

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JUNE 1, 2010***  
***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 James E. Sherow and Commissioners Loren J. Pepperd, Jayme Morris-Hardeman, and Bob Strawn 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 60 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Pro-Tem Sherow led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Pro-Tem Sherow proclaimed June 4, 2010, ***KMAN Day***. Rich Wartell, President and General Manager, and Cathy Dawes, KMAN News Director, Manhattan Broadcasting Company, were present to receive the proclamation.

Mayor Pro-Tem Sherow proclaimed June 5, 2010, ***Manhattan Day***. Ned Seaton, Coordinator, Manhattan Day, was present to receive the proclamation.

Mayor Pro-Tem Sherow talked about Manhattan Day and the rich heritage of our community. He then proclaimed June 2010, ***LGBT Pride Month***. Jonathan Mertz, Chair, and Wade Honey, Vice Chair, Flint Hills Human Rights Project Board, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Pro-Tem Sherow opened the public comments.

Paul Barkey, 2514 Nutmeg, and Darryl Martin, 2229 Stone Post Road, Manhattan Pastors, read a prepared statement from a group of pastors and concerned citizens titled "Citizens Response to the Mayor Pro-Tem LGBT Proclamation."

## PUBLIC COMMENTS (CONTINUED)

Susan Gerth, 2213 Alta Drive, President, Flint Hills Chapter of Parents, Families, and Friends of Lesbians and Gays (PFLAG), stated that on behalf of PFLAG, her family, and her transgender daughter, thanked the Commission for having the courage to make this proclamation.

Cora Holt, 926 Humboldt Street, K-State PhD graduate student, thanked Mayor Pro-Tem Sherow for using secular reasoning rather than using Christian reasoning, stating that not all in Manhattan are Christian.

Fran Siegle, 1013 Houston Street, informed the Commission that as a straight, married man and a member of the College Avenue United Methodist Church, he was thankful for the proclamation in support of a group of people that receive very little.

Andy Crowl, 831 Ratone Street, stated that on behalf of his gay family and friends, he appreciated the support from the government.

Bret Haminaw, 1436 Legore Lane, informed the Commission that as member of a Catholic, German family and serving consecutively in the armed forces, he has never experienced a large amount of hazing. He said through this proclamation, it is less likely if you are gay, transgender or lesbian, to experience hazing.

Mayor Pro-Tem Sherow thanked everyone for their comments and stated that the Commission will take them into consideration. Hearing no other comments, Mayor Pro-Tem Sherow closed the public comments.

## COMMISSIONER COMMENTS

Commissioner Strawn stated that he received several phone calls and e-mails regarding the Mayor's LGBT Pride Month proclamation and complimented Mayor Pro-Tem Sherow for his courage to give the proclamation. He informed the community that the proclamation was discussed during the Discussion/Briefing Session prior to the legislative meeting. He stated the Commissioners did not have the right to voice their opinion about the proclamation or the opportunity to vote on the proclamation, so the community needs to know that this proclamation may or may not reflect the individual views of each Commissioner.

Commissioner Morris-Hardeman stated that if she had the opportunity to vote on the LGBT Pride Month proclamation, she would have voted in support of reading the proclamation. She voiced appreciation for those sharing support for the proclamation.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Pepperd stated that he did not believe the City Commission Room was the proper pulpit for sex, religion, or politics and would not read a proclamation of this type.

Mayor Pro-Tem Sherow stated that the City Commission Room is the proper place for politics and said he was also trying to address this not on a moral basis, but based on civil rights, constitutional law, liberty, and the pursuit of happiness; and was not trying to inject religion into this discussion in any way. He then provided an overview of items discussed during the Discussion/Briefing Session, which were: 1) provided an overview on the purpose of the Discussion/Briefing Sessions and informed citizens that these sessions are open to the public and begin at 5:30 p.m.; 2) informed the community that the 2009 City Annual Report is available on the City's web site; 3) provided an update on the Flint Hills Regional Council; 4) received an update on the ATA Bus and regional transportation planning from Commissioner Morris-Hardeman; 5) discussed how the City Commission can present its position on budget matters to the Riley County Law Board for its consideration; and 6) received a report from Commissioner Pepperd from a recent Riley County-Manhattan Health Board meeting and issues raised related to its budget and electronic cigarettes.

