to a future City Commission meeting for final action. He then stated that the ethics issue that applies to him would be discussed at the end of the general agenda tonight.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, July 8, 2008, and the Regular City Commission Meeting held Tuesday, July 15, 2008.

CLAIMS REGISTER NO. 2587

The Commission approved Claims Register No. 2587 authorizing and approving the payment of claims from July 9, 2008, to July 29, 2008, in the amount of \$4,749,231.05.

ORDINANCE NO. 6712 – REVISED SPECIALS – HERITAGE SQUARE STREET IMPROVEMENTS (ST0702)

The Commission approved Ordinance No. 6712 revising special assessments for the benefiting property of the street intersections improvements to serve Heritage Square Commercial Development along US Highway 24 (ST0702).

ORDINANCE NO 6713 – INDUSTRIAL REVENUE BONDS – WESTERN EXTRALITE

The Commission approved Ordinance No. 6713 issuing Industrial Revenue Bonds financing to Fraternal Investors, LLC, in a total principal amount not to exceed \$1,500,000.00 for the purpose of constructing a commercial office/warehouse facility at 1120 Kretschmer Drive to be subleased by Western Extralite Company.

FIRST READING – VACATE RIGHT-OF-WAY – JARDINE DRIVE

The Commission approved first reading of an ordinance vacating a portion of Jardine Drive right-of-way adjacent to 1532 University Drive.

CONSENT AGENDA (CONTINUED)

FIRST READING – NO PARKING – PRAIRIE LAKES ADDITION

The Commission approved first reading of an ordinance establishing “No Parking” zones on one side of all streets in all current and future units of the Prairie Lakes Addition.

AGREEMENT – ENGINEERING SERVICES – NEW AND PARALLEL WATER LINES (WA805P)

The Commission authorized the Mayor and the City Clerk to enter into a contract with Sloan Meier Hancock-Engineers Surveyors and HWS Consulting Group, both of Manhattan, Kansas, for Engineering Services for the 2008 New and Parallel Water Lines Project (WA805P).

REJECT BID – 1600 BLOCK ALLEY IMPROVEMENTS BETWEEN HOUSTON STREET AND PIERRE STREET (ST0801)

The Commission rejected the Engineer’s Estimate in the amount of \$38,562.00, rejected the bid in the amount of \$48,686.00 from Larson Construction, of Manhattan, Kansas, and approved to rebid the 1600 Block Alley Improvements between Houston Street and Pierre Street (ST0801) again at a later date.

AWARD CONTRACT - 2008 STREET MAINTENANCE, PHASE IV, STREET PANEL (ST0817) AND MODIFICATION TO THE MIDDLE ISLAND (ST0714)

The Commission accepted the Engineer’s Estimate in the amount of \$40,880.00 for the Modification to the Middle Island on K-18 and awarded a construction contract in a total amount of \$401,415.00, which includes \$366,368.00 for the 2008 Street Maintenance, Phase IV, Street Panel (ST0817) and \$35,047.00 for the Modification to the Middle Island on K-18 at RP 191.4 in Riley County (ST0714) to Pavers, Inc, of Salina, Kansas.

* **CHANGE ORDER NO. 2 - FOURTH STREET PROJECT, MORO STREET FROM 3RD PLACE TO 4TH STREET (ST0712)**

Ron Fehr, City Manager, and Rob Ott, City Engineer, provided additional information on Change Order No. 2 and responded to questions from the Commission regarding the project and budget implications.

The Commission approved Change Order No. 2 for the Fourth Street Project, Moro Street from 3rd Place to 4th Street (ST0712), resulting in a net increase in the amount of \$255,561.74 to the contract with Nowak Construction, Inc., of Goddard, Kansas.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 080508-A – GENERAL OBLIGATION BONDS - FOURTH STREET PROJECT, MORO STREET FROM 3RD PLACE TO 4TH STREET (ST0712)

The Commission approved Resolution No. 080508-A authorizing financing for the Moro Street from 3rd Place to 4th Street (ST0712) in an amount not to exceed \$370,000.00 in General Obligation Bonds.

