

***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, MAY 17, 2011***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor James E. Sherow and Commissioners Loren J. Pepperd, John Matta, Wynn Butler, and Richard B. Jankovich 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 210 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Sherow led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Sherow proclaimed May 2011, ***Mental Health Month***. Robbin Cole, Executive Director, Pawnee Mental Health Services; Bill Meredith, Chair, Board of Directors of Pawnee Mental Health Services; and Carroll Hess and Stan Wilson, Board of Directors of Pawnee Mental Health Services, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Mayor Sherow provided an overview of items mentioned during the Discussion/Briefing Session held prior to the City Commission Legislative Meeting. The Commission updated their calendars; provided an update with the Manhattan Area Chamber of Commerce on Lot 9, Downtown Entertainment District; received a legislative update from Dick Carter; received updates on the Riley County-Manhattan Health Department Board and Manhattan Housing Authority; discussed the upcoming City Commission Retreat and Goal Setting Session on Thursday, May 26, 2011, starting at 12:00 Noon; discussed a memorandum on the financial analysis for Flint Hills Square; discussed the hotel market analysis to be completed by Strategic Advisory Group (SAG); and received an update from the Director of Public Works Dale Houdeshell on potential funds available for water meter upgrades. He then informed the community that earlier in the day a memorial service was held for Atina Hanna. The Mayor stated that she was a wonderful community member and will be missed.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, May 3, 2011.

### CLAIMS REGISTER NO. 2672

The Commission approved Claims Register No. 2672 authorizing and approving the payment of claims from April 27, 2011, to May 10, 2011, in the amount of \$3,064,395.72.

### LICENSE

The Commission approved an annual Cereal Malt Beverage On-Premises License for Valentino's, 3003 Anderson Avenue Suite 901.

### FINAL PLAT – SCENIC WOODS ADDITION PUD

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Woods Addition, a Residential Planned Unit Development, generally located southwest of the intersection of North Scenic Drive and Stone Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### RESTRICTIVE COVENANTS – SCENIC WOODS ADDITION PUD

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute the Agreements regarding construction and maintenance of the stormwater facilities and travel easement for Scenic Woods Addition, a Residential Planned Unit Development.

### ORDINANCE NO. 6893 – AMEND – COMPREHENSIVE PLAN (UPDATED GATEWAY TO MANHATTAN PLAN)

The Commission approved Ordinance No. 6893, amending the Manhattan Urban Area Comprehensive Plan by adopting and incorporating by reference the updated Gateway to Manhattan Plan, dated April 2011, and incorporating the necessary citation in Chapter 4 as proposed; and by adding a cross-reference to Vision 2025: A Comprehensive Plan for Riley County, Kansas, in Chapter 4, as proposed.

### \* ORDINANCE NO. 6894 – REPEAL – MOBILE FOOD VENDING

Lauren Palmer, Assistant City Manager, provided additional information on the item and asked for clarification.

Ron Fehr, City Manager, informed the Commission that the item could be tabled for additional consideration.

## CONSENT AGENDA (CONTINUED)

\* **ORDINANCE NO. 6894 – REPEAL – MOBILE FOOD VENDING (CONTINUED)**

Ralph DeZago, City Prosecutor, Junction City, informed the Commission that he appreciated consideration on the item and provided additional information.

After discussion of the Commission, it was determined that the item would be tabled.

\* **ORDINANCE NO. 6895 – AMEND – PEDDLERS/SOLICITORS**

Lauren Palmer, Assistant City Manager, provided additional information on the item and asked for clarification.

Ron Fehr, City Manager, informed the Commission that the item could be tabled for additional consideration.

After discussion of the Commission, it was determined that the item would be tabled.

**ORDINANCE NO. 6896 – NO PARKING EXCEPT SUNDAYS – BROWNING AVENUE (UNIVERSITY CHRISTIAN CHURCH)**

The Commission approved Ordinance No. 6896 altering the existing “No Parking Anytime” area on the east side of Browning Avenue, from Claflin Road to Dickens Avenue, to a “No Parking Except Sundays” area on the east side of Browning Avenue from 150 feet north of Claflin Road to 200 feet south of Dickens Avenue.

