



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, DECEMBER 15, 2009***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Bob Strawn and Commissioners Bruce Snead, James E. Sherow, Loren J. Pepperd, and Jayme Morris-Hardeman 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 38 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Strawn led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Strawn proclaimed December 31, 2009, *Little Apple New Year's Eve Celebration Day*.

**COMMISSIONER COMMENTS**

Commissioner Morris-Hardeman provided an update on the transit plan for the City of Manhattan.

**CONSENT AGENDA**

(\* denotes those items discussed)

**MINUTES**

The Commission approved the minutes of the Special City Commission Meeting held Tuesday, November 24, 2009 and the Regular City Commission Meeting held Tuesday, December 1, 2009.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2626

The Commission approved Claims Register No. 2626 authorizing and approving the payment of claims from November 25, 2009, to December 8, 2009, in the amount of \$3,517,135.98.

### LICENSES

The Commission approved a *Merchant Guard Agency* License for calendar year 2010 for Securitas Security Services USA, Inc., 2942 B SW Wanamaker Drive, Suite 2A, Topeka; an annual *Cereal Malt Beverages Off-Premises* License for Ampride, 215 East Poyntz Avenue; Dara's Fast Lane #1, 1816 Claflin Road; Dara's Fast Lane #2, 3270 Kimball Avenue; Dara's Fast Lane #3, 473 East Poyntz Avenue; Dara's Fast Lane #5, 1102 Laramie Street; Dara's Fast Lane #6, 2707 Anderson Avenue; Dara's Fast Lane #7, 1709 Fort Riley Blvd.; Dara's Fast Lane #10, 2323 Tuttle Creek Blvd.; Shop Quik #16, 1127 Bluemont Avenue; Rickel-McMillin, Inc. D/B/A Hop-N-Skip, 2233 Tuttle Creek Blvd.; a *Cereal Malt Beverages On-Premises* License for K-State Union Corp., K-State Student Union on the campus of Kansas State University; Westloop Pizza Hut, 2931 Claflin Road; Tuttle Creek Pizza Hut, 1005 Hostetler Drive; Aggieville Pizza Hut, 1121 Moro Street; Hunan Chinese Restaurant, 1304 Westloop Place; Hunan Express, 1116 Moro Street; and a *Tree Maintenance* License for calendar year 2010 for Randy's Tree Services, 110 Castle Street, Junction City.

### ORDINANCE NO. 6803 – ALCOHOL ALLOWED – WEFALD PAVILION

The Commission approved Ordinance No. 6803 amending Section 4-2 of the Code of Ordinances for the City of Manhattan to allow for permitted use of alcoholic beverage in the Wefald Pavilion.

\* **ORDINANCE NO. 6804 – REZONE – DOWNTOWN ENTERTAINMENT DISTRICT**

Mayor Strawn requested that this item be moved to the first item on the General Agenda.

### **ORDINANCE NO. 6805 – ISSUE – GENERAL OBLIGATION BONDS TEMPORARY NOTES – PROJECT #15 (SM0806)**

The Commission approved Ordinance No. 6805 authorizing the issuance of General Obligation bonds for Project #15 Storm Sewer Improvements (SM0806).

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 6806 – ESTABLISH - ORANGE AND WHITE PARKING PERMIT ZONES**

The Commission approved Ordinance No. 6806 establishing a parking permit zone (white) on Fourth Street on the east side from Osage Street north for a distance of 1,070 feet to Moro Street and on Moro Street on the north side from 4<sup>th</sup> Street east for a distance of 350 feet to Third Place; and establishing a parking permit zone (orange) on Laramie Street on the south side from 14<sup>th</sup> Street west for a distance of 635 feet to 16th Street, on the east side of 16th Street from Laramie Street south for a distance of 315 feet to Fairchild Avenue.

**PUBLIC HEARING – VACATE UTILITY EASEMENT – LOT 5, GRAND MERE VANESTA**

Mayor Strawn opened the public hearing.

Hearing no comments, Mayor Strawn closed the public comments.

**FIRST READING – VACATE UTILITY EASEMENT – LOT 5, GRAND MERE VANESTA**

The Commission approved first reading of an ordinance vacating a portion of a utility easement on Lot 5, Grand Mere Vanesta Addition, Unit One, City of Manhattan, Riley County, Kansas.

**RESOLUTION NO. 121509-A – CITY BOUNDARY**

The Commission approved Resolution No. 121509-A establishing and defining the boundaries of the City of Manhattan, Kansas, as of December 15, 2009.

**REQUEST FOR PROPOSALS – FLINT HILLS DISCOVERY CENTER COMMISSIONING**

The Commission authorized City Administration to advertise a Request for Proposals for fundamental commissioning for the Flint Hills Discovery Center; and appointed Commissioner Sherow to serve on the Selection Committee.

**AWARD CONTRACT – 2010-2011 UTILITY CUT (WA0906)**

The Commission awarded a contract to the low bidder, Manhattan Trenching, Inc., of Manhattan, Kansas, in the amount of \$219,450.00, for the 2010-2011 Utility Cut Street Repairs (WA0906).

\* **AGREEMENT – RELOCATE UTILITIES UNDERGROUND – SOUTH END REDEVELOPMENT**

Jason Hilgers, Assistant City Manager, responded to questions from the Commission.

## CONSENT AGENDA (CONTINUED)

\* **AGREEMENT – RELOCATE UTILITIES UNDERGROUND – SOUTH END REDEVELOPMENT (CONTINUED)**

Kelsey Williams, Westar Energy, provided additional information on the item.

The Commission approved the Westar Relocation Agreement for the South End redevelopment area.

**CONTRACT – CRIMESTOPPERS**

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Crime Stoppers.

**CONTRACT – MANHATTAN CENTER FOR THE ARTS**

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Manhattan Center for the Arts.

**CONTRACT – WOLF HOUSE MUSEUM**

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contracts with Riley County Historical Society for the Wolf House Museum.