HANGAR LEASE – D&A ENTERPRISES, INC.

The Commission authorized the Mayor and City Clerk to execute the E-2 Hangar Lease agreement between City of Manhattan and D&A Enterprises, Inc.

* **AGREEMENT FOR SALE OF REAL ESTATE – AIRPORT RUNWAY 3/21
EXTENSION 3/13 RUNWAY SHIFT PROJECT**

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

The Commission found that the new appraisal, and the analysis of the risk, time, and expense of pursuing a condemnation case, justified the purchase price set forth in the proposed contract and authorized City Administration to finalize the agreement, and the Mayor and City Clerk to execute the finalized agreement with Delbert and Jean Stadel, 5781 Eureka Drive, in the amount of \$905,836.34 for 73 acres of property required for Airport Runway Extension and Shift Project (AIP 3-20-0052-35) at the Manhattan Regional Airport.

SALE OF SURPLUS CITY VEHICLES

The Commission authorized the sale of the surplus City vehicles by sealed bid.

LICENSE – TREE MAINTENANCE

The Commission approved a Tree Maintenance Service License for calendar year 2008 for Wildcat Tree Service, 3120 Heritage Lane, Manhattan, Kansas.

BOARD APPOINTMENT

The Commission approved an appointment by Mayor Hatesohl to the Joint Corrections Advisory Board.

Joint Corrections Advisory Board

Appointment of Ben Trujillo, 1000 Michael Road, to a two-year Adult term. Mr. Trujillo's term begins immediately, and will expire June 30, 2010.

Appointment of Ben Trujillo, 1000 Michael Road, to fill an unexpired Juvenile term of Charlie Sprott. Mr. Trujillo's term begins immediately, and will expire June 30, 2009.

CONSENT AGENDA (*CONTINUED*)

After discussion, Commissioner Snead moved to approve the consent agenda, as presented. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA

ECONOMIC DEVELOPMENT APPLICATION - GE AVIATION

Lyle Butler, President, Manhattan Area Chamber of Commerce, introduced the item and provided background information on past economic development efforts.

John Pagen, Business Development Manager, Manhattan Area Chamber of Commerce, presented an overview of the General Electric University Development Center.

Terry Williams, Manager for University Development Centers, GE Aviation, provided background information on GE Aviation and the selection process used in selecting Manhattan, Kansas, as a site. He then provided additional information about the possible timeframe to begin operations in the community.

John DeVore, Professor, K-State Department of Electrical and Computer Engineering, spoke in support of the item and informed the Commission that GE Aviation would assist in attracting students and help in the retention of graduate students. He said this would provide an additional opportunity for students to continue their research in Manhattan. In addition, he stated that GE Aviation would provide an economic benefit to the community as well as to K-State.

John Pagen, Business Development Manager, Manhattan Area Chamber of Commerce, provided an overview of the jobs being projected by GE Aviation.

Lauren Palmer, Assistant City Manager, presented the economic development proposal, funding criteria, proposed incentives package, return on investment, forgivable loan, job and wage projections, job and wage requirements, employee benefits, annual accountability provisions, clawback provisions, performance grant, ED funding report, community fit, and highlighted significant aspects of the application.

Terry Williams, Manager for University Development Centers, GE Aviation, responded to questions from the Commission regarding job relocation/training and associated costs.

Lauren Palmer, Assistant City Manager, provided additional information to the Commission regarding the funding package being proposed.

GENERAL AGENDA (CONTINUED)

ECONOMIC DEVELOPMENT APPLICATION - GE AVIATION (CONTINUED)

John DeVore, Professor, K-State Department of Electrical and Computer Engineering, responded to questions from the Commission regarding expected salaries of undergraduates and master degree graduates from their program. He stated that the average starting salary is dependent on the location and that there is very little opportunity for electrical engineers to stay in Manhattan after they graduate.

Lauren Palmer, Assistant City Manager, provided additional information on the item regarding salaries and minimum targets for incentives.

