



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 2, 2004
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Mark Taussig and Commissioners Brad Everett, Ed Klimek, Bruce Snead, and Mark Hatesohl were present. Also present were the City Manager Ron R. Fehr, Assistant City Manager Diane Stoddard, Assistant to the City Manager Jason Hilgers, City Attorney Bill Frost, City Clerk Gary S. Fees, 9 staff, and approximately 65 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Taussig led the Commission in the Pledge of Allegiance.

RECOGNITION

Mayor Taussig and Ron Fehr, City Manager, recognized City Clerk/Communications Manager Gary S. Fees for achieving the honor of Certified Municipal Clerk.

PUBLIC COMMENTS

Mayor Taussig opened the public comments.

Andrew Suber asked the Commission to consider upzoning the area that was proposed for the area north of Bluemont Avenue, along North Manhattan Avenue. He asked what the status was with the Aggieville Master Plan.

Anne Marie Olson, 1426 Yuma Street, spoke on behalf of the Living Wage Coalition, she urged the Commission to adopt a living wage in Manhattan.

Sarah Watt, 926 Bluemont Avenue, informed the Commission that she worked full time and was a full-time student as well, living at the poverty level. She asked the Commission to adopt a living wage in Manhattan.

Phyllis Pease, 1905 Leavenworth Street, updated the Commission on the USD 383 budget issues and said that no elementary school should be closed. She encouraged the community to get informed and attend the School Board meeting Wednesday, March 3, 2004.

Hearing no further comments, Mayor Taussig closed the public comments.

COMMISSIONER COMMENTS

Commissioner Hatesohl responded to comments regarding the adoption of a living wage in Manhattan.

Mayor Taussig thanked the community for its generosity and success of the Flint Hills Breadbasket this past year. He informed the public that many of our troops are returning to Fort Riley and to consider supporting the Wounded Soldier Fund, established to support our troops and their families.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 17, 2004.

CLAIMS REGISTER NO. 2500

The Commission approved Claims Register No. 2500 authorizing and approving the payment of claims from February 11, 2004, to February 24, 2004, in the amount of \$1,466,418.90.

BOARD APPOINTMENT

The Commission approved appointment by Mayor Taussig of Lyle Butler, 501 Poyntz Avenue, to fill the unexpired Chamber of Commerce term of Stacy Kohlmeier. Mr. Butler's term begins immediately and will expire August 15, 2005.

FINAL PLAT – WOODLAND HILLS ADDITION, UNIT 5

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Woodland Hills Addition, Unit 5, generally located at the east end of Sumac Drive and Brierwood Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 6390 – LEVY – SPECIAL ASSESSMENTS

The Commission approved Ordinance No. 6390 levying special assessments against the benefiting property in the following eleven (11) public improvement districts: *Butterfield Addition, Unit 8 – Street (ST0302), Water (WA0301), Sanitary Sewer (SS0301); Seth Child Commons – Sanitary Sewer (SS0204)/Water (WA0205); Western Hills, Unit 11 – Water (WA0107), Street (ST0109), Sanitary Sewer (SS0106); K-Air Addition #2 – Street (ST0111), Sanitary Sewer (SS0108)/Water (WA0108); and The Browning Project – Sanitary Sewer (SS0203) and Water (WA0204).*

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 030204-A – ESCROW TRUST AGREEMENT

The Commission approved Resolution No. 030204-A authorizing the execution of an escrow trust agreement relating to the defeasance of a portion of the City's General Obligation Bonds, Series 207.

AWARD CONTRACT – PHEASANT HILL ADDITION – SANITARY SEWER (SS0308) AND WATER (WA0308) IMPROVEMENTS

The Commission accepted the Engineer's Estimate in the amount of \$84,300.00 and awarded a construction contract in the amount of \$59,910.10 to Manhattan Trenching, Inc. of Manhattan, Kansas, for the Pheasant Hill Addition –Sanitary Sewer (SS0308) and Water (WA0308) Improvements.

CHANGE ORDER NO. 1-FINAL – 2003 STREET MAINTENANCE PROJECT (ST0305)

The Commission approved Change Order No. 1-Final for the 2003 Street Maintenance Project (ST0305) resulting in a net decrease in the amount of \$47,577.17 (-12.91%) to the contract with Ritchie Paving, Inc., of Manhattan, Kansas.