**CONTRACT DOWNTOWN MANHATTAN, INC.**

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Downtown Manhattan, Inc.

**CONTRACT – RILEY COUNTY ATA**

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Riley County ATA.

\* **CONTRACTS – SOCIAL SERVICES ADVISORY BOARD FUNDING**

Commissioner Morris-Hardeman stated that she would be abstaining on the item pertaining to the contract with Sunflower CASA.

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Social Services Advisory Board agencies (*See Attachment No. 2*).

## CONSENT AGENDA (CONTINUED)

\* **CONTRACTS – SPECIAL ALCOHOL ADVISORY COMMITTEE FUNDING**

Commissioner Morris-Hardeman stated that she would be abstaining on the item pertaining to the contract with Sunflower CASA.

Gwyn Kropf, Secretary/Treasurer, Little Apple Task Force, requested consideration for the funding of Special Alcohol Funds and provided the Commission with a status update on the activities of the Little Apple Task Force. She then responded to questions from the Commission regarding the process that followed and the next steps for the Committee to take.

Ron Fehr, City Manager, informed the Commission that there is a reserve fund in this account and the decision would be at the discretion of the Commission, but may want to hear from the Special Alcohol Funds Advisory Committee too.

Pam Jager, Staff Liaison, Special Alcohol Funds Advisory Committee, provided additional background information to the Commission on the item.

Mayor Strawn requested that the Little Apple Task Force go back to the Special Alcohol Funds Advisory Committee for consideration of their request.

Steve Springer, Little Apple Task Force Committee member, thanked the Commission for listening and stated that he understood that the Task Force had until the end of the year to accomplish the items requested.

Ron Fehr, City Manager, responded to questions from the Commission and stated that the Special Alcohol Funds Advisory Committee can meet on call to accommodate a special meeting.

The Commission approved a contract as budgeted in the 2010 City Budget and authorized the Mayor and City Clerk to execute said contract with Special Alcohol Funds programs (*See Attachment No. 3*).

**CONTRACT – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT**

The Commission authorized the Mayor and City Clerk to execute the 2010 Aggieville Business Improvements District contract.

**CONTRACT – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT**

The Commission authorized the Mayor and City Clerk to execute the 2010 Downtown Business Improvements District contract.

## CONSENT AGENDA (CONTINUED)

- \* **ASSIGNMENT OF LEASE – STEEL AND PIPE TO FLYING CATS, LLC**  
Peter VanKuren, Airport Director, responded to questions from the Commission and provided additional information on the Lease Agreement and discussions held with the Manhattan Regional Airport Advisory Board on Monday, December 14, 2009, regarding the status of the Fixed Base Operator (FBO) agreement.

The Commission authorized the Mayor and City Clerk to execute the consent to the assignment of the subject Lease Agreement between the City of Manhattan, Steel Holdings, Inc., and SPS Holdings, LLC, to Flying Cats, LLC.

### **BOARD APPOINTMENTS**

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

#### *Aggieville Business Improvement District Advisory Board*

Re-appointment of Mark Skochdopole, 310 South 17<sup>th</sup> Street, to a three-year term. Mr. Skochdopole's term begins January 1, 2010, and will expire December 31, 2012.

#### *Cemetery Board*

Re-appointment of Patrick Gormely, 434 Wickham Road, to a three-year term. Mr. Gormely's term begins January 1, 2010, and will expire December 31, 2012.

Re-appointment of Judy Atwood, 1514 Jarvis, to a three-year term. Ms. Atwood's term begins January 1, 2010, and will expire December 31, 2012.

#### *City/University Special Projects Fund Committee*

Appointment of Jessica Bradford, 1314 Fremont Street, to a one-year Student term. Ms. Bradford's term begins immediately, and will expire June 30, 2010.

Appointment of Nate Warren, 605 Highland Ridge Drive, to a one-year Student term. Mr. Warren's term begins immediately, and will expire June 30, 2010.

Appointment of Steven Graham, 143 Waters Hall, to a one-year Faculty term. Mr. Graham's term begins immediately, and will expire June 30, 2010.

## CONSENT AGENDA (*CONTINUED*)

### BOARD APPOINTMENTS (*CONTINUED*)

#### *Downtown Business Improvement District Advisory Board*

Re-appointment of Mark Skochdopole, 310 South 17<sup>th</sup> Street, to a two-year term. Mr. Skochdopole's term begins January 1, 2010, and will expire December 31, 2011.

Re-appointment of Michael Motley, 6121 Tumbleweed Terrace, to a two-year term. Mr. Motley's term begins January 1, 2010, and will expire December 31, 2011.

After discussion, Commissioner Snead moved to approve the consent agenda, as read. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item M, which carried 4-0, with Commissioner Morris-Hardeman abstaining from funding action for Social Services Advisory Board Funds and Special Alcohol Funds for Sunflower CASA, due to her employment with that agency.

### *ITEM REMOVED FROM CONSENT AGENDA*

### REZONE – DOWNTOWN ENTERTAINMENT DISTRICT

Bill Frost, City Attorney, provided additional background information on the rezoning item and on the agreement with HCW. He then responded to questions from the Commission regarding the rezoning and design control the Commission would have for this project.

Jason Hilgers, Assistant City Manager, informed the Commission that the best time to provide direction to HCW and architects Butler, Rosenbury & Partners, on the design of the hotel would be now. He responded to questions from the Commission and stated that if the Commission is going to require them to do more on the exterior of the building that now would be the time to do that.

Patrick Schaub, Bowman Bowman and Novick (BBN), highlighted comments from a letter dated December 10, 2009, addressing the proposed building design. He informed the Commission that the amount of EIFS on this building, though certain percentages are not prescribed within the design guidelines, is in excess of what BBN would recommend as being in character with the downtown. He then responded to questions from the Commission regarding limestone applications and details, brick facades, window applications, and material costs.