Terry Williams, Manager for University Development Centers, GE Aviation, responded to questions regarding full time employees projected and provided an overview of the current business plan for GE Aviation in Manhattan.

After discussion, Commissioner Snead moved to schedule August 19, 2008, as the date for a final determination on an economic development incentive package for GE Aviation. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING – REZONE - LOTS 30A AND 30B, HIGHLAND MEADOWS ADDITION, UNIT ONE

Steve Zilkie, Senior Planner presented the item and responded to questions from the Commission regarding screening and resident concerns voiced in the minutes of the Manhattan Urban Area Planning Board meeting.

Mark Bachamp, representing Schultz Development, informed the Commission of the discussions regarding screening concerns and possible options, provided a view of the site, and stated that their company would work with the adjacent property owner(s) to resolve the concerns related to screening the pool area.

Steve Zilkie, Senior Planner, responded to questions from the Commission regarding the concerns raised during the July 21, 2008, Manhattan Urban Area Planning Board and options discussed by the Planning Board.

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

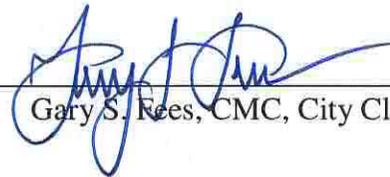
After discussion, Commissioner Snead moved to approve first reading of an ordinance rezoning Lots 30A and 30B, Highland Meadows Addition, Unit One, generally located 600 feet west of the intersection of Harland Drive and Highland Ridge Drive, from R-2, Two-Family Residential District, to R-3, Multiple-Family Residential District, based on the findings in the Staff Report (*See Attachment No. 1*). Commissioner Phillips seconded the motion. On a roll call vote, motion carried 4-0.

MISCELLANEOUS

Mayor Pro Tem Strawn discussed the concerns raised regarding his participation in partisan politics by serving as Treasurer for Dick Miller's campaign. He summarized his fellow Commissioners comments during the July 15, 2008, City Commission meeting and stated that none of the Commissioners found his involvement unethical, but a few questioned the wisdom in being involved in the campaign. He stated that in politics, he's found that often political wisdom is at odds with doing what is right and when Mr. Miller approached him about serving as Treasurer, he asked him to keep searching for someone else, but ultimately agreed to do so. He informed the Commission that he appreciated their counsel, that he did not believe that his involvement is an ethics violation, and stated that he will continue to serve as Treasurer for Dick Miller's campaign and as a City Commissioner.

ADJOURNMENT

At 8:40 p.m., the Commission adjourned.



Gary S. Rees, CMC, City Clerk

STAFF REPORT

ON AN APPLICATION TO REZONE PROPERTY

FROM: R-2, Two-Family Residential District

TO: R-3, Multiple-Family Residential District

APPLICANT: Schultz Development, Inc.

ADDRESS: 1213 Hylton Heights Road, Suite 129, Manhattan, Kansas 66502

OWNERS: Highland Ridge Partners, III, LLC

ADDRESS: 2850 S.W. Mission Woods Drive, Topeka, Kansas 66641

LOCATION: generally located on two vacant tracts of land approximately 600 feet west of the intersection of Harland Drive and Highland Ridge Drive and along the west side of Highland Ridge Drive. The property is more particularly described as Lot 30A and Lot 30B, Highland Meadows, Unit One, an Addition to the City of Manhattan, Riley County, Kansas.

AREA: 18,943 square feet (.43 acres)

DATE OF PUBLIC NOTICE PUBLICATION: Monday, June 30, 2008

DATE OF PUBLIC HEARING: PLANNING BOARD: Monday, July 21, 2008
CITY COMMISSION: Tuesday, August 5, 2008

EXISTING USE: Vacant residential building sites

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS: The site is relatively flat and consists of two (2) platted residential lots designed for single-family attached structures. The site slopes gradually to the west to an existing drainage ditch, which drains to Wildcat Creek further north of the site.