* **SOLICIT PROPOSALS – LIME SLUDGE STORAGE BASIN (SP0401)**

The Commission authorized City Administration to solicit proposals for the design of the improvements of the City's lime sludge storage basins located at McCall Road and Tuttle Creek Boulevard and appointed Mark Taussig to be on the Selection Committee.

* **APPLICATION – SURFACE TRANSPORTATION PROGRAM SAFETY CATEGORY**

Jeff Hancock, City Engineer, presented the item and answered questions from the Commission.

Commissioner Klimek recommended including the intersection of Browning Avenue and Claflin Road to the application.

The Commission authorized City Administration to submit applications to the Kansas Department of Transportation for consideration of Surface Transportation Program Safety Category for the intersections of Tuttle Creek Boulevard and Griffith Drive, Highway 24 and the Mall entrance, Claflin Road and Sunset Avenue, and Fort Riley Boulevard and 15th Street.

CONSENT AGENDA (CONTINUED)

- * **2004 AGREEMENT – CITY/UNIVERSITY SPECIAL PROJECTS FUND**
Bill Muir, Assistant Vice President for Community Relations at Kansas State University, described each item and projected price. He stated that each item is City taxed funds on the University property and the items presented are the highest priorities, which are mutually beneficial for the city and the university.

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

The Commission authorized the Mayor and City Clerk to execute the 2004 City/University Special Projects Fund agreement with Kansas State University in the amount of \$220,000.00.

After discussion, Commissioner Snead moved to approve the consent agenda with Commissioner Klimek's proposal to include the intersection of Browning and Claflin on Item J: Application - Surface Transportation Program Safety Category. Commissioner Klimek seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item K: City University Special Projects Fund, which carried 4-1 with Commissioner Everett voting against the item.

GENERAL AGENDA

RECONSIDER – FIRST READING – AMEND MANHATTAN ZONING REGULATIONS - GAME DAY PARKING IN FRONT YARDS

Eric Cattell, Assistant Director for Planning, presented the item.

Rebecca Ponce, 2429 Vaughn Drive, spoke in support of game day parking and asked the Commission to make a change in the current ordinance.

Codi Gharagouzloo, 2409 Vaughn Drive, informed the Commission that he has parked cars in his yard for years. He said that parking cars in his yard allows him an opportunity to make money, that public safety and congestion are not the real issues, and encouraged the Commission to support game day parking.

Mike Watson, Director, Riley County Police Department, provided background information on the item and said police were getting complaints from people driving on lawns and causing damage to private property. He informed the Commission there are places to park north and east of the stadium and that this item is a public safety issue. He then answered questions from the Commission.

GENERAL AGENDA

RECONSIDER – FIRST READING – AMEND MANHATTAN ZONING REGULATIONS - GAME DAY PARKING IN FRONT YARDS (CONTINUED)

Marvin Marsh, 2609 Kimball Avenue, spoke in opposition to parking in front lawns and informed the Commission that this activity has a negative impact on the value of the property, and will change the type of people moving into the neighborhood. He supported maintaining the current regulations.

Judy Pinnick, 2405 Vaughn Drive, spoke in support of front yard parking for home football game days. She then referred to a letter received from Brian Gillispie, 2420 Vaughn Drive.

Tom Bennett, 3104 Harahey Ridge, requested to have the churches considered separately from the residential areas, if the ordinance was not approved for game day parking.

Codi Gharagouzloo, 2409 Vaughn Drive, stated that stadium seating has increased and that he is very careful when parking vehicles to ensure that the vehicles do not drive through others' lawns.

Doug Parker, 1921 Kenmar Drive, provided a presentation to the Commission regarding safety issues and how difficult it would be to fight a fire during a game day parking situation. He spoke in opposition to parking in front lawns.

Leota Rader, 1905 Ranser Road, informed the Commission that she was not opposed to churches parking vehicles on property owned by the church; however, she was opposed to parking in residential front yards and requested to find a better solution.

Ruth Parker, 1921 Kenmar Drive, said that the addition of extra cars in lawns on game days adds to the traffic congestion concerns.

Rebecca Ponce, 2429 Vaughn Drive, informed the Commission that there are two issues: those residents who want to park in their yards and those that do not.

Romaine Schell, 1616 Stewart Court, stated that more goes on in residential front yards during game days, than just parking cars.

Mike Watson, Director, Riley County Police Department, answered questions from the Commission.