Commissioner Pepperd informed the community that the Riley County-Manhattan Health Board discussed the availability of \$400,000.00 to provide childcare assistance.

Lauren Palmer, Assistant City Manager, provided additional information on the action of the Riley County-Manhattan Health Board to amend its budget by \$40,000.00 to secure local matching funds to ensure a State grant that would provide childcare scholarships for low and moderate income families.

Commissioner Strawn provided additional comments on proclamations made by the Mayor and what those proclamations represent, since they are signed under the seal of the City of Manhattan and are a fairly serious document when proclaimed by the Mayor. He stated that it would be a good idea to discuss and revisit the issuance of proclamations.

Mayor Pro-Tem Sherow stated that if needed, the Commission could revisit the resolution policy for the presentation of proclamations and how they are done.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 18, 2010.

## CONSENT AGENDA (CONTINUED)

### CLAIMS REGISTER NO. 2643

The Commission approved Claims Register No. 2643 authorizing and approving the payment of claims from May 12, 2010, to May 25, 2010, in the amount of \$3,349,411.14.

### LICENSES

The Commission approved a Fireworks Display License for Steve Brewer for a display at Cico Park on July 4, 2010; an annual Cereal Malt Beverage License for Short Stop #12, 2010 Tuttle Creek Blvd.; and a 2010 Merchant Guard Agency License for Vend-Tech Enterprise LLC, 260 N. Rock Rd., Ste 218, Wichita, Kansas.

\* **ORDINANCE NO. 6828 – AMEND ZONING REGULATIONS – FLOOD PLAIN REGULATIONS**

Commissioner Pepperd provided additional information on the item.

The Commission approved Ordinance No. 6828 amending Article X, Flood Plain Regulations of the Manhattan Zoning Regulations, as proposed, based on the findings in the Staff Memorandum. (*See Attachment No. 1*)

### **FIRST READING – NO PARKING – CENTRAL PARK ROAD; ONE-WAY – NORTH PARK ROAD**

The Commission approved first reading of an ordinance designating the east side of Central Park Road as “No Parking,” establishing parallel parking along the west side, and designating Central Park Road between Fremont Street and North Park Road as “One-Way.”

### **RESOLUTION NO. 060110-A - SCENIC MEADOWS ADDITION, UNIT TWO, PHASE THREE – SANITARY SEWER IMPROVEMENTS (SS1004)**

The Commission found the petition sufficient and approved Resolution No. 060110-A, finding the project advisable and authorizing construction for Scenic Meadows Addition, Unit Two, Phase Three, Sanitary Sewer Improvements (SS1004).

### **RESOLUTION NO. 060110-B - SCENIC MEADOWS ADDITION, UNIT TWO, PHASE THREE – STREET IMPROVEMENTS (ST1006)**

The Commission found the petition sufficient and approved Resolution No. 060110-B finding the project advisable and authorizing construction for Scenic Meadows Addition, Unit Two, Phase Three, Street Improvements (ST1006).

## CONSENT AGENDA (CONTINUED)

### RESOLUTION NO. 060110-C - SCENIC MEADOWS ADDITION, UNIT TWO, PHASE THREE – WATER IMPROVEMENTS (WA1004)

The Commission found the petition sufficient and approved Resolution No. 060110-C finding the project advisable and authorizing construction for Scenic Meadows Addition, Unit Two, Phase Three, Water Improvements (WA1004).

### AGREEMENT – ENGINEERING SERVICES - SCENIC MEADOWS ADDITION, UNIT TWO, PHASE THREE, IMPROVEMENTS (SS1004, ST1006, WA1004)

The Commission authorized the Mayor and City Clerk to execute an agreement with SMH Consultants, PA, of Manhattan, Kansas, to perform professional services for the sanitary sewer (SS1004), street (ST1006), and water (WA1004) improvements for Scenic Meadows Addition, Unit Two, Phase Three.