Barry Schwartz, HCW, and David Hess, Project Manager; Butler, Rosenbury & Partners, provided an update to the City Commission on the project, design, market conditions, and economic viability of the project.

**ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)**

**REZONE – DOWNTOWN ENTERTAINMENT DISTRICT (CONTINUED)**

David Hess, Project Manager, Butler, Rosenbury & Partners, informed the Commission that the amount of EIFS has been reduced on the building. He stated that Butler, Rosenbury & Partners and HCW believe that the building design is nice looking and that EIFS can provide a quality, durable surface on the higher levels. He informed the Commission that many four and five star hotels use EIFS in the construction of their facilities.

Barry Schwartz, HCW, informed the Commission that they have to look at the cost of the model that generates additional revenue for the hotel to make it economically viable for a hotel lender to finance this project. He responded to questions from the Commission and stated that he estimated that replacing all the EIFS with masonry would add at least another \$250,000.00 to the project. He stated that he is at a comfortable level right now, but doing anything beyond what has been designed to-date, would be difficult to do with the amount of equity required.

David Hess, Project Manager; Butler, Rosenbury & Partners, informed the Commission the focus was more on the interior of the hotel and guest experience. He stated that given the construction budget, all factors need to be considered. He said there is no plan to change the amount of EIFS used, but would continue to work with BBN to make the building look as nice as possible. He informed the Commission that the use of EIFS could look like authentic masonry from a distance and were also considering variations of colors.

Barry Schwartz, HCW, responded to questions from the Commission regarding cost considerations for different building materials.

David Hess, Project Manager; Butler, Rosenbury & Partners, stated that the Hilton Garden Inn located in Omaha, Nebraska, use EFIS and informed the Commission that they will continue to work with BBN to make this a successful project.

After discussion, Commissioner Snead moved to approve approved Ordinance No. 6804 rezoning the proposed Downtown Entertainment District, generally located south of Pierre Street, north of Ft. Riley Boulevard, east of South 4<sup>th</sup> Street, and west of the Depot, from C-4, Central Business District; C-5, Highway Service Commercial District with RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the Staff Report with the eight conditions recommended by the Planning Board (*See Attachment No. 1*). Commissioner Morris-Hardeman seconded the motion.

**ITEM REMOVED FROM CONSENT AGENDA (CONTINUED)**

**REZONE – DOWNTOWN ENTERTAINMENT DISTRICT (CONTINUED)**

Mayor Strawn stated that that he did not think the building would meet the expectations of the community and was greatly disappointed with the type of veneer and EIFS that would be used.

After discussion, on a roll call vote, motion carried 3-2, with Mayor Strawn and Commissioner Sherow voting against the motion.

**GENERAL AGENDA**

**ORDINANCE REGULATING REGISTERED FAMILY DAY CARE HOMES**

Lauren Palmer, Assistant City Manager, presented the item.

Susanne Kufahl, Assistant Administrator, and Mindy Robbins, Child Care Licensing Supervisor, Riley County-Manhattan Health Department, presented the purpose of regulating registered family day care homes and provided ten reasons why inspections are needed.

Mindy Robbins, Child Care Licensing Supervisor, Riley County-Manhattan Health Department, responded to questions from the Commission regarding common complaints received and the inspection process conducted by the Riley County Health Department.

Susanne Kufahl, Assistant Administrator, Riley County-Manhattan Health Department, explained the requirements proposed for registered providers.

Mindy Robbins, Child Care Licensing Supervisor, and Susanne Kufahl, Assistant Administrator, Riley County-Manhattan Health Department, responded to questions from the Commission regarding licensing requirements for licensed and registered providers and the differences of each.

Shelly Williams, Riley County Community Corrections Director, informed the Commission that the proposed ordinance would help registered homes that are in need of inspections. She stated that providers would benefit from inspections, the reporting process, and the educational opportunities available to provide better child care.

Brady Burton, 1 Ram Way, Randolph, and Paul Benne, 1915 Crescent Drive, Riley County-Manhattan Health Board Members, informed the Commission that they supported the proposed ordinance and that this should strengthen the relationship between the Health Department and those being inspected.

## GENERAL AGENDA (CONTINUED)

### ORDINANCE REGULATING REGISTERED FAMILY DAY CARE HOMES (CONTINUED)

Mayor Strawn stated that he is also a board member of the Riley County-Manhattan Health Department.

Melissa Cook, 6505 North 52<sup>nd</sup> Street, Daycare provider for over 20 years, informed the Commission that she did not appreciate having government come into her home and that she has not received any complaints. She stated that anybody can pass the inspection or correct mistakes, but what happens on a daily basis is the quality of child care that parents are wanting.

Kristie Plummer, Raising Riley, parent of two children, informed the Commission that she hoped the annual inspections would be of a benefit to all. She stated that she has learned there are a lot of things about the development of children. She said licensing is an extra set of eyes to help protect the children and providers and understood that it would be inconvenient for registered providers in a positive way.

Julie Gibbs, 2216 Butternut Lane, stated that annual inspections will enhance the facility and wanted to see all facilities inspected, much like food business inspections.

Kristi Van Horn, 3150 Ella Lane, registered day care provider, voiced her concerns in being inspected and was not in favor of the proposed inspection ordinance. She asked about the difference in registered versus licensed providers and stated that she would be video-recording any inspector who came into her home to ensure her civil liberties were not violated.

Susanne Kufahl, Assistant Administrator, and Mindy Robbins, Child Care Licensing Supervisor, Riley County-Manhattan Health Department, responded to questions regarding registered provider requirements, defined areas to be inspected, and informed the Commission that they have a professional staff and are committed to providing education and working with the providers.

Melissa Cook, 6505 North 52<sup>nd</sup> Street, stated that she is currently paying a \$35 fee and \$5 State fee and asked if the proposed fee was as additional fee.

Lauren Palmer, Assistant City Manager, responded to questions regarding the proposed fee.