GENERAL AGENDA

RECONSIDER – FIRST READING – AMEND MANHATTAN ZONING REGULATIONS - GAME DAY PARKING IN FRONT YARDS (CONTINUED)

Jim Woydziak, Director of Fire Services, provided clarification regarding safety and answered questions from the Commission.

Ron Fehr, City Manager, answered questions from the Commission.

After discussion, Commissioner Snead moved to deny first reading of the proposed game day parking amendment, based on the findings of the Manhattan Urban Area Planning Board, for the following reasons: safety, consistency of the message to the community, and lack of true demand for front yard parking. The motion died for lack of a second.

After discussion, Commissioner Klimek moved to override the recommendations of the Manhattan Urban Area Planning Board and approve first reading of an ordinance amending the Manhattan Zoning Regulations as proposed, based on the findings in the Staff Memorandum (*See Attachment No. 1*), and to allow for parking only during Kansas State University home football game days, with no other exceptions. Commissioner Hatesohl seconded the motion.

Ron Fehr, City Manager, answered additional questions from the Commission.

On a roll call vote, motion carried 3-2, with Commissioners Everett and Snead voting against the item.

The Commission took a ten-minute recess.

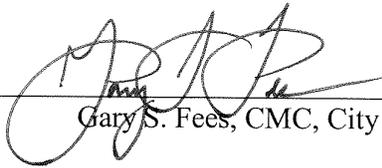
BASE ALIGNMENT AND CLOSURE (BRAC) UPDATE/FUNDING ASSISTANCE REQUEST

John Armbrust, Executive Director of the Governor's Strategic Military Planning Commission, presented the item. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to authorize the expenditure of \$25,000.00 from the 2004 Industrial Promotion Fund to assist with the funding of the Governor's Strategic Military Planning Commission. Commissioner Snead seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:55 p.m. the Commission adjourned.



Gary S. Fees, CMC, City Clerk

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INTER-OFFICE MEMORANDUM

DATE: October 27, 2003

TO: Manhattan Urban Area Planning Board

FROM: Steve Zilkie, AICP, Senior Planner

RE: Amend Article VII, Off-Street Parking and Loading, to Allow for Game Day Parking in Front Yards in Designated Areas in the City

BACKGROUND

General Background

Attendance at KSU football games has increased over the years, along with parking fees in surrounding lots. Correspondingly, parking in front yards (on lawns) in neighborhoods around the football stadium has increased on both residential and non-residential properties as fans look for other parking options. In response to complaints from some property owners about game day parking on lawns and damage to adjacent properties, the Riley County Police Department announced earlier this fall that it would begin enforcing the Zoning Regulations, which prohibit parking in front yards, except upon a driveway.

Other property owners in areas generally west of the KSU football stadium, have expressed concern about the restrictions imposed by the front yard requirements and the difficulty of being able to find parking on game days for family and friends because on-street parking is not available (*attachments*).

The City Commission discussed the issue at a briefing session and directed City Administration to develop a mechanism to allow front yard parking on game days in the areas around the stadium.

On October 7, 2003, the City Commission approved Resolution No. 100703-B (*attached*), requesting that City Administration initiate, and the Manhattan Urban Area Planning Board consider, an amendment to Section 7-102 of the Manhattan Zoning Regulations, which would allow the City Manager to designate areas within the City where the

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temporary parking of motor vehicles is permitted within the Front Yard, in order to provide additional off-street parking to accommodate KSU athletic events. In addition, the Resolution imposed a moratorium on the enforcement of the existing front yard parking restriction, while the Amendment is being considered. The area described in the moratorium is bounded by Browning Avenue on the west, Claflin Road on the south, Denison Avenue on the east and the City Limits on the north, and only applies on those days when an intercollegiate football game is occurring at KSU stadium.

The proposed amendment to the Zoning Regulations was developed by City Administration to address the City Commission's concerns.