### AMENDMENT – ENGINEERING SERVICES – MILLER RANCH WATER MAIN EXTENSION (ST0622)

The Commission authorized the Mayor and City Clerk to execute an amendment in the amount of \$18,738.00 with Schwab-Eaton, of Manhattan, Kansas, for the waterline design from Lee Mill Heights, Unit Two, to Scenic Drive along the Miller Parkway Corridor (ST0622).

### AGREEMENT – PROFESSIONAL SERVICES – WILDCAT SEWER BASIN SEWER MODEL (SS1007)

The Commission approved the recommendation of Bartlett and West, Inc., and SMH Team, of Manhattan, Kansas, and authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement for Professional Services in an amount up to the budgeted amount of \$250,000.00 for modeling of the Wildcat Sewer Basin (SS1007) and the M-FRO area and mitigation of Infiltration and Inflow and impacts of High Density Housing.

### AGREEMENT – PROFESSIONAL SERVICES – WATER SYSTEM MODELING (WA1005)

The Commission authorized the Mayor and City Clerk to execute an agreement in the amount of \$104,899.00 with Bartlett and West, of Manhattan, Kansas, for professional services for the Water System Modeling (WA1005).

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT – 2010 LIFT STATION TELEMTRY IMPROVEMENT (SP1004)

The Commission accepted the Engineer's Estimate in the amount of \$125,000.00 and awarded a contract in the amount of \$97,869.00, including Option 1 (a cellular communication panel to receive lift station telemetry data at the Wastewater Treatment Plant (WWTP), to R. E. Pedrotti Co., Inc., of Mission, Kansas, for the 2010 Lift Station Telemetry Improvement Project (SP1004).

### PERFORMANCE CONTRACT - FORT RILEY BOULEVARD PAVEMENT MARKING (ST1004)

The Commission awarded a contract in the amount of \$297,322.52 to 3-M Company, Inc., of St. Paul, Minnesota for the Fort Riley Boulevard (K-18) Pavement Marking Performance (ST1004), from east of Westwood Drive to the intersection of East Poyntz Avenue and Manhattan Town Center Mall entrance.

### AWARD CONTRACT – 2007 NEW AND PARALLEL WATER LINES, PHASE II (WA1009)

The Commission accepted the Engineer's Estimate, including alternates, in the amount of \$1,071,700.00 and awarded a construction contract to Larson Construction, Inc., of Manhattan, Kansas, in the amount of \$938,549.00 for the 2007 Parallel Water Lines, Phase II Project (WA1009).

### RESOLUTION NO. 060110-D – TEMPORARY NOTES – 2007 NEW AND PARALLEL WATER LINES, PHASE II (WA1009)

The Commission approved Resolution No. 060110-D authorizing the issuance of temporary notes to finance the 2007 Parallel Water Lines, Phase II, Project (WA1009).

### OUTSIDE CITY SERVICES – SEWER CONNECTION – 4851 EUREKA DRIVE

The Commission authorized the Mayor and City Clerk to execute an agreement permitting connection to the public sanitary sewer collection system by Mona Padgett for the real estate located at 4851 Eureka Drive, Riley County, Kansas.

### PERMANENT UTILITY EASEMENT – PARKER HANNIFAN – WATER TREATMENT PLANT AND WELLFIELD IMPROVEMENT (WA0611)

The Commission approved and authorized City Administration to finalize and the Mayor and City Clerk to execute an agreement with Parker-Hanifan for a permanent utility easement for the 36-inch raw water supply line for the Water Treatment Plant and Wellfield Improvement Project (WA0611).

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENT – NEIGHBORHOOD GRANT REVIEW COMMITTEE

The Commission approved the appointment of Sara Fisher, 811 Osage Street, to a one-year term. Ms. Fisher's term begins immediately and will expire on December 31, 2010.

Ron Fehr, City Manager, provided additional information on the infrastructure consent agenda items and informed the Commission that the items identified are all budgeted items.