**RESOLUTION NO. 051711-A – REVISED PETITION – KSU FOUNDATION – SANITARY SEWER IMPROVEMENTS (SS0812)**

The Commission found the revised petition sufficient and approved Resolution No. 051711-A, rescinding Resolution No. 051909-I, and finding the Kansas State University Foundation Sanitary Sewer Improvements (SS0812) project advisable and authorizing construction.

\* **RESOLUTION NO. 051711-B – TEMPORARY NOTE SERIES 2011-03**

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

Bernie Hayen, Director of Finance, responded to questions from the Commission on the issuance of temporary notes.

## CONSENT AGENDA (CONTINUED)

\* **RESOLUTION NO. 051711-B – TEMPORARY NOTE SERIES 2011-03 (CONTINUED)**

The Commission accepted the best bid for selling the notes and approved Resolution No. 051711-B issuing Temporary Note Series No. 2011-03 in the amount of \$7,385,000.00 to finance the following eight (8) capital projects to be debt financed: *Stone Pointe Addition, Unit 1, Phase 2, Pedestrian Bridge (SP0701); South End Downtown Redevelopment Parking Garage (PG0901); Discovery Center Exhibit Fabrication and Installation (CD0902); Fire Station #5 (FR775P); Fire Station # 3 (FRX75P); Miller Parkway Water Main Extension (WA0622); Smith and Manfax Sanitary Sewer Improvements (SS0901); and Kimball Avenue and Candlewood Drive Intersection Improvements (ST1002).*

**RESOLUTION NO. 051711-C – TEMPORARY NOTE SERIES 2011-04**

The Commission accepted the best bid for selling the notes and approved Resolution No. 051711-C Temporary Note Series 2011-04 in the amount of \$4,750,000.00 to finance the *South End Downtown Redevelopment Conference Center (CC0901).*

\* **RESOLUTION NO. 051711-D – INCREASE – TAXI RATES**

Bernie Hayen, Director of Finance, responded to questions from the Commission on the requested rate increase and past rate increases.

The Commission approved Resolution No. 051711-D increasing the taxi rates due to higher fuel costs (*See Attachment No. 1*).

\* **CHANGE ORDER NO. 3-FINAL – GRANDE BLUFFS AT MILL POINTE, UNIT ONE – STREET IMPROVEMENTS (ST1008)**

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

The Commission approved Change Order No. 3-Final for the Grande Bluffs at Mill Pointe, Unit One, Street Improvements project (ST1008), resulting in a net increase in the amount of \$47,074.65 (+24.00%) to the contract with Manhattan Trenching Inc., of Manhattan, Kansas.

\* **CHANGE ORDER NO. 3-FINAL – SMITH STREET/MANFAX AVENUE - SANITARY SEWER IMPROVEMENTS (SS0901)**

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

## CONSENT AGENDA (CONTINUED)

\* **CHANGE ORDER NO. 3-FINAL – SMITH STREET/MANFAX AVENUE - SANITARY SEWER IMPROVEMENTS (SS0901) (CONTINUED)**

The Commission approved Change Order No. 3-Final for the Smith Street/Manfax Avenue Sanitary Sewer project (SS0901), resulting in a net increase in the amount of \$38,305.50 (+7.99%) to the contract with J and K Contracting, of Junction City, Kansas.

\* **CHANGE ORDER NO. 2-FINAL – 3<sup>RD</sup> STREET AND PIERRE STREET INTERSECTION (ST0910)**

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

The Commission approved Change Order No. 2-Final for the 3<sup>rd</sup> Street and Pierre Street project (ST0910), resulting in a net increase in the amount of \$54,394.77 (+5.14%) to the contract with Pavers, Inc., of Salina, Kansas.

**DEVELOPMENT AGREEMENT – 2216 CLAFLIN TOWNHOMES – WATER (WA1108), SANITARY SEWER (SS1109), AND STORM SEWER (SM1104) IMPROVEMENTS**

The Commission authorized the Mayor and City Clerk to execute the Development Agreement with the 2216 Claflin Townhome PUD owner for water main (WA1108), sanitary sewer (SS1109), and storm sewer (SM1104) improvements for the 2216 Claflin Townhome PUD.