After discussion, Commissioner Sherow moved to approve first reading of an ordinance to establish regulations for family day care homes. Commissioner Morris-Hardeman seconded the motion.

## GENERAL AGENDA (CONTINUED)

### ORDINANCE REGULATING REGISTERED FAMILY DAY CARE HOMES (CONTINUED)

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

The City Commission took a brief recess.

### MEMBER'S AGREEMENT – FLINT HILLS REGIONAL COUNCIL

Karen Davis, Director of Community Development, presented the item.

Bill Frost, City Attorney, responded to questions from the Commission.

Karen Davis, Director of Community Development, informed the Commission that the Assistant City Attorney had reviewed the Agreement and that it does not create an undue burden on the City. She also provided an update on the assistance and support received from the Office of Economic Adjustment.

Ron Fehr, City Manager, provided additional information on the item regarding the appointment of a City Commissioner to the Flint Hills Regional Council.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to sign the Interlocal Cooperation and Member's Agreement and appoint Commissioner Sherow to serve on the Council. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 5-0.

Ron Fehr, City Manger, thanked the staff and everyone that has worked on this activity.

### 2009 CHAMBER OF COMMERCE YEAR-END REPORT AND 2010 CONTRACTS

Lauren Palmer, Assistant City Manager, introduced the item.

Lyle Butler, President, Manhattan Area Chamber of Commerce, presented an overview of the City contracts with the Chamber of Commerce.

Ron Fehr, City Manager, provided background information on Knowledge-Based Economic Development, LLC (KBED). He then answered questions from the Commission.

## GENERAL AGENDA (CONTINUED)

### 2009 CHAMBER OF COMMERCE YEAR-END REPORT AND 2010 CONTRACTS (CONTINUED)

John Pagen, Vice President for Economic Development, Manhattan Area Chamber of Commerce, presented a report on economic development activity, as well as an update on activities associated with Fort Riley. He then answered questions from the Commission regarding the \$29,000.00 grant for lab technicians with the Manhattan Area Technical College.

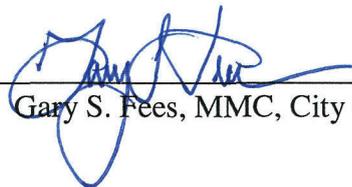
Lyle Butler, President, Manhattan Area Chamber of Commerce, responded to questions regarding the lab technician program and economic development efforts that have occurred. He informed the Commission that they would provide additional information on the certificate lab technician program being proposed.

Karen Hibbard, Director, Manhattan Area Convention and Visitors Bureau (CVB), presented an update on activities with the CVB and 2009 accomplishments, convention highlights, leisure tourism, sports/special events, and goals for future tourism development. She then responded to questions about occupancy trends, existing facilities, and their recruitment process for association conferences.

After discussion, Commissioner Snead moved to authorize the Mayor and City Clerk to execute the 2010 24-7 Marketing, Industrial Promotion, Tourism and Convention, Fort Riley Promotion, and KBED contracts with the Manhattan Area Chamber of Commerce. Commissioner Sherow seconded the motion. On a roll call vote, motion carried 5-0.

### ADJOURNMENT

At 10:48 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

**STAFF REPORT**

**APPLICATION TO REZONE PROPERTY TO PLANNED UNIT DEVELOPMENT DISTRICT**

**BACKGROUND**

**FROM:** C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District.

**TO:** PUD, Commercial Planned Unit Development District.

**OWNERS/APPLICANTS:** City of Manhattan and Dial-Manhattan, LLC.

**ADDRESSES:** 1101 Poyntz Avenue, Manhattan, KS, 66502; and 11506 Nicholas #200, Omaha, NE 68154.

**DATE OF PUBLIC NOTICE PUBLICATION:** Monday, October 26, 2009.

**DATE OF PUBLIC HEARING: PLANNING BOARD:** Monday, November 16, 2009.

**CITY COMMISSION:** Tuesday, December 1, 2009.

**LOCATION:** Generally located south of Pierre Street, north of Ft. Riley Boulevard, east of S. 4<sup>th</sup> Street, and west of the K-177 on-ramp.

**AREA:** An approximate 18-acre tract of land consisting of lots in Ward 1, public utility easements and rights-of-ways.

**PROPOSED USES:** The Permitted Uses of the PUD will include all of the Permitted Uses of the C-4, Central Business District, and a City Park, a Conference Center, Parking Garage, and Museum.

The proposed Downtown Entertainment District is, in general, an extension of the Central Business District. The development includes a hotel, conference center, parking garage, museum, park, residential dwelling units, and a broad range of retail and office uses, off-street parking, landscaping, signage and other improvements.

The site is within the South Project Area of the Downtown Redevelopment Plan. The Downtown Redevelopment-Entertainment District Design Guidelines apply to the proposed development.

## **PROPOSED BUILDINGS AND STRUCTURES:**

*Note: Public projects are noted in bold italics and are those projects which are under design and review by the City Commission and will be approved by the City Commission.*

**Lot 1:** The proposed approximate 22-foot tall one-story building is located at the southeast corner of the parking garage, facing S. 3<sup>rd</sup> Street and north of Ft. Riley Boulevard. The PUD notes the spaces are for retail. Other permitted uses such as, but not limited to, professional offices might also occupy the spaces. The floor plans indicate three floor spaces totaling approximately 3,275 square feet in area. The exterior building materials are a combination of limestone veneer and brick with large display windows facing streets.