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

## GENERAL AGENDA

### SUBMITTAL - FINAL DEVELOPMENT PLAN – FLINT HILLS DISCOVERY CENTER

Lauren Palmer, Assistant City Manager, introduced the item.

Chuck Bartlett, HWS Consulting Group, Inc., presented the site plan, utilities plan, and construction phasing planned for the Flint Hills Discovery Center.

Bret Tremley, HWS Consulting Group, Inc., presented the park conceptual layout, landscape, streetscape, and Discovery Center elevations.

Chuck Bartlett, HWS Consulting Group, Inc., responded to questions from the Commission about stormwater plans on the site, use of bollards to protect the building, geo thermal system, and landscaping plans.

Jason Hilgers, Assistant City Manager, and Chuck Bartlett, HWS Consulting Group, Inc., provided additional information on the item and responded to questions from the Commission regarding use of Lot 9 during and after the construction period of the Discovery Center, hotel, and parking garage.

Ron Fehr, City Manager, provided additional information on the item and said that utility companies are continuing to work on burying underground lines in the South Redevelopment area.

## GENERAL AGENDA (CONTINUED)

### SUBMITTAL - FINAL DEVELOPMENT PLAN – FLINT HILLS DISCOVERY CENTER (CONTINUED)

Jason Hilgers, Assistant City Manager, responded to questions from the Commission and informed them that the final landscaping design hasn't been completed and is still in the design concept stage. He stated that options include irrigating the area from the bridge to the development or leaving this area as natural grasses.

Chuck Bartlett, HWS Consulting Group, Inc., responded to questions from the Commission about the depth of the proposed wells and stated that the engineers designed an optimized system to minimize the number of wells and depth.

After discussion, Commissioner Morris-Hardeman moved to authorize the submittal of the Final Development Plan for Lots 7, 8, and 10 of the South End Downtown Entertainment District. Commissioner Pepperd seconded the motion.

Ron Fehr, City Manager, provided additional information on the process for the Final Development Plan. He then responded to questions regarding Lot 9 and provided clarification on the landscaping and additional opportunities for the Commission to revisit the landscaping and park design.

After additional discussion of the Commission, on a roll call vote, motion carried 4-0.

### AWARD CONTRACT – 2010 STREET MAINTENANCE, PHASE II-ASPHALT: PART A - MILL AND OVERLAY (ST1007); PART B - KLINK OVERLAY (ST1003); PART C - AIRPORT PARKING LOT (ST1010, AP1001)

Rob Ott, City Engineer, presented the item. He then responded to questions from the Commission regarding the prioritization of projects and the pavement condition index used in the analysis.

Peter Van Kuren, Airport Director, responded to questions from the Commission regarding the parking lot and use at the Manhattan Regional Airport.

Ron Fehr, City Manager, provided additional information on the item and asked citizens to report both potholes and concrete panel areas that need to be repaired.

After discussion, Commissioner Strawn moved to award a contract in the amount of \$690,495.74 to Shilling Construction Company, Inc., of Manhattan, Kansas, for the 2010 Street Maintenance Project Phase II, Asphalt, Part A Mill and Overlay (ST1007), Part B KLINK Overlay (ST1003), and Part C Airport Parking Lot (ST1010). Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

GENERAL AGENDA (CONTINUED)

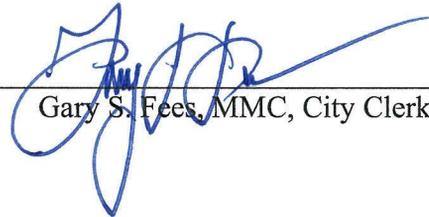
AWARD CONTRACT – 2010 STREET MAINTENANCE PH 1 - PART A  
CONCRETE PANEL REPLACEMENT (ST1009) AND PART B AIRPORT  
PARKING ADDITION CURB AND GUTTER (ST1007/AP1001)

Rob Ott, City Engineer, presented the item.