\* **SUPPLEMENTAL AGREEMENT – CONSTRUCTION OBSERVATION SERVICES – 4<sup>TH</sup> STREET AND BLUEMONT AVENUE INTERSECTION (ST0703)**

Dale Houdeshell, Director of Public Works, provided additional information on the Supplemental Agreement.

The Commission authorized the City Manager and City Clerk to execute a supplemental agreement in the amount of \$13,048.24 with Alfred Benesch and Company, of Manhattan, Kansas, for additional construction observation services for the intersection of 4<sup>th</sup> Street and Bluemont Avenue (ST0703).

**EASEMENTS – RILEY COUNTY WILDCAT CREEK ROAD IMPROVEMENTS**

The Commission authorized the Mayor and City Clerk to execute a permanent easement and two temporary easements to Riley County as required for the Wildcat Creek Road improvements.

## CONSENT AGENDA (CONTINUED)

### PURCHASE - MOWER

The Commission approved the purchase of a Toro Groundsmaster Model 3280D and snow removal accessories in the amount of \$29,696.92, from Professional Turf Products, of Overland Park, Kansas, to replace Unit #704(CIP CP047E) and to be paid from the Special Parks and Recreation Fund.

After discussion of the Commission, Commissioner Pepperd moved to approve the consent agenda, with the exception of Item F, ORDINANCE NO. 6894 – REPEAL – MOBILE FOOD VENDING and ORDINANCE NO. 6895 – AMEND – PEDDLERS/SOLICITORS, which was tabled. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D, FINAL PLAT/RESTRICTIVE COVENANT – SCENIC WOODS ADDITION PUD, and Item N, DEVELOPMENT AGREEMENT – 2216 CLAFLIN TOWNHOMES – WATER (WA1108), SANITARY SEWER (SS1109), AND STORM SEWER (SM1104) IMPROVEMENTS, which carried 4-0 with Commissioner Jankovich abstaining from both items.

## GENERAL AGENDA

### ORDINANCE NO. 6897 – REPEAL - ORDINANCE NO. 6880 CONCERNING NON-DISCRIMINATION

Mayor Sherow provided an overview of the process for the item and the procedure to accommodate public comment, which would be limited to two minutes per person.

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

Mike Herman, 446 Edgerton Avenue, informed the Commission that he circulated a letter expressing concerns with the repeal of this ordinance and the negative impact that would occur at Kansas State University. He asked the Commission to think about the negative impact in repealing this ordinance.

Stephanie Mott, 119 Southeast 14<sup>th</sup> Street, Topeka, Kansas, Executive Director, Kansas Statewide Transgender Education Project, and Vice Chair, Kansas Equality Coalition, asked the Commission to please rethink their position and to carefully consider their choices for basic human dignity.

Dale McKullup, 1020 Houston Street, voiced concerns with the repeal of this ordinance. He stated that this action will hurt the community economically and is an issue that provides basic civil liberties.

## GENERAL AGENDA (CONTINUED)

### ORDINANCE NO. 6897 – REPEAL - ORDINANCE NO. 6880 CONCERNING NON-DISCRIMINATION (CONTINUED)

Michael Lambert, 800 Ratone Street, asked the Commission to respectfully stand on the side of enhanced and expanded rights and to not repeal the ordinance.

Michael Bonella, 331 North 14<sup>th</sup> Street, informed the Commission that the Manhattan Area Chamber of Commerce does not represent or reflect the position of all business owners in Manhattan. He stated that Manhattan needs to be an inclusive and welcoming community for everyone.

Beniah Wilson, 2448 Woodside Lane, voiced his concerns with the current ordinance and requested that the ordinance be repealed.

Savannah Neuffer, 1020 Houston Street, informed the Commission that she recently moved to Manhattan for graduate school and stated that the student population at K-State is not okay with the decision to repeal this ordinance. She stated that she was ready to leave the community due to the precedence being set by leaders of this community.

Frank Siegle, 1013 Houston Street, voiced his concerns in repealing the ordinance and asked the Commission to provide insurance to those in Manhattan that do not have insurance against discrimination.

