



MINUTES
CITY COMMISSION MEETING
TUESDAY, JULY 16, 2013
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor John E. Matta and Commissioners Wynn Butler, Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Bill Raymond, City Clerk Gary S. Fees, 10 staff, and approximately 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Matta led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Matta proclaimed July 27, 2013, *Manhattan Day of the Cowboy*. Terry Henry, President; Melissa Wahl, Coordinator; and Ron Wilson, Poet Lariat and Policy Chair, Riley County Farm Bureau, were present to receive the proclamation. Ron Wilson introduced members in attendance from the Riley County Farm Bureau Board of Directors and provided additional information and shared a cowboy poem written for the Manhattan City Commission.

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that the recent Musical Festival held on Saturday, July 13, 2013, was a great collaborative effort between K-State, Manhattan's Parks and Recreation Department, and other organizations. She also expressed appreciation for the Fourth of July fireworks that were enjoyed by the community.

Commissioner McCulloh stated that we are doing the budget right now and encouraged citizens to use the resources and services provided by the Manhattan Public Library including books, computers, movies, newspapers, and magazines.

COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Butler provided clarification on the recent letter on the editorial page in *The Manhattan Mercury* submitted by University for Mankind (UFM), regarding their decision to withdraw their application for City funding support from the Social Services Advisory Board for the Youth Scholarship Fund. He informed the Commission that he visited with UFM earlier in the day and that they wished to continue the Youth Scholarship Fund. He stated that he provided a donation to UFM and encouraged everyone to send them a couple of dollars to reach \$3,000.00 in order to continue their program. He stated this is a good program, but was not in the same category as other social service agencies and clarified that UFM will be receiving City funds from the Special Alcohol Funds for another purpose.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, July 2, 2013.

CLAIMS REGISTER NO. 2736

The Commission approved Claims Register No. 2736 authorizing and approving the payment of claims from June 26, 2013, to July 9, 2013, in the amount of \$3,779,108.69.

ORDINANCE NO. 7013 – LEVY SPECIAL ASSESSMENTS – GENERAL OBLIGATION BOND SERIES 2013-A

The Commission approved Ordinance No. 7013 levying special assessments against the benefiting properties in the following four (4) public improvement districts: *Manhattan Mennonite Church – Sanitary Sewer (SS0909)*; *McCall Road – Street (ST0821)*; *Shuss Road – Street (ST1111)*; and *Clafin Road and Seth Child Road (Beechwood Terrace) Intersection – Street (ST1015)*.

ORDINANCE NO. 7014 – NO PARKING – 100 BLOCK OF NORTH 14TH STREET

The Commission approved Ordinance No. 7014 designating a “No Parking” zone along the east side of the 100 block of North 14th Street from its intersection with Central Park Road, thence south 150 feet.

CONSENT AGENDA (CONTINUED)

* **ORDINANCE NO. 7015 – NO PARKING – CENTRAL PARK ROAD (NORTH SIDE)**

Mayor Matta expressed concern regarding the designation of a “No Parking” zone in City Park and stated that he did not support the loss of parking.

Rob Ott, City Engineer, provided information on the item and presented a map of the proposed area.

Ron Fehr, City Manager, provided additional information regarding the item and availability for additional parking.

The Commission approved Ordinance No. 7015 designating a "No Parking" zone along the north side of Central Park Road from the center line of North Manhattan Avenue, thence east 210 feet.

* **ORDINANCE NO. 7016 – NO PARKING – 500 BLOCK OF LEAVENWORTH STREET (SOUTH SIDE)**

Commissioner Butler voiced concern with the Flint Hills ATA bus stop request on Leavenworth Street and stated that he would not support the item because it will reduce parking.

Mayor Matta agreed with Commission Butler.

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

The Commission approved Ordinance No. 7016 designating a "No Parking" zone along the south side of the 500 block of Leavenworth Street from its intersection with Sixth Street, thence east 50 feet.

ORDINANCE NO. 7017 – REMOVE – NO PARKING EXCEPT SUNDAY – 400 BLOCK OF YUMA STREET (SOUTH SIDE)

The Commission approved Ordinance No. 7017 removing the “No Parking Except Sunday” zone along the south side of the 400 block of Yuma Street.

CONSENT AGENDA (CONTINUED)

FIRST READING – NO PARKING, NO PARKING SCHOOL DAYS 8 A.M. – 4 P.M., BUS LOADING ZONE – BERGMAN ELEMENTARY, MARLATT ELEMENTARY, BLUEMONT ELEMENTARY SCHOOL, AND MANHATTAN HIGH SCHOOL EAST CAMPUS

The Commission approved first reading of an ordinance designating a "No Parking" zone along the east side Gary Avenue from its intersection with Lombard Street, thence north 150 feet; designating a "No Parking School Days 8 A.M. - 4 P.M." zone along the north side of Hobbs Drive, from Browning Avenue to Vaughn Drive and along the west side of 8th Street, from Bluemont Avenue to Vattier Street; and designating a "Bus Loading Zone" along the east side of Browning Avenue from 320 feet south of centerline of Hobbs Drive thence south 200 feet; along the west side of 9th Street and east side of 10th Street, from Pierre Street to Poyntz Avenue and along the west side of Westbaker Street from 350 feet south of Churchill Street, thence south 200 feet.