After discussion, Commissioner Strawn moved to award a construction contract in the total amount of \$287,841.00 for the 2010 Street Maintenance Project Phase I, Concrete, Part A Concrete Panel Replacement (ST1009) and Part B Airport Parking Addition Curb and Gutter (ST1007) to Carley Construction, of Wamego, Kansas. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 8:15 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk



## INTER-OFFICE MEMORANDUM

**DATE:** April 27, 2010

**TO:** Manhattan Urban Area Planning Board

**MEETING DATE:** May 3, 2010

**FROM:** Chad Bunger, AICP, CFM, Planner II

**RE:** Amendment to Article X, Flood Plain Regulations, of the  
Manhattan Zoning Regulations

### **BACKGROUND**

The City of Manhattan began participating in the National Flood Insurance Program (NFIP), in 1981. In 1984, the Federal Emergency Management Agency (FEMA) prepared a Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Riley County and the incorporated cities, including the City of Manhattan. In 1984, the City of Manhattan adopted Flood Plain Regulations that incorporated the FIS and applicable FIRM panel. Article X, Flood Plain Regulations of the Manhattan Zoning Regulations has been amended several times since 1984 to reflect changes in the FIS and/or FIRMs, or to address changes in the requirements from FEMA. A Restudy of all the City's flood plains resulted in new FIRM panels, FIS, and amended Flood Plain Regulations, effective November 19, 2003. After November 2003, FEMA modified several FIRM panels. Revised FIRM, FIS, and amended Flood Plain Regulations were adopted, effective, February 3, 2005.

By participating in the NFIP and adopting FEMA approved Flood Plain Regulations, the community is eligible for flood insurance and disaster assistance. By not participating in the NFIP, property owners with structures in the 1% Annual Chance Flood Plain (commonly referred to as the 100-year flood plain) would not be able to receive federal financial assistance, such as federally backed mortgages or be able to receive federally subsidized flood insurance.

*Attachment No. 1*

Recently, FEMA and the Kansas Department of Agriculture, Division of Water Resources (DWR) completed an update of the FIS and six (6) FIRM panels in Riley County through the FEMA Map Modernization study. Four (4) of the six (6) new FIRM panels are within the jurisdiction of the City. The areas of the City affected by the new FIRMs are generally located east of Tuttle Creek Boulevard in the Blue River Valley between Marlatt Avenue and the industrial park area. One FIRM panel is in the Tattarx Hills area.

**New FIRM Panels**

In 2007-2008, FEMA and DWR initiated the Map Modernization study for areas of Riley County and Pottawatomie County along the Blue River. The Map Modernization study is a nationwide project conducted by FEMA, state agencies and contracting engineering firms to produce digital floodplain maps that will eventually create seamless, nationwide flood data. These new maps are more accurate than the previous paper maps and will reduce cost and time for future updates. The Map Modernization study for the portion of the City of Manhattan, Riley County and Pottawatomie County re-delineated the effective models found in the FIS by incorporating new and more accurate topography. Using the current information found in the FIS, new maps were created that used more accurate topographic data and included new streets and city boundaries. The only changes on the new maps are the boundaries of the 1% and 0.2% Annual Chance Flood Plains (the 0.2% Annual Chance Flood is commonly known as the 500 year flood), which were altered to reflect the more accurate topographic data. The result is changes to the boundaries of the 1% and 0.2% Annual Chance Flood Plains in the study area. Some areas of the study show significant changes to the new mapped flood plains when compared to the current FIRMs. The new FIS and FIRM panels will become effective on July 6, 2010.

**Proposed Changes to Article X, Flood Plain Regulations**

By participating in the NFIP, communities are required to adopt Flood Plain Regulations that meet the minimum standards of the NFIP's Regulations. With the new FIS and FIRM panels being issued by FEMA, the City of Manhattan is required to update Article X, Flood Plain Regulations, to reflect the new information. FEMA and DWR have prepared Model Flood Plain Regulations that ensures the minimum standards of the NFIP are met. In general, communities adopt these model regulations and may modify them to fit local needs, but cannot be less restrictive than the minimum FEMA and DWR standards. The regulations ensure that construction conforms to minimum design standards to protect life and property. The FIS and FIRM panels are adopted, by reference in the Flood Plain Regulations. The panels identify the Floodway and those areas of the City that are affected by the 1% Annual Chance Flood Plain.