Phil Anderson, 1718 Fairchild Avenue, stated that the previous City Commission spent a good deal of time, energy, and resources to put the ordinance in place. He asked that the ordinance be maintained and allowed to be evaluated on its merits and to set an example to the state of Kansas.

Jonathan Mertz, 34107 Highway K-18, President, Flint Hills Human Rights Project, shared his concerns if the ordinance is repealed. He stated that we will not give up and asked the Commission to support the ordinance.

Mary Siegle, 1013 Houston Street, provided concerns if the ordinance is repealed and stated that she was disappointed that this ordinance was not given an opportunity to be successful in supporting the rights of others.

David Jones, 7100 Anderson Avenue, Pastor, Ecumenical Campus Ministry, informed the Commission that not all clergy members in the Manhattan community were in support of the repeal, as supporters of the Awaken Manhattan clergy group. He urged the Commission to vote on the right side of history and extend privileges and rights to all citizens of this community.

## GENERAL AGENDA (CONTINUED)

### ORDINANCE NO. 6897 – REPEAL - ORDINANCE NO. 6880 CONCERNING NON-DISCRIMINATION (CONTINUED)

Simone Dorsey, 618 Moro Street, Vice President, Lesbian/Gay/Bisexual/Transgender (LGBT) Knowledge, stated that if this ordinance is repealed before it has a chance to go through, what will it take to stop discrimination from happening with another group. She asked that the ordinance remain in place.

Nate Wilson, 2488 Woodside Lane, informed the Commission that the ordinance would discriminate against his religious practices as an Evangelical Christian. He encouraged the Commission to repeal and revoke the ordinance.

Stan Hoerman, 2021 Bluehills Road, encouraged the Commission to repeal the ordinance and voiced concerns with the ordinance.

Theresa Young, 530 Pierre Street, expressed her concerns for equal rights for employment and housing and asked that the ordinance not be repealed.

Roger Seymour, 1181 Rock Springs Lane, voiced his concerns with the ordinance. He asked the Commission to repeal the ordinance and to protect his rights from the potential of a frivolous lawsuit.

Jo Foy, 3213 Anderson Avenue, Graduate Student, Kansas State University, asked the Commission to reconsider repealing this ordinance and to seek some kind of compromise.

Jason Hilgers, Assistant City Manager, provided clarification that the effective date of Ordinance No. 6880 is September 1, 2011.

Katie Jackson, Assistant City Attorney, responded to questions from the Commission and provided clarification on the item.

After further discussion and comments of the Commission, Commissioner Pepperd moved to approve Ordinance No. 6897 repealing Ordinance No. 6880 and reinstating the prior provisions of Chapter 10 relating to civil rights. Commissioner Matta seconded the motion. On a roll call vote, motion carried 3-2, with Mayor Sherow and Commissioner Jankovich voting against the motion.

At 8:40 p.m., the Commission took a brief recess.

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET

Karen Davis, Director of Community Development, presented the item. She then responded to questions from the Commission regarding the process and request.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET (CONTINUED)

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

Mayor Sherow opened the public hearing.

Bill Varney, 216 Fordham Road, Representative, First Presbyterian Church of Manhattan, 801 Leavenworth Street, provided an overview on the history and use of the 831 Leavenworth Street property. He highlighted the 17 relevant factors provided to the Commission substantiating a finding that there is no feasible and prudent alternative to demolition of the structure at 831 Leavenworth Street, and that the project includes all possible planning to minimize harm to the historic properties of the Robert Ulrich House and the Woman's Club House. He presented the Commission with the proposed financing of rehabilitation costs for 831 Leavenworth Street, potential funding sources, and the shortfall of funds. He also presented a petition from members and friends of the First Presbyterian Church of Manhattan for the City Commission to issue a demolition permit for the house and garage at 831 Leavenworth Street and stated that financially it makes more sense to tear the house down and return the land to green space. He then responded to questions from the Commission.