FIRST READING – INSTALL STOP SIGNS – 8TH STREET AND VATTIER STREET

The Commission approved first reading of an ordinance authorizing the replacement of yield signs with stop signs on the east and west approach's to 8th Street on Vattier Street.

RESOLUTION NO. 071613-A – REVISED PETITION – MILLER RANCH, UNIT THREE; MILLER RANCH, UNIT FIVE; AND BARTON PLACE ADDITION, UNIT TWO – WATER (WA1214) IMPROVEMENTS

The Commission found the revised petition sufficient and approved Resolution No. 071613-A, rescinding Resolution No. 121812-E, and finding the project advisable and authorizing construction of Miller Ranch, Unit Three; Miller Ranch, Unit Five; and Barton Place Addition, Unit Two, Water (WA1214) Improvements.

RESOLUTION NO. 071613-B – REVISED PETITION – MILLER RANCH, UNIT THREE; MILLER RANCH, UNIT FIVE; AND BARTON PLACE ADDITION, UNIT TWO – SANITARY SEWER (SS1209) IMPROVEMENTS

The Commission found the revised petition sufficient and approved Resolution No. 071613-B rescinding Resolution No. 121812-D, and finding the project advisable and authorizing construction of Miller Ranch, Unit Three; Miller Ranch, Unit Five; and Barton Place Addition, Unit Two, Sanitary Sewer (SS1209) Improvements.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 071613-C – REVISED PETITION – MILLER RANCH, UNIT THREE; MILLER RANCH, UNIT FIVE; AND BARTON PLACE ADDITION, UNIT TWO – STREET (ST1211) IMPROVEMENTS

The Commission found the revised petition sufficient and approved Resolution No. 071613-C rescinding Resolution No. 121812-F, and finding the project advisable and authorizing construction of Miller Ranch, Unit Three; Miller Ranch, Unit Five; and Barton Place Addition, Unit Two, Street (ST1211) Improvements.

AGREEMENT – ENGINEERING SERVICES – WATER AND SANITARY SEWER SYSTEMS IMPROVEMENTS (WA1308, CIP #WA084P) (WA1309) (SS1307, CIP #WW097P) (SS1308, CIP #WW096P)

The Commission authorized the Mayor and the City Clerk to execute an agreement for a design fee in an amount not to exceed \$110,838.50 with BG Consultants, Inc., of Manhattan, Kansas, for the Water System and Sanitary Sewer System Improvements Projects (*Westwood Road, Elm Lane, Summit Avenue, and Walnut Drive Water Line Replacement (WA1308); Fourth Street and Pottawatomie Avenue Water Line Replacement (WA1309); 900 Block of Old Claflin Sanitary Sewer Replacement (SS1307); and Wildcat Ridge Sanitary Sewer Replacement (SS1308)*)).

AWARD CONTRACT – GRAND VISTA, UNIT 3 – WATER (WA1304), SANITARY SEWER (SS1304), AND STREET (ST1304) IMPROVEMENTS

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$113,290.10; awarded a construction contract to Manhattan Trenching, Inc., of Manhattan, Kansas; and authorized the Mayor and City Clerk to execute the contract in the amount of \$99,188.20 with Manhattan Trenching, Inc., for the Grand Vista Addition, Unit 3, Water (WA1304), Sanitary Sewer (SS1304) and Street (ST1304) improvements project.

BOARD APPOINTMENT – CITY UNIVERSITY

The Commission approved the appointment of Bob Strawn, 1551 Williamsburg Court, to a two-year Citizen term to the City/University Special Projects Fund Committee. Mr. Strawn's term begins immediately, and will expire June 30, 2015.

After discussion and comments from the Commission, Commissioner Jankovich moved to approve the consent agenda. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item D-2, ORDINANCE NO. 7015 – NO PARKING – CENTRAL PARK ROAD (NORTH SIDE), and Item D-3, ORDINANCE NO. 7016 – NO PARKING – 500 BLOCK OF LEAVENWORTH STREET (SOUTH SIDE), which carried 3-2, with Mayor Matta and Commissioner Butler voting against the items.