SURROUNDING LAND USE AND ZONING:

Attachment No. 1

- (1) NORTH: multiple-family apartment complex under construction, Wildcat Creek, Wildcat Creek Road,; R-3, Multiple-Family Residential District and Riley County G-1, General Agriculture.
- (2) SOUTH: Single-family attached and single-family detached homes; R-2, Two-Family Residential District and R-1, Single-Family Residential District.
- (3) EAST: Highland Ridge Drive and single-family attached homes; R-2, Two-Family Residential District.
- (4) WEST: Agricultural grazing and range land, rural residential single-family homes on large tracts of land; Riley County G-1, General Agriculture District.

GENERAL NEIGHBORHOOD CHARACTER: The site is in a developing neighborhood with single-family detached, single-family attached homes to the east and south and a multiple-family apartment complex to the north. To the west of the site, the area is agricultural in nature with grazing and range land.

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The R-2, Two-Family Residential District permits single-family detached, single-family attached and two-family residential dwellings as well as churches, chapels, temples and synagogues, group homes, parks and playgrounds and schools. The site is suitable for the single-family attached dwellings, as platted.

COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS: In general, the R-3 District is compatible with the adjoining properties. The existing R-3 District was previously approved in 2005 and the rezoning reflects a minimal expansion to the existing R-3 District. No adverse impacts on adjoining property are expected.

The applicant's intent is to utilize the rezoning site so that an accessory use for a swimming pool and a small maintenance building with two bathrooms can be constructed to serve the multiple-family apartment complex under construction. The rezoning site is proposed to be replatted with Lot 31, zoned R-3 District, to the north so that the accessory use can be located on the same lot as the principal structure, the apartment building under construction. The accessory improvements will be an amenity to the apartment complex and in character with the Highland Meadow community. An increase in light and noise can be expected from the seasonal use, particularly during the summer months. During the cooler months and winter, the proposed use will be closed and not in use. No traffic impacts are expected, since the proposed swimming pool will only serve the apartment buildings to the north and northeast, which are within walking distance of the pool.

Attachment No. 1

While the accessory use is not required to be screened with a six foot screening fence, as some accessory uses such as off-street parking are required to be screened, the International Building Code requires a four foot fence with self-locking gate. In addition, the accessory use minimum front yard setback is 60 feet from the front lot line along Highland Ridge Drive. Minimum side yard setback is three feet, except a minimum ten foot setback will be required due to a proposed ten foot utility easement. Minimum rear yard setback from the west lot line is five feet, except the rear setback will be a minimum of 20 feet from the west rear lot line due to a proposed 20 foot utility easement. There is no adjoining lot line to the immediate north and the accessory use will be in proximity to the south side of the apartment building under construction.

CONFORMANCE WITH COMPREHENSIVE PLAN: The site **IS SHOWN ON THE FUTURE LAND USE MAP IN THE SOUTHWEST PLANNING AREA AS AGRICULTURE. HOWEVER, THE ENTIRE HIGHLAND MEADOWS ADDITION DEVELOPMENT WAS CONSIDERED TO BE IN A GROWTH CORRIDOR, REFLECTED BY THE PRESENCE OF RESIDENTIAL HIGH DENSITY (RHD) AREAS ON BOTH THE EAST AND WEST SIDE OF SCENIC DRIVE, AND BECAUSE OF THIS, THE SITE, AND SURROUNDING AREAS TO THE NORTH, EAST AND SOUTH WERE ANNEXED, REZONED AND PLATTED IN LATE 2004 AND EARLY 2005.**

The policies for the RHD Land Use category include:

RHD 1: Characteristics

The Residential High Density designation is designed to create opportunities for higher density neighborhoods in both an urban downtown setting and a suburban setting. Within an urban or downtown setting, the designation accommodates higher-intensity residential housing products, such as mid to high-rise apartments, townhomes and condominiums, combined with complementary non-residential land uses, such as retail, service commercial, and office uses, often within the same building. In other areas of the community, Residential High Density neighborhoods can be accommodated in a less vertical or urban fashion, such as in planned apartment communities with complimentary neighborhood service commercial, office and recreational facilities. These neighborhoods could be implemented through a Planned Unit Development or by following design and site plan standards (design review process).