Wynn Cragg, Cragg's Remodeling, LLC, Wamego, Kansas, informed the Commission that he provided an estimate to the First Presbyterian Church to renovate the structure at 831 Leavenworth Street for labor and materials at \$771,870.00. He provided an overview of the items needing repair and distributed a pamphlet on renovations. He then responded to questions from the Commission regarding lead-based paint and historic restoration projects.

Cam McConnell, Pastor, First Presbyterian Church, 5913 Stony Brook Drive, thanked the Commission for the opportunity to address the issue and provided background information on the demolition permit request. He informed the Commission that the Church has made serious efforts to find a use for the house after the Manhattan Emergency Shelter vacated, but the Church does not have a particular use for the house. He stated that it is a financial burden to the congregation and that the resources are not there to take on a project of this magnitude and would be better spent in continuing outreach and mission work. He informed the Commission that a beautiful landscaped greenspace would provide a win-win situation for both the neighborhood and the congregation.

Bill Varney, 216 Fordham Road, Representative, First Presbyterian Church of Manhattan, 801 Leavenworth Street, responded to questions from the Commission regarding use and upkeep of the property by the Manhattan Emergency Shelter.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET (CONTINUED)

Sara Fisher, 811 Osage Street, Vice President, Manhattan/Riley County Preservation Alliance, asked that the request for demolition be denied. She expressed her concerns about the request for demolition and with the high estimate from the contractor and knowledge of tax credits. She stated that the demolition would come with a significant loss to the neighborhood, both socially and financially. She then responded to questions from the Commission and stated that she knows of others willing to purchase the house.

Kathy Dzewaltowski, President, Manhattan/Riley County Preservation Alliance, 100 South Delaware Avenue, informed the Commission that the Preservation Alliance opposes the request from First Presbyterian Church to demolish 831 Leavenworth Street. She stated that there are feasible and prudent alternatives to demolition. She highlighted the value of 831 Leavenworth Street as an important historic cultural resource, resources that could assist with renovation costs, and provided feasible alternatives to demolition. She voiced concern that the Church has not adequately maintained the property and stated that several items in the renovation quotes were unnecessary and inflated. She presented before and after rehabilitation photographs of the Strasser House and 617 Colorado Street. She informed the Commission that the Preservation Alliance would be willing to provide the First Presbyterian Church with assistance in preparing a historic register nomination, assist in applying for grant funds, and provide guidance and support within its available resources.

Dixie West, 1014 Houston Street, stated that the bid of \$771,000.00 was too high and advised to seek other bids from companies familiar with historic restoration projects. She stated the importance in using tax credits to help with renovations.

Virginia Benkelman, 3202 Willowpond Lane, Member, First Presbyterian Church member, informed the Commission that after many years of faithful service to the community, the house has been used up and that it would need more funding than the Church can afford. She stated that green space would benefit the neighborhood and the Church, and that it is time to tear down the house.

Loren Reiswig, 5008 Coachman Road, Chairperson, Business Affairs Committee, First Presbyterian Church, informed the Commission that after lengthy discussions, the decision was made to seek a demolition permit for 831 Leavenworth Street. He stated that it is not feasible for the congregation to take on the astronomical expense of renovating this house and that the Church is dedicated to preserve and maintain the area with grass, trees, and shrubs.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET (CONTINUED)

Roger Seymour, 1181 Rock Springs Lane, stated that this comes down to personal property rights and if the Church believes this is in their best interests, they should be allowed to do so. He wanted to see historical items saved prior to demolition and stated that he did not believe it would take \$700,000.00 for rehabilitation of the property; however, if the amount was even half that, it would far exceed the value of the property.

Doug Shilling, 4101 Wellington Drive, Member, First Presbyterian Church, stated the difficulties in raising money and building a budget. He asked the Commission to support the request to tear down 831 Leavenworth Street.

Melanie Klein, 730 Leavenworth Street, voiced her concerns on the impact to the environs and monetary consequences for neighbors if 831 Leavenworth Street is allowed to be demolished. She stated that the Church has not shared plans for compatible reconstruction.

Sandra Stewart, 4196 Taneil Drive, Member, First Presbyterian Church, informed the Commission of the mission work that the members of the Church provide to the membership and to the community. She asked the Commission to grant permission to demolish the house and garage at 831 Leavenworth Street to benefit the entire community.