Proposed Changes to Article VII, Section 7-102 (C)

The proposed text amendment is new Section 7-102(C)(4) (*Article VII, Off-Street Parking and Loading attached*):

Notwithstanding the provisions of this section, in order to provide additional off-street parking to accommodate Kansas State University athletic events, the City Manager, in his discretion, by Administrative Order, may designate areas within the City where the temporary parking of motor vehicles is permitted within the required front yard, and the other restricted areas as described in paragraph 2 above. The City Manager shall also be authorized to modify, amend or withdraw any such Administrative Order, by a subsequent Administrative Order. Any Administrative Order, permitting such temporary parking, shall identify the area, within which such temporary parking is permitted, and the times, or circumstances, when it is permitted. The Administrative Order shall be filed with the City Clerk and the Zoning Administrator, and shall be open to inspection by the public. In addition, a copy of the Administrative Order shall be provided to the Director of the Riley County Police Department. Notice of issuance of the Administrative Order shall be published once in the official city newspaper before it becomes effective.

The text is self-explanatory. The City Manager is authorized to designate areas for temporary game day parking in front yards. The reference to "other restrictive areas" is that area on residential properties that is beyond the minimum 25-foot front yard setback, but still in front of the principal structure (see Section 7-102 (C)(2)).

An example of a draft Administrative Order is attached.

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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 districts to assure compatibility; and to protect property values.

The amendment recognizes some existing temporary game day parking conditions that have been occurring for several years, such as at churches, vacant lots or other areas near the stadium.

The amendment allows a temporary use and would be limited to specifically described areas. The change is not unlike other temporary uses such as sales and promotions, Christmas tree sales lots or fire works stands, all of which have limited time frames during which the use occurs.

On balance, the temporary nature of activity reflected in the amendment is generally consistent with the intent of the Zoning Regulations.

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

By administrative order, the City Manager has the discretion to designate an area within the City where the temporary parking of motor vehicles is permitted within the front yard area on lawns in front of the principal building on the site. It is anticipated that the amendment will most likely affect an area in proximity to the football stadium, which is bounded by Browning Avenue on the west, Claffin Road on the south, Denison Avenue on the east, and the City Limits on the north; however, other areas may be affected.

A drive-through of the area described above was conducted on Saturday October 25, 2003. There were some instances of a vehicle or two parking on lawns of residential dwellings throughout the area. Several lawns of single-family homes were used as parking lots, which should have been expected as a result of the moratorium. Those homes were located immediately west of the stadium off College Avenue along Vaughn Drive and Himes Road, off Sunnymede Road south of Kimball Avenue, and in the vicinity of Pipher Lane

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and Jardine Drive. In addition, parking occurred on vacant lots and a church as has happened for some time. Even though parking would have been allowed on front lawns in the area described above, the vast majority of the residential front yard lawns were not used for off-street parking.

The Riley County Police Department has indicated that there might be an impact on post game traffic circulation and the routes that drivers use to leave the area after a game. The Police Department indicates that some changes in circulation have already been experienced and that they are in the process of determining how traffic should be rerouted following games.

Because it is unknown to what extent fans will look for parking options farther away from the stadium, or how many property owners might utilize this amendment, it is difficult to determine the extent of potential impacts. However, it is anticipated that any impacts caused by the amendment would generally be temporary in nature and occur only on those days in which home KSU games are scheduled, as cited in the Administrative Order. It should be noted that nothing in the amendment would permit such parking without the consent of the property owner.

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

Front yard parking for KSU football games in areas generally within the vicinity of KSU stadium has increased. In response to complaints, City Administration was directed by the City Commission to find a mechanism to allow front yard parking on game days. The proposed Amendment addresses the concerns as expressed by the City Commission.

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

The Comprehensive Plan does not specifically address the issue reflected in the amendment, in part because the issue is temporary in nature and generally limited to several days out of the calendar year. There are several policy statements in the Comprehensive Plan regarding the preservation of residential neighborhoods and the quality of life. While permitting parking on lawns in front yards is generally contrary to these policies, the specific amendment is limited and temporary in nature. It is likely that

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a process for educating the public will be necessary so that it is understood where and when this parking may occur.

ALTERNATIVES

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

1. Recommend approval of the proposed amendment to the City Commission.
2. Recommend denial of the proposed amendment to the City Commission.
3. Modify the proposed amendment 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

The proposed amendment to Section 7-102 of the Manhattan Zoning Regulations is designed to address the needs of the community as perceived by the City Commission. City Administration recommends approval of the amendment to the Manhattan Zoning Regulations to give the City Manager the ability to issue an Administrative Order to address game day parking, as proposed.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board recommends approval of the amendment to the Manhattan Zoning Regulations Section 7-102, as proposed, based on the findings in the Staff Memorandum.

03137}MUAPB}ArtVIIGameDayParking