*Attachment No. 1*

A copy of the amendments to Article X is attached. Language to be deleted is lined through and new text is in bold italics. The changes reflect the language found in the Model Regulations provided by FEMA and DWR and address the new FIS and FIRM panels that will become effective July 6, 2010. The amendments to Article X will ensure compliance with the NFIP and state requirements. The Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture has reviewed the proposed amendments and approved them in draft form on April 14, 2010 (*see attached letter*). Those Sections that were revised are below.

Section 10-101 (A)(1) Statutory Authorization: Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption, has been updated to reflect when the Chief Engineer approved the floodplain regulations in draft form.

Section 10-101 (B)(3)(a) Methods Used to Analyze Flood Hazards and Section 10-102 (A)(1) Official Flood Plain Map, were updated to cite the effective date of the new FIS and updated panels of the FIRM.

The term “or professional engineer” has been added to Sections 10-203 (C)(1), (3), (4), (8)(d), and (8)(e) to define who can certify the elevation of the lowest floor of a structure. This is a requirement of the state’s Model Regulations.

Section 10-203 (C)(9) Areas of Shallow Flooding (AO and AH zones), has been included to define how developments within flood hazards zones AO and AH will be constructed to protect lives and prevent damage to properties. This is a requirement of the state’s Model Regulations.

Section 10-203 (C)(10) Recreational Vehicles, has been added to state the requirements of recreational vehicles being parked in 1% Annual Chance Flood Plains. This section applies to all recreational vehicles parked in a 1% Annual Chance Flood Plain, regardless of if the area is intended as a recreational vehicle park, and includes private driveways and off-street parking lots. This is a requirement of the state’s Model Regulations.

Section 10-301 (A)(1) Authorization, has been changed to delete the requirement that the Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture would determine whether or not an increase in flood levels during a base flood would result from a development in a designated regulatory floodway that is seeking an Exception of the Flood Plain Regulations. The Section has been updated to require a professional engineer to make the determination in such cases. It will be the responsibility of the applicant(s) seeking the Exception of the Flood Plain Regulations to hire the services of the professional engineer to provide this information to the Board of Zoning Appeals. This is a requirement of the state’s Model Regulations.

**AMENDMENTS TO THE TEXT OF THE ZONING REGULATIONS**

When a proposed amendment results in a change to the text of the Zoning Regulations, the report from the Planning Staff shall contain a statement as to the nature and effect of the proposed amendment, and determinations as to the following:

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING REGULATIONS**

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 district to assure compatibility; and to protect property values.

More specifically, the purposes of the Flood Plain Regulations are to promote the public health, safety and general welfare and to minimize flood losses resulting from periodic inundation of the base flood by applying provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or cause undue increases in flood heights or velocities.
- (2) Require that uses vulnerable to floods, including public facilities, which serve such uses, be provided with flood protection at the time of initial construction.
- (3) Protect individuals from buying lands, which are unsuited for intended purposes because of flood hazard.
- (4) Minimize the need for rescue and relief efforts associated with flooding, generally undertaken at the expense of the general public.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

In order to regulate development in the 1% Annual Chance Flood Plain, the proposed amendments must reference the FIRM panels and meet the requirements of the NFIP and Kansas statutes. The proposed amendments are consistent with these purposes and meet the requirements of the NFIP and Kansas statutes. The proposed amendments are mandatory and made necessary because of the completion of the Map Modernization Study that updated the FIS and created new FIRM panels for parts of the City of Manhattan, in both Riley County and Pottawatomie County, which will be effective July 6, 2010.

**AREAS WHICH ARE MOST LIKELY TO BE DIRECTLY AFFECTED BY SUCH CHANGE AND IN WHAT WAY THEY WILL BE AFFECTED**

The Flood Plain Regulations apply to those areas designated as 1% Annual Chance Flood Plain, which are located throughout the City as shown on the current and new FIRM panels. The new FIRM panels affect properties generally located east of Tuttle Creek Boulevard and north of McCall Road in the Blue River Valley. New construction, substantial improvements to existing structures and other developments in the 1% Annual Chance Flood Plain must conform to the requirements set out in Article X of the Zoning Regulations in order to protect life and property, as well as ensure the City's continued participation in the NFIP.