Enell Foerster, 2132 Meadowlark Road, representing the Manhattan/Riley County League of Women Voters, informed the Commission that the League supports preservation of historic buildings and the community's older residential neighborhoods. She provided a list of improvements that were made during the occupancy of the Manhattan Emergency Shelter. She urged the Commission to not circumvent the recommendation of the local Historic Resources Board, to not allow demolition of 831 Leavenworth Street, and encouraged the Church to work with the Manhattan/Riley County Preservation Alliance and Eastside Park Neighborhood to preserve this historic structure.

Don Rathbone, 1520 Sharingbrook Drive, provided clarification on the item and informed the Commission that he recently toured the building and that the building is in great need. He stated that it would not be cost effective to renovate the house, given the amount of expensive repairs needed and the best option would be demolition.

Marsha Jaskowiec, 4166 Taneil Drive, Member, First Presbyterian Church, provided additional information on the request and stated that neglect is the last word that should be used for the congregation. She asked the Commission to approve the request.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET (CONTINUED)

Mike Mecseri, 1015 Leavenworth Street, Owner, Timber & Stone, informed the Commission that he works with historic preservation and restoration projects and asked the Commission to not allow the property to be destroyed. He provided additional information from his letter submitted to the Commission and stated that when considering property rights, it is imperative to consider the rights of the neighboring properties as well. He then responded to questions from the Commission regarding the estimate provided by Cragg's Remodeling, LLC, for 831 Leavenworth Street and stated that the renovation can be accomplished for significantly less than proposed and provided an estimate of \$401,170.00 to renovate this property and ensure continued viability.

Tom Barth, 1600 Wyndam Heights Drive, Member, First Presbyterian Church, informed the Commission that the foundation of the house needs to be dealt with and is a very expensive project. He then asked that the request for demolition be supported.

Gene Klinger, 1516 Wyndam Heights Drive, Member, First Presbyterian Church, provided additional information on the item and voiced concern with the tremendous amount of money needed to renovate the house. He asked the Commission to support the request and let the Church do what needs to be done.

Linda Glasgow, 2236 Snowbird Drive, Vice President, Kansas Preservation Alliance, Inc. (KPA), provided additional information on the KPA and the nomination and designation process. She provided past examples of Manhattan properties that have been championed by the Preservation Alliance. She informed the Commission that the tax credit market is very attractive, voiced concern with demolition by neglect and urged that the demolition permit for 831 Leavenworth Street be denied.

Cameron Ward, 618 Bluemont Avenue, Director of Youth Ministries, First Presbyterian Church, asked the Commission to support the request and to allow demolition of the property.

Tom Roberts, 2015 Pierre Street, Chair, Historic Resources Board, presented an overview on the responsibility of the Historic Resources Board in advising the City Commission on matters related to historic preservation. He highlighted facts and guidelines outlined in a memorandum from the Historic Resources Board to the City Commission, with a recommendation to deny the request for demolition. He informed the Commission that as part of a strategic plan of the Historic Resources Board, the Board has recognized an issue with demolition by neglect and should be considered to help alleviate and prevent future problems. He then responded to questions from the Commission on the restrictions of environs and re-iterated that two properties in the community have been restored and are back on the tax rolls.

## GENERAL AGENDA (CONTINUED)

### PUBLIC HEARING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET (CONTINUED)

Hearing no other comments, Mayor Sherow closed the public hearing.

### FINDING - DEMOLITION PERMIT FOR 831 LEAVENWORTH STREET

Karen Davis, Director of Community Development, responded to questions from the Commission regarding zoning of this property.

After discussion, Commissioner Butler moved to approve the issuance of a demolition permit, as requested, no sooner than 31 days after today's date, because there are no feasible or prudent alternatives to demolition and the applicant's information includes all possible planning to minimize harm to the historic properties. This motion is based upon all of the evidence presented to the Commission, both oral and written, and specifically upon the economic issues, the cost of renovation, the value of the house, the future use of the house, and the financial burden that would be placed on the current owners. Commissioner Pepperd seconded the motion. On a roll call vote, motion carried 4-1, with Mayor Sherow voting against the motion.