**Lot 2:** *The proposed approximate 55-foot tall four-story parking garage is on the northwest corner of Ft. Riley Boulevard and S. 3<sup>rd</sup> Street. The structure will provide off-street parking for 440 vehicles. Entrances and exits are off S. 3<sup>rd</sup> Street and S. 4<sup>th</sup> Street. Levels one to three are interior parking with the fourth level open to the sky. Exterior materials are pre-cast concrete with integral color and limestone clad columns. Vegetative screen walls, (wire screens on which vines, for example, are grown) are proposed on the south façade of the structure to buffer the façade along Ft. Riley Boulevard frontage. A bike rack is shown between the garage access off S. 3<sup>rd</sup> Street and the Conference Center entrance (Sheet L2). The potential for providing bicycle parking in the garage is being investigated.*

**Lot 3:** *The proposed approximate 34-foot tall Conference Center will be located between the parking garage and hotel with its main entrance off S. 3<sup>rd</sup> Street and a second entrance off the hotel's parking lot. Meeting room space will accommodate approximately 1,500 people. The floor plans indicate a future expansion space of 13,935 square feet on the west side of the Center. Exterior materials are a glass curtain wall and limestone clad columns with a canopy roof over the entrance.*

**Lot 4:** The proposed approximate 46-foot tall four-story hotel is located on S. 3<sup>rd</sup> Street between Colorado Street and the Conference Center. Exterior materials are a combination of brick, limestone veneer and EFIS. The hotel's main entrance is off S. 3<sup>rd</sup> Street with a second entrance off the west side of the hotel adjacent to the hotel's parking lot. A supported entrance canopy extends from the building over the drop-off lane and public right-of-way. Room count is 133 rooms with a future expansion on the north end of the

*Attachment No. 1*

hotel for 48 +/- rooms. The hotel floor space also includes a dining room, fitness area, meeting rooms, and administrative and mechanical rooms. The parking lot located to the west of the building with curb cuts off Colorado Street and S. 4<sup>th</sup> Street and has 216 off-street parking spaces. Pedestrian walkways and sidewalks connect to the hotel entrances from all streets.

**Lot 5:** The proposed approximate 44-foot tall three-story mixed use retail/residential building consists of a first floor space for up to six retailers, or other permitted uses such as, but not limited to, professional offices, with eleven one-bedroom residential units per floor, 22-total, on floors two and three. Exterior materials are brick and limestone. Retail entrances are oriented towards S. 3<sup>rd</sup> Street. Off-street parking is shared with Lot 6 or will utilize on-street parking.

**Lot 6:** The proposed approximate 32-foot tall two-story retail building consists of space dedicated to retail, or other permitted uses such as, but not limited to, professional offices. An entrance off S. 3<sup>rd</sup> Street leads to two first floor spaces and a stairwell to the second floor. Exterior materials are limestone with storefront display window space the exclusive material on the second floor S. 3<sup>rd</sup> Street facade. Twenty-four off-street parking spaces are to the east of the building with access from Pierre Street or Colorado Street.

**Lot 7:** *A proposed parking lot for the Discovery Center. The parking lot may coordinate with the City Park and Lot 9. The parking lot is access from Colorado Street and may connect with Lot 9.*

**Lot 8:** *An approximate 63,989 square tract, which will be a City Park. A conceptual plan for the Park is ongoing, which will be approved by the City Commission. The conceptual plan is labeled Conceptual Landscape Site Plan (Street and City Park). (In addition, street, landscape and amenities within the rezoning site are shown on the plan.)*

**Lot 9:** Future amendment.

**Lot 10:** *The proposed Flint Hills Discovery Center is south of Pierre Street, on the northeast corner of S. 3<sup>rd</sup> Street and Colorado Street. The entrance/lobby faces the intersection and is a 64-foot tall prefinished aluminum curtainwall (glass) system. Exterior walls are shown as limestone. The lobby provides access to exhibits, galleries, a gift shop, a café, administrative and mechanical spaces. (Additional information about the Discovery Center is described in the attached Flint Hills Discovery Center Comprehensive Master Plan.)*

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### Construction Phasing

Proposed phasing is based on the descriptions set out on Sheet C6, beginning in early Spring 2010 thru Summer 2012).

In general, phasing consists of:

3<sup>rd</sup> Street (Summer 2010 to Spring 2011);

Colorado Street (Early Spring 2010 to Summer 2010);

3<sup>rd</sup> Street and Pierre Reconstruction (Spring 2010 to Spring 2011);

Hotel/Conference Center/Parking Garage (Spring 2010 to Summer 2011);

City Park (Spring 2011 to Fall 2011);

Discovery Center and Parking Lot (Fall 2010 to Summer 2012); and,

4<sup>th</sup> Street Mixed Use Buildings (Spring 2011 to Fall 2011).

### Design Guidelines for Downtown Redevelopment

The Design Guidelines for Downtown Redevelopment set out policy, intent, and conditions; site guidelines; building guidelines; supplemental guidelines for large format retail design and small scale residential guidelines; and, checklists for site and building guidelines. The Guidelines are not regulations. The Guidelines are for developers, architects, owners and decision makers for reviewing and evaluating proposals and design quality. Exceptions to the Guidelines may be considered if the overall intent of the Guidelines has been met.

A letter from Patrick Schaub, AIA, Bowman Bowman Novick Inc., dated November 12, 2009, separates the rezoning site into the various lots and notes suggested changes to conform to the Design Guideline requirements.

### **PROPOSED LOT COVERAGE**

<b><u>Use</u></b>	<b><u>Square Feet (sf)</u></b>	<b><u>Percentage</u></b>
Buildings	132,743 sf	17.2%
Parking and Driving Lanes	149,334 sf	19.4%
Streets	63,992 sf	8.3%
Green Space	423,967 sf	55.1%

### **PROPOSED SIGNS**

All buildings will use illuminated wall signs and dimensions are shown on building facades. . No other type of signage is proposed. Signs are located over building entrances or on wall space, as depicted on elevation drawings. Signs must conform to the Design Guidelines and, in general, to the requirements of the C-4, Central Business District.

**PROPOSED LIGHTING:** Specific lighting will be provided with each Final Development Plan. All lights must downcast and shaded, full cut-off except for those lights used for building accent. The hotel's parking lot light poles are primarily 12-foot pedestrian scale lights. Four, 25-foot tall parking lot lights are also proposed. Building lights are decorative exterior lights. Light poles will be located in the open fourth level parking garage space.