RHD 2: Appropriate Density Range

Possible densities under this designation are 19 dwelling units per net acre and greater.

RHD 3: Location

Residential High Density uses are typically located near intersections of arterials and collector streets, sometimes providing a transition between commercial or employment centers and lower density neighborhoods. High-density neighborhoods should not be located in settings where the only access provided consists of local streets passing through lower density neighborhoods. In a more urban or downtown setting, residential high density may be combined with active non-residential uses in a vertically mixed-use building.

RHD 4: Building Massing and Form

Plain, monolithic structures shall be avoided. Infill projects should be compatible with the established mass and scale of other buildings along the block. In a planned apartment community context, large buildings shall be designed with a variety of wall planes and roof forms to create visual interest.

RHD 5: Mix of Uses

Non-residential uses should generally not exceed 25% of the total floor area in a mixed-use structure.

RHD 6: Parking Location and Design

Within an established urban neighborhood, such as the downtown core, adequate off-street parking should be located behind buildings or within mixed-use parking structures.

RHD 7: Structured Parking

Structured parking garages, often necessary for this type of development intensity, should be designed with a similar level of architectural detail as the main building. Incorporating active uses, such as retail spaces, into the ground floor is strongly encouraged, particularly in downtown settings.

The proposed rezoning to R-3 District conforms to the Comprehensive Plan as previously determined with the Highland Meadows subdivision in 2004. The area was annexed, zoned and platted in response to the market demand for a variety of residential uses.

ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:

December 6, 2004 – The Manhattan Urban Area Planning Board recommended approval of the request to annex Highland Meadows Addition and zone the site as R-2, Two-Family Residential District. The Manhattan Urban Area Planning Board approved the Preliminary Plat of Highland Meadows Addition, Unit One.

Attachment No. 1

January 27, 2005 –The Board of Riley County Commissioners signed the development agreement with the applicant and made its findings determining that the annexation will not hinder or prevent proper growth and development of the area or that of any other area incorporated cities within Riley County.

February 15, 2005 – City Commission approved first reading of the ordinance to annex Highland Meadows Addition and zone the site as R-2, Two-Family Residential District.

February 24, 2005 - Manhattan Urban Area Planning Board considered the approval of the Final Plat of the Highland Meadows Addition, Unit One.

March 1, 2005 - City Commission approved second reading of the ordinance to annex Highland Meadows Addition and zone the site as R-2, Two-Family Residential District and accept the easements and right-of-ways on the Final Plat of Highland Meadows Addition, Unit One.

The site has been graded for construction of residential buildings, but has remained vacant since the lots were rezoned and platted.

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-3 District (*R-3 District regulations attached*) is designed to provide a dwelling zone at a density no less than one (1) dwelling unit per 1,000 square feet. The site is proposed to be combined with Lot 31, Highland Meadows Addition, Unit One to create one lot in the Final Plat of Highland Meadows Addition, Unit Five, which will contain 3.16-acres. The proposed Lot 1, Highland Meadows Addition, Unit Five is sufficient in area for the proposed R-3 District.

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 relative gain to the public, which denial would accomplish. No adverse impacts to the public are expected. There may be a hardship to the applicant if the rezoning is denied.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

Adequate street, sanitary sewer and water services are available to serve the proposed rezoning site.

OTHER APPLICABLE FACTORS: None.

STAFF COMMENTS:

City Administration recommends approval of the proposed rezoning of Lots 30A and 30B, Highland Meadows Addition, Unit One from R-2, Two-Family Residential District to R-3, Multi-Family Residential District.

ALTERNATIVES:

1. Recommend approval of the proposed rezoning of Lots 30A and 30B, Highland Meadows Addition, Unit One from R-2, Two-Family Residential District, to R-3, Multi-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 Lots 30A and 30B, Highland Meadows Addition, Unit One from R-2, Two-Family Residential District, to R-3, Multi-Family Residential District, based on the findings in the Staff Report.

PREPARED BY: Chad Bunger, Planner

DATE: July 14, 2008

CB/vr
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