The Commission took a brief recess.

### 3<sup>RD</sup> STREET OPENINGS AT LEAVENWORTH AND PIERRE STREETS (ST0806, ST0910) – PAYMENT TO CLERK OF THE DISTRICT COURT; RESOLUTION NO. 051711-E – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT LEAVENWORTH STREET INTERSECTION (ST0806); RESOLUTION NO. 051711-F – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT PIERRE STREET INTERSECTION (ST0910)

Jason Hilgers, Assistant City Manager, presented an overview of the item and financing for 3<sup>rd</sup> Street and Leavenworth Street and 3<sup>rd</sup> Street and Pierre Street. He then responded to questions from the Commission regarding the Downtown Fund, financing considerations, proposed improvements, and landscaping plans.

Ron Fehr, City Manager, provided additional information on financing aspects and recommendation to use the Downtown Fund for the payment required to the District Court. He then responded to additional questions from the Commission.

Jason Hilgers, Assistant City Manager, responded to questions from the Commission on the Downtown Fund, land acquisitions, financing options for the Commission to consider, and Core Downtown improvements that are in the 2011 Budget and Capital Improvement Program (CIP). He stated that the Commission will be considering an agreement on architectural services for the Core Downtown improvements at the June 7, 2011, City Commission meeting.

## GENERAL AGENDA (CONTINUED)

### 3<sup>RD</sup> STREET OPENINGS AT LEAVENWORTH AND PIERRE STREETS (ST0806, ST0910) – PAYMENT TO CLERK OF THE DISTRICT COURT; RESOLUTION NO. 051711-E – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT LEAVENWORTH STREET INTERSECTION (ST0806); RESOLUTION NO. 051711-F – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT PIERRE STREET INTERSECTION (ST0910) (CONTINUED)

Bernie Hayen, Director of Finance, and Ron Fehr, City Manager, responded to questions from the Commission on financing related to the project.

Mark Skochdopole, Board President, Downtown Manhattan, Inc. (DMI), informed the Commission that the Core Downtown has been asked to sit on the sidelines during the redevelopment of the north and south. He asked the Commission to not place an unfair burden on the Core Downtown businesses and to complete the Poyntz Avenue projects by using Downtown Funds. He then responded to questions from the Commission and stated that he did not want to see the Downtown Funds shifted or extinguished. He asked that the funds be available to help fund improvements for Poyntz Avenue, alleyways, and the Downtown Mall Plaza.

Ron Fehr, City Manager, provided additional information on the funding options and informed the Commission that it would be difficult to guarantee replenishment of the Downtown Fund until all the costs are known.

Mark Skochdopole, Board President, DMI, responded to additional questions from the Commission and stressed the importance of the Downtown Fund for Poyntz Avenue projects.

Gina Scroggs, Executive Director, DMI, informed the Commission that the 3<sup>rd</sup> Street connectivity is important and part of the entire redevelopment plans, as is the Core Downtown improvements. She stated that the Poyntz Avenue Core area projects are in the CIP with the understanding that funds are available in the Downtown Fund and re-establish a benefit district. She then responded to questions from the Commission about the redevelopment and provided background information on items in the CIP.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the item.

Cindy LaBarge, 404 Poyntz Avenue, Owner, informed the Commission that they are continuing to restore their building and asked the City to keep the commitment in the CIP for the Poyntz Avenue Core area improvements.

## GENERAL AGENDA (CONTINUED)

### 3<sup>RD</sup> STREET OPENINGS AT LEAVENWORTH AND PIERRE STREETS (ST0806, ST0910) – PAYMENT TO CLERK OF THE DISTRICT COURT; RESOLUTION NO. 051711-E – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT LEAVENWORTH STREET INTERSECTION (ST0806); RESOLUTION NO. 051711-F – TEMPORARY NOTES - 3<sup>RD</sup> STREET AT PIERRE STREET INTERSECTION (ST0910) (CONTINUED)

Barbara Nelson, 406 Poyntz Avenue, Owner, informed the Commission this redevelopment has been going on for ten years and was promised monies help with the Downtown area. She voiced concern that if the \$650,000.00 is used from the Downtown Fund, it will not come back and the City will find something else to do with the funds. She asked the Commission to help the downtown area.