### **REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENTS**

**1. LANDSCAPING:** The proposed landscape plan depicts a variety of shade and ornamental trees, evergreen trees, shrubs, foundation plantings, parking lot landscaping, screening, and ground cover throughout the site, with some sites conceptual or to be determined with a Final Development Plan or a future amendment. As provided, the landscaping plan conforms to the requirements of the Design Guidelines. Underground irrigation is proposed to maintain the landscaping, which will be maintained by the owner. Perimeter landscape trees for the hotel's parking lot along S. 4<sup>th</sup> Street and Colorado Street will likely be deleted, or modified, with the Final Development Plan to insure coordination of street trees along the parking lot street frontages.

**2. SCREENING:** The hotel's trash container/mechanical areas will be within a completely enclosed masonry enclosure with door as will the Discovery Center's trash area. The mixed use site, Lots 5-6, will provide a screened trash enclosure with more details with the Final Development Plan.

*Attachment No. 1*

In addition, the hotel's parking lot will be buffered with a landscape hedge along street frontages. The dense hedge row must be planted at minimum 30-inches in height at the time of planting to screen headlights from streets and adjacent properties.

**3. DRAINAGE:** The site is proposed to drain to the south to the Kansas River through storm inlets and expanded storm sewer pipe improvements. Adequate inlets and improvements will be provided to assure the drainage system is functional. A comprehensive drainage plan, the Downtown Entertainment District Drainage Impact Study, submitted by HWS for the project area is attached. The Study outlines the improvements. The drainage system has been reviewed and accepted by the City Engineer (*see attached memo from the City Engineer*).

**4. CIRCULATION:**

Public Access

The proposed internal circulation plan provides for safe, convenient and efficient movement of goods, motorists, and pedestrians. Conflicts between motorists, bicyclists and pedestrians should be minimized. The site will be accessed from the surrounding street system. Internal public streets will provide access to all lots in the PUD. Sidewalks are proposed throughout the site, as well as along Ft. Riley Boulevard. Sidewalk connections are proposed to connect with the Union Pacific Depot. Street improvements are proposed on adjoining streets, to include turning lanes and signals, as well as streetscape improvements on internal PUD streets, which are under a design and review process being conducted by the City Commission.

S. 4<sup>th</sup> Street is noted as a proposed bike route in the Bicycle Master Plan. There has been some discussion by the Bicycle Advisory Committee that the route be moved to S. 5<sup>th</sup> Street. Coordination of bike traffic to the PUD from the bike route should be incorporated in the public improvement review, which is underway.

George Butler and Associates provided a memorandum dated October 28, 2005 of traffic analyses for the entire North and South Project Area (attachment), which indicates nominal impact on the surrounding transportation network as a result of the proposed rezoning. An Update to South Redevelopment Traffic Study from HWS dated October 22, 2009 (attached) reflects changes to land use considered with the GBA memorandum. No significant differences have occurred since 2005 and the GBA memorandum is still applicable. The City Engineer has reviewed and accepted the analysis, with comments about future street improvement projects and their timing (*attachment*).

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### Off-Street Parking

Off-street parking should be adequate. The off-street parking requirements of the Manhattan Zoning Regulations do not require off-street parking for any use in the C-4 District. The proposed PUD is, in general, an extension of the C-4 District. Regardless, the proposed total number of off-street parking throughout the entire site is 761 off-street parking spaces, which consists of 739 off-street parking spaces and 22 ADA parking spaces. The total includes parking garage spaces, parking for the hotel, mixed use buildings, and Discovery Center. The total generally reflects a shared condition, particularly between the Conference Center and hotel. The Discovery Center's parking numbers may increase with coordination of Lot 9 when it develops.

The mixed use buildings on Lot 5 and Lot 6 may require on street parking on S. 3rd Street and Colorado Street to meet a part of their demand, which is consistent with the intent of the PUD.

**5. OPEN SPACE AND COMMON AREA:** Approximately 55% of the site is green space.

**6. CHARACTER OF THE NEIGHBORHOOD:** The site is within a predominately commercial service/retail area. Major street corridors adjoin the site on the east and south by Ft. Riley Boulevard. Further south are commercial and industrial uses. Industrial uses within the site no longer exist. On the west is S. 4th Street with a mix of single-family, two-family, multiple-family, service commercial and retail uses further to the west of the site. To the north are Pierre Street and a mix of uses including a hotel, Manhattan Town Center and the Central Business District.

## **MATTERS TO BE CONSIDERED WHEN CHANGING ZONING DISTRICTS**

**1. EXISTING USE:** An approximate 18-acre tract of land, which has been cleared of existing structures.

**2. PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:** Generally flat with existing drainage to the east and south to storm sewer inlets. The site is located in a 500 Year Flood Plain and is not subject to flood plain development regulations.

**3. SURROUNDING LAND USE AND ZONING:**

**(a.) NORTH:** Hotel, Pierre Street, Manhattan Town Center, Central Business District; C-4 District and C-5/RDO.

**(b.) SOUTH:** Ft. Riley Boulevard, service commercial and industrial uses; LM-SC District.

**(c.) EAST:** Union Pacific Depot, Ft. Riley Boulevard (K-18 Highway), K-177 on and off-ramps, and Linear Park; LM-SC District.

**(d.) WEST:** South 4<sup>th</sup> Street, multiple-family, single and two-family, service commercial; LM-SC, R-M, Four Family Residential District, Planned Unit Development District; and, C-4 District.

**4. CHARACTER OF THE NEIGHBORHOOD:** See above under Review Criteria for Planned Unit Development, number 6.

**5. SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING:** The site has been cleared of all existing structures. In general, the approximate 18-acre site is suitable for the uses, permitted and conditional, in the current zoning districts.