**WHETHER THE PROPOSED AMENDMENT IS MADE NECESSARY BECAUSE OF CHANGED OR CHANGING CONDITIONS IN THE AREAS AND ZONING DISTRICTS AFFECTED, OR IN THE CITY PLANNING AREA, GENERALLY, AND IF SO, THE NATURE OF SUCH CHANGED OR CHANGING CONDITIONS**

FEMA initiated the Map Modernization Study for the Blue River in 2007-2008, which was recently completed and will become effective on July 6, 2010. The Map Modernization Study updated the FIRM panels along the Blue River to include more accurate topographic data and updated street and city boundaries. FEMA requires that by the effective date, the City will have to adopt the proposed amendments to insure that the City's flood plain management regulations are legally enforceable, and meet the requirements of FEMA and Kansas statutes.

**WHETHER SUCH CHANGE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE POLICY AND GOALS AS OUTLINED IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY**

Chapter 4: Land Use and Growth Management, in The Manhattan Urban Area Comprehensive Plan, categorized the Floodway as a Flood Hazard Area, which consists of the FEMA designated Floodway and areas inundated by the 1993 flood event where development would be prohibited. The Floodway is within the 1% Annual Chance of Flood Plain. The Floodway Fringe or developable area of the 1% Annual Chance of Flood Plain, is generally identified as an Environmentally Sensitive Area. These areas are typically along streams and rivers. The 1993 flood event was due to man-made releases from Tuttle Creek Reservoir, which are known to occur under certain circumstances, and some of the affected areas might not be in 1% Annual Chance of Flood Plains.

*Attachment No. 1*

Goal #1 in Chapter 5: Natural Resources and Environment is, “Preserve environmentally sensitive areas from development.” The Guiding Principle is “Identify and conserve environmentally sensitive areas, including wetlands, key wildlife habitats, steep slopes and riparian areas.” Policy NRE 6: Natural Hazards states that, “Development shall be prohibited in areas where natural hazards have been identified which have the potential to endanger life, resources, and property. Within the Manhattan Urban Area, these hazards include steep slopes (20% or greater slope), floodways or other special flood hazard areas.”

The 1% Annual Chance Flood Plain may consist of the Floodway, Floodway Fringe, or a combination of both. Within the Floodway, development is limited to low impact, non-structural activities, such as open parks and recreation areas, parking areas, trails and some structures such as railroads, bridges, utility transmission lines and pipelines. Any development in the Floodway is required to have a professional engineer demonstrate that there will be no increase to the base flood elevation. By restricting development in the Floodway, the proposed amendments will, in general, preserve the riparian character of those locations designated as Floodway.

The Floodway Fringe can be developed subject to the Flood Plain Regulations. The Flood Plain Regulations represent a balance between preserving the natural riparian areas along streams and rivers by limiting and restricting development in the Floodway, while allowing development in the Floodway Fringe, provided it follows FEMA and state standards.

The proposed amendments of Article X, Flood Plain Regulations, conform to the Comprehensive Plan.

**ALTERNATIVES**

It appears the MUAPB has the following alternatives concerning the issue at hand. The Board may:

1. Recommend approval of the proposed amendments to Article X of the Zoning Regulations, based on the findings in the Staff Memorandum.
2. Recommend denial of the proposed amendments, for specifically stated reasons.
3. Modify the proposed amendments and forward the modifications, along with an explanation, to the City Commission.
4. Table the public hearing to a specific date, and provide further direction to City Administration.

**RECOMMENDATION**

City Administration recommends approval of the amendments to the Manhattan Zoning Regulations, Article X, Flood Plain Regulations, based on the findings in the Staff Memorandum, and as approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the proposed amendments to the Manhattan Zoning Regulations, Article X, Flood Plain Regulations, based on the findings in the Staff Memorandum, and as approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture.

CB/vr  
10052