Lyle Butler, President, Manhattan Area Chamber of Commerce, provided a brief history on the redevelopment project. He stated the importance for the Core to be connected and stressed the importance for the Core Downtown area to be refurbished and developed as part of the redevelopment project, as envisioned.

Jay Nelson, 406 Poyntz Avenue, Owner, provided background information on the Downtown Fund. He voiced concerns with the financial consequences for the Downtown properties and asked the Commission to support Downtown and not chip away from the Downtown Fund.

Ron Fehr, City Manager, informed the Commission that the June 7, 2011, City Commission meeting, will provide an opportunity to discuss the Core Downtown improvements and funding for those improvements.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, responded to questions from the Commission regarding their desire to use funds from the Downtown Fund. They then responded to additional questions regarding a potential benefit district and percentage splits to be considered, scope of architectural services, and the project timeline and phasing.

After discussion of the Commission, Commissioner Jankovich moved to authorize City Administration to pay the award and fees into the Clerk of the District Court and acquire the property by condemnation to construct the openings on 3<sup>rd</sup> Street at Leavenworth and Pierre Streets (ST0806) (ST0910); approve Resolution No. 051711-E authorizing the issuance of temporary notes to finance the opening at 3<sup>rd</sup> Street and Leavenworth Street (ST0806); and approve Resolution No. 051711-F authorizing the issuance of temporary notes to finance the opening at 3<sup>rd</sup> Street and Pierre Street (ST0910). Commissioner Pepperd seconded the motion.

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

## **GENERAL AGENDA (CONTINUED)**

### **DISCUSSION – NORTH END POCKET PARK**

Jason Hilgers, Assistant City Manager, presented an overview of the item and preliminary budget and shortfall estimates for the pocket park. He then responded to questions from the Commission.

Tom Hittle, President, Hittle Architects, responded to questions from the Commission and provided background information on the project and design concepts.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission regarding the project budget and availability of Tax Increment Financing (TIF) B Bonds, park concepts, streetscape, and projected revenues to pay for the improvements.

Tom Hittle, President, Hittle Architects, provided additional information on the park elements envisioned, the bid document process, and the potential to incorporate bid alternates, depending on the level of available funding.

Jason Hilgers, Assistant City Manager, and Ron Fehr, City Manager, provided additional information on the item and responded to questions from the Commission on potential amenities that could be added when funding is available.

Tom Hittle, President, Hittle Architects, responded to questions and informed the Commission that he would come back at a future date with revisions for the Commission to consider.

As this was a discussion item, no action was taken by the City Commission.

### **FIRST READING – ANNEX - PORTIONS OF SCENIC DRIVE AND ANDERSON AVENUE**

Karen Davis, Director of Community Development, provided a brief overview of the item.

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

Bill Frost, City Attorney, provided clarification on the annexation.

After discussion, Commissioner Jankovich moved to approve first reading of an ordinance annexing portions of Scenic Drive and Anderson Avenue rights-of-way, as requested by Board of Riley County Commissioners. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

**GENERAL AGENDA (CONTINUED)**

**FIRST READING – ANNEX - PORTIONS OF SCENIC DRIVE AND ANDERSON AVENUE (CONTINUED)**

Ron Fehr, City Manager, recommended that the City Commission forgo the Executive Session that was on the agenda, given the lateness of the meeting. The City Commission concurred.

**ADJOURNMENT**

At 12:55 p.m., the Commission adjourned.

  
\_\_\_\_\_  
Gary S. Fees, MMC, City Clerk

## New Taxi Rates

a) Initial flag drop includes first one-fifth mile	\$2.75
b) Each additional one-eighth mile	.25
c) Waiting time, per minute	.40
d) Additional passenger to same destination	1.00
e) Grocery sacks, first two free; all additional, each	.25
f) Package delivery, Passenger fare plus	.25
g) Foot locker, duffel bag, and other large items	.25