**6. COMPATIBILITY OF PROPOSED DISTRICT WITH NEARBY PROPERTIES AND EXTENT TO WHICH IT MAY HAVE DETRIMENTAL AFFECTS:** The proposed PUD will consist of all of the permitted uses of the C-4 District, a Parking Garage, Museum, City Park, and Conference Center, all of which is designed and located to be compatible with nearby properties. Expected increases in traffic, light, and noise will be consistent with the predominately commercial character of the neighborhood. Residential properties near the site are a smaller part of the neighborhood. Minimal impacts on adjacent properties are anticipated and no detrimental affects are expected. The proposed uses in the PUD are generally consistent with the manner in which the site could currently be developed, which is a combination of commercial, residential, due to the RDO, and light industrial uses. Adequate off-street parking, landscaping, screening, lighting, storm water drainage improvements, and pedestrian and vehicular circulation improvements are provided, which mitigate impacts on surrounding properties.

Historic properties potentially impacted by the proposed project include the Union Pacific Depot, 120 Ft. Riley Boulevard, Downtown Manhattan Historic District, and Houston and Pierre Streets Residential Historic District. The Manhattan Historic Resources Board reviewed the proposed project at its meeting on October 26, 2009 and found that the

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proposed project, “Meets the *Standards and Guidelines for Evaluating the Effect of Projects on Environs* and will not encroach upon, damage or destroy and listed historic property or its environs” (attached letter dated October 28, 2009 from Cameron Moeller, Planner II, Staff Liaison for the Manhattan Historic Resources Board to Jennie A. Chinn, Executive Director/State Historic Preservation Officer (SHPO).) The SHPO (letter attached dated November 2, 2009) reviewed the materials associated with the project in accordance with the state preservation statute. The letter states that, “The SHPO has determined the proposed project will not encroach upon, damage, or destroy any listed historic property or its environs. As far as this office is concerned, the project may proceed.” No detrimental affects on historic properties are expected based on local and state review of the proposed rezoning.

**7. CONFORMANCE WITH COMPREHENSIVE PLAN:** The Manhattan Urban Area Comprehensive Plan shows the site as Central Core District (CCD), which is a special purpose designation for the Downtown Core. The rezoning site is also designated as a primary redevelopment area for expansion of the Central Business District, in Downtown Tomorrow – A Redevelopment Plan for Downtown Manhattan, Kansas, adopted in May 2000.

The proposed rezoning conforms to the Comprehensive Plan.

**8. ZONING HISTORY AND LENGTH OF TIME VACANT AS ZONED:** Historically the site has been zoned for industrial use. The majority of the site was zoned for heavy industrial uses through 1981. A portion of the site was zoned to C-4 and C-5 District in 1969. The RDO was added to the C-5 portion in 1981 to accommodate relocation of uses from the C-4 District as a result of the Manhattan Town Center development. The remaining I-4, Heavy Industrial District was rezoned to LM-SC in 1988.

Existing structures have been removed or demolished within the past several months.

**9. 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 proposed PUD is located in the R and R-1 Districts.

Land use and structures within a Planned Unit Development District which, when approved by the Planning Board and Governing Body, may differ in one or more respects from the regulations that are applicable in any other zoning district. The objectives of a Planned Unit Development District shall be to promote progressive development of land and construction by encouraging Planned Unit Developments (PUD's) to achieve: a

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maximum choice of living environments by allowing a variety of housing and building types; a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development; a development pattern in harmony with land use density, transportation facilities, and community facilities; an environment which provides safe, clean, convenient and necessary residential, commercial, and industrial facilities which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community; a development plan which suits the specific needs of the site and takes into account the unique conditions of the property which may require changes of conventional bulk regulations, lot layout, or density; or results in a project that provides greater public benefit than would be provided under conventional zoning; and, a mixture of compatible uses which might not otherwise be permitted in a single district, or which may restrict the range of land uses more than in a single district.

Underlying Zoning Districts

The underlying C-4, C-5 and RDO, and LM-SC Districts are a mixture of central business district retail, highway service commercial district and light-industrial. Setbacks, lot size and bulk regulations vary between the zoning districts.

Proposed PUD

Based on the proposed site plan, the Downtown Entertainment District is an appropriate use of the site and consistent with the intent and purpose of the Manhattan Zoning Regulations, subject to the conditions of approval. Proposed lot and bulk regulations within the proposed PUD are consistent with its intent to extend the Central Business District to the south. A Use Limitation of the C-4 District allows canopies, marquees and awnings to extend over the right-of-way. The hotel's canopy, which extends over S. 3<sup>rd</sup> Street right-of-way, shall be permitted subject to the Uniform Building Code, as adopted by the City of Manhattan.

**10. RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE THAT DENIAL OF THE REQUEST WOULD ACCOMPLISH, COMPARED WITH THE HARDSHIP IMPOSED UPON THE INDIVIDUAL OWNER:** There appears to be no relative gain to the public that denial would accomplish. Minimal impact on the public is expected as a result of traffic and storm water. Transportation and storm water proposals are consistent with the policies of the City. In addition, significant public investment has occurred in the project area. There may be a hardship on the owner if the rezoning is denied because no public adverse impacts are expected.

### Financial Impact

The preliminary PUD is critical to moving forward with a site plan and the issuance of STAR bonds. The general make-up of use within the South District is consistent with the STAR bond application and approval by the State of Kansas. The Discovery Center is the catalyst for the State's commitment to assist in the financing. The State of Kansas has also recognized the City's approval of a Redevelopment Plan for the South, which is consistent with the preliminary PUD application. The City also needs to recognize the private investment necessary to leverage the State's investment of \$50M in STAR bonds. The City and developer are required to match the \$50M in STAR bonds with \$58 M in private/public investment. The hotel, conference center, parking garage and public infrastructure are key financial commitments necessary to leverage the State's investment in the South STAR bond district.

### Timeline:

November 15, 2005, City Commission adopted Ordinance No. 6512, established the TIF District.

November 27, 2006, the Kansas Secretary of Commerce approved the STAR bond application.

December 28, 2006 the Kansas Secretary of Commerce approved the issuance of up to \$50,000,000 in STAR bonds.

March 15, 2007, the City Commission adopted Ordinance No. 6612, adopting the South Redevelopment Plan

June 2007, City Commission acquired five properties by condemnation within the South District.

January 2008, City Commission acquired the remaining properties within the South District.

January 2008, City Commission financed \$15.5M in acquisition with Key Bank for the South District properties.

**11. ADEQUACY OF PUBLIC FACILITIES AND SERVICES:** Adequate public streets, sanitary sewer and storm sewer, fire hydrants, streets, and sidewalks will be provided

**12. OTHER APPLICABLE FACTORS:** None.

**13. STAFF COMMENTS AND RECOMMENDATION:** City Administration recommends approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, with the following conditions:

1. Permitted uses shall include all of the Permitted Uses of the C-4, Central Business District, City Park, Museum, Conference Center, and Parking Garage.
2. Landscaping and irrigation shall be provided pursuant to a Landscaping Performance Agreement between the City and the owner, which shall be entered into prior to issuance of a building permit. Except that, if the City is also the owner of the property, landscaping and irrigation shall be provided in compliance with the process established by the governing body to develop the property.
3. All landscaping and irrigation shall be maintained in good condition.
4. Signage shall be provided as proposed in the application documents, and shall allow for exempt signage described in Article VI, Section 6-104 (A)(1),(2),(4),(5),(7) and (8); and Section 6-104 (B)(2), of the Manhattan Zoning Regulations.
5. Signage for Lot 5 and Lot 6 shall conform to the requirements of the C-4, Central Business District of the Manhattan Zoning Regulations.
6. The hotel's canopy, which extends over S. 3<sup>rd</sup> Street right-of-way, shall be permitted subject to the Uniform Building Code, as adopted by the City of Manhattan.
7. A dense hedge row shall be planted at a minimum height of 30-inches at the time of planting along the hotel's S. 4<sup>th</sup> Street and Colorado Street parking lot frontages.

**ALTERNATIVES:**

1. Recommend approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, stating the basis for such recommendation, with the conditions listed in the Staff Report.

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2. Recommend approval of the proposed rezoning of the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, and modify the conditions, and any other portions of the proposed PUD, to meet the needs of the community as perceived by the Manhattan Urban Area Planning Board, stating the basis for such recommendation, and indicating the conditions of approval.
3. Recommend denial of the proposed rezoning, stating the specific reasons for denial.
4. 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 the Downtown Entertainment District PUD, from C-4, Central Business District; C-5, Highway Service Commercial District and RDO, Redevelopment District Overlay; and, LM-SC, Light Manufacturing-Service Commercial District, to PUD, Commercial Planned Unit Development District, based on the findings in the staff report, with the seven conditions recommended by City Administration.

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

**DATE:** November 12, 2009.

09053

## SSAB FUNDING

	2008 Funding	2009 Funding	2010 Request	2010 Request	2010 Suggested *
<b>BBBS</b>	34,000	34,000	<b>37,000</b>	<b>37,000</b>	37,000
<b>Boys &amp; Girls</b>	7,500	12,500	<b>28,782</b>	<b>34,771</b>	28,782
<b>Crisis Center</b>	46,500	46,500	<b>48,825</b>	<b>48,825</b>	48,825
<b>Homecare &amp; Hospice</b>	42,000	44,500	<b>45,000</b>	<b>45,000</b>	45,000
<b>Kansas Legal Services</b>	20,000	25,000	<b>25,000</b>	<b>25,000</b>	25,000
<b>KSU Child Dev</b>	12,355	10,944	<b>43,750</b>	<b>71,638</b>	11,491
<b>MDCLC</b>	65,000	65,000	<b>65,000</b>	<b>65,000</b>	65,000
<b>MESI</b>	54,000	80,850	<b>65,143</b>	<b>80,143</b>	72,000
<b>Shepherd's Crossing</b>	40,000	40,000	<b>40,000</b>	<b>44,000</b>	44,000
<b>Sunflower CASA</b>	25,300	27,226	<b>38,188</b>	<b>38,188</b>	27,226
<b>UFM</b>	6,000	4,000	<b>4,500</b>	<b>4,500</b>	4,000
<b>aTa Bus</b>	32,500	45,250	<b>90,000</b>	<b>90,000</b>	47,513

## SPECIAL ALCOHOL FUNDING

	<b>2009 Funding</b>	<b>2010 Requested</b>	<b>2010 Average</b>	<b>2010 Suggested *</b>
<b>BBBS</b>	14,000	<b>19,000</b>	19,000	19,000
<b>Boys &amp; Girls</b>	24,500	<b>28,000</b>	28,000	28,000
<b>KSU-AODES</b>	25,463	<b>37,000</b>	34,625	37,000
<b>LATF</b>	4,000	<b>4,000</b>	1,625	0
<b>MESI</b>	13,362	<b>13,362</b>	13,442	13,362
<b>Pawnee Mental Health</b>	41,653	<b>56,685</b>	48,362	56,685
<b>RC Atty -Youth Court</b>	5,600	<b>4,350</b>	4,369	4,350
<b>RC Community Corrections</b>	10,350	<b>11,350</b>	11,244	11,350
<b>RCPD - DARE</b>	70,427	<b>0</b>	0	0
<b>Sunflower CASA</b>	31,614	<b>27,645</b>	27,689	27,645
<b>Restoration Ctr</b>	28,000	<b>45,000</b>	28,000	28,000
<b>UFM</b>	20,000	<b>20,000</b>	20,000	20,000
<b>USD #383</b>	107,282	<b>111,466</b>	111,466	111,466
<b>TOTALS</b>	<b>396,251</b>	<b>377,858</b>	<b>347,821</b>	<b>356,858</b>