GENERAL AGENDA

DEVELOPMENT AGREEMENT - MCDONALD'S ON 3RD STREET – SANITARY SEWER (SS1312) AND STREET (ST1316) IMPROVEMENTS

Jason Hilgers, Deputy City Manager, presented an overview of the request from McDonald's to redevelop a large portion of the block between 4th Street and 3rd Street and Bluemont Avenue and Vattier Street. He also highlighted the Development Agreement regarding the proposed public improvements along 4th Street and Bluemont Avenue. He then responded to questions from the Commission regarding funding for the public improvements being proposed.

Ron Fehr, City Manager, provided additional information regarding creating a Transportation Development District (TDD) as a funding source to pay for the public improvements. He responded to questions from the Commission regarding the potential use of economic development funds.

Dee Brokesh, 3005 Wilson Drive, asked the Commission what would happen with the historic property located at the northwest corner of the intersection near this development.

Jason Hilgers, Deputy City Manager, stated that the property at 402 Bluemont Avenue would continue to be in the City's ownership and would stay as part of this project.

Commissioner Jankovich moved to authorize City Administration to finalize and the Mayor and City Clerk to execute the development agreement with McDonald's for the construction of the public improvements (SS1312, ST1316) at or near the intersection of 4th Street and Bluemont Avenue. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING – ADOPT - 2012 INTERNATIONAL CODES AND 2011 NATIONAL ELECTRICAL CODE

Brad Claussen, Building Official, presented the proposed 2012 International Codes and 2011 National Electrical Code. He provided alternatives regarding fire protection of residential floors, costs analysis for residential and commercial buildings, changes to contractor licensing, and effective dates for the new codes. He then responded to questions from the Commission regarding the communication with various stakeholder groups and projected costs associated with the fire protection of residential floors.

After discussion and comments from the Commission, Brad Claussen, Building Official, responded to questions regarding commercial liability for insurance coverage and contractor licensing requirements.

Bill Raymond, City Attorney, provided additional clarification regarding general commercial liability insurance, licensing, and insurance requirements.

GENERAL AGENDA (CONTINUED)

FIRST READING – ADOPT - 2012 INTERNATIONAL CODES AND 2011 NATIONAL ELECTRICAL CODE (CONTINUED)

Brad Claussen, Building Official, provided additional information on licensing requirements and projects that can be completed by the property owner without a general contractor license or specific license requirement.

Richard Hill, 3513 Stagecoach Circle, representing Landlords of Manhattan, informed the Commission that he met with Building Official Brad Claussen earlier in the day and asked if there were any licensing requirements for landlords to do any type of maintenance work.

Brad Claussen, Building Official, responded to questions regarding licensing requirements and provided additional information on the 2012 International Codes.

Steve Kirby, Henton Plumbing and Air Conditioning, informed the Commission that as Manhattan continues to grow, there needs to be more regulations. He voiced concerns with out-of-town companies not complying with Code and stressed the need for more regulations and code officers to enforce the Codes. He then responded to questions from the Commission.

Brad Claussen, Building Official, responded to additional questions from the Commission regarding the use of alternative materials and deliverability of products to meet the regulations for fire protection of residential floors.

After additional discussion and comments from the Commission, Commissioner McCulloh moved to approve first reading of ordinances adopting the 2012 editions of the International Code package and 2011 National Electrical Code and amending sections of the Code of Ordinances, City of Manhattan, Kansas, relating to Buildings, Building Regulations, and Fire Prevention. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-1, with Mayor Matta voting against the motion.

NATIONAL REGISTER NOMINATION - BLUEMONT YOUTH CABIN

Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., presented background information on the Bluemont Youth cabin and on the expired lease Agreement between the Goodnow Park Cabin Coalition and the City of Manhattan. She highlighted efforts and work completed by the Coalition and community partners to stabilize and restore the Bluemont Youth Cabin. She then responded to questions from the Commission regarding potential functions the building could serve, issues and challenges related to accessibility, and discussed possible funding sources and eligibility to receive tax credits and grants for necessary improvement projects if listed on the Register.

GENERAL AGENDA (CONTINUED)

NATIONAL REGISTER NOMINATION - BLUEMONT YOUTH CABIN (CONTINUED)

After comments and questions from the Commission, Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., provided additional information on the Cabin and responded to questions from the Commission. She informed the Commission that the Coalition encouraged the Commission to support the listing of the Bluemont Youth Cabin in the National Register of Historic Places for local significance.

Ron Fehr, City Manager, responded to questions from the Commission regarding the issues associated with accessibility and the improvements needed to the facility. He informed the Commission that he would not recommend selling the property; however, the Commission could consider a lease arrangement with a private entity and explore other uses, possibly a studio with the College of Architecture at Kansas State University.

Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., responded to additional questions from the Commission and described the current condition of the Cabin and possible uses that could be explored.

Ron Fehr, City Manager, responded to questions from the Commission regarding potential issues and opportunities that may result if listed on the National Register.

Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., provided clarification of the recent elimination of the environs provision of the State Historic Preservation Statute by the Kansas Legislature and responded to additional questions from the Commission. She informed the Commission that the windows were removed from the Cabin due to vandalism and that wood shutters were installed.

Eddie Eastes, Interim Director of Parks and Recreation, responded to questions from the Commission regarding accessibility issues and informed the Commission that the Parks and Recreation Advisory Board has not reviewed this item.

Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., responded to additional questions from the Commission regarding Americans with Disabilities Act (ADA) compliance and challenges for public accessibility and exceptions for historic buildings. She then provided historic properties in Manhattan that are listed on the National Register.

Richard Hill, 3513 Stagecoach Circle, asked what the square footage was of the Cabin.

Barbara Anderson, President, Goodnow Park Cabin Coalition, Inc., stated that the Cabin is 1,200 square feet.

GENERAL AGENDA (CONTINUED)

NATIONAL REGISTER NOMINATION - BLUEMONT YOUTH CABIN (CONTINUED)

Dixie West, 1014 Houston Street, informed the Commission that her home is on the National Register and asked the Commission not to be scared having a building listed on the National Register or to be afraid of preservation. She provided information on uses and representation of the building and encouraged the Commission to support the request for consideration on the Register.

After further discussion and comments from the Commission, Commissioner Butler moved to table the request until the City can investigate the unintended consequences of putting this property on the historical register and pursuing through a Request for Proposals (RFP) process or something to get options from people that might want to lease the property.

Commissioner Jankovich agreed with the motion to table the request; however, he did not agree that an RFP was relevant at this point in the process. He requested additional information and to have Commissioner's questions answered before voting on this item.

Commissioner Butler amended his initial motion and moved to table the request and have the City investigate unintended consequences and options towards leasing this property.

Commissioner Jankovich seconded the amended motion.

After additional discussion and comments from the Commission, on a roll call vote, motion carried 3-2, with Commissioners McCulloh and Reddi voting against the motion.

FIRST READING – UPDATE - WATER CONSERVATION ORDINANCE

Randy DeWitt, Assistant Director of Public Works for Water and Wastewater, presented background information and an overview of the item. He then responded to questions from the Commission regarding authority provisions, reasons for unaccounted for water, electronic read meters, and information on the City's annual water audit.

Ron Fehr, City Manager, provided additional information on unaccounted for water loss and informed the Commission that the Water Treatment Plant can gauge and account for significant amounts of water usage. He then responded to questions from the Commission regarding significant water customers; the feasibility and analysis to utilize gray water with the current infrastructure; and the proposed fee structure, violations, penalties, financial impact, and process.

Dee Brokesh, 3005 Wilson Drive, asked if the water conservation plan addresses lawn irrigation usage, design standards and water timing, and stormwater runoff.

GENERAL AGENDA (CONTINUED)

FIRST READING – UPDATE - WATER CONSERVATION ORDINANCE (CONTINUED)

Ron Fehr, City Manager, responded to questions and provided additional information on the proposed water conservation ordinance.

After discussion and comments from the Commission, Ron Fehr, City Manager, provided additional information regarding the fee structure and informed the Commission that the fine schedule would be reviewed before bringing the item back to the Commission for second reading. He responded to additional questions from the Commission and provided clarification that this item is for potable water only and does not address stormwater runoff.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance amending Article II of Chapter 32 of the Code of Ordinances relating to water conservation. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

At 9:30 p.m., the Commission took a brief recess.

DISCUSSION - HIGHER STANDARD FLOODPLAIN REGULATION INFORMATION: FUTURE CONDITIONS FLOOD MAPPING STUDY

Chad Bunker, Planner II, presented an overview of the Manhattan Floodplain Management Program, floodplain maps and comparisons, Future Land Use Map, Future Conditions Mapping, new Flood Insurance Rate Map (FIRMs) and Future Conditions Mapping, map of Wildcat Creek along Seth Child Road and Rolling Hills tributary, Wildcat Creek and Scenic Drive, Virginia-Nevada and CiCo Tributaries, Little Kitten Creek, Marlatt Drainage Basin, Future Conditions Mapping results and uses of Future Condition Mapping, and Flood Depth Grids and uses. He then responded to questions from the Commission.

Linda Morse, 2118 Spain Drive, informed the Commission that she was pleased to see the effort for Wildcat Creek and was anxious to learn more about the Big Blue River and Northview area. She stated that there is a need for higher standards to improve the safety of the citizens in the community. She voiced the importance to establish guidelines early in order to avoid fewer challenges and exceptions.

After comments from the Commission, Ron Fehr, City Manager, provided additional information regarding the item and informed the Commission that the City now has excellent data from past flooding events and floodplain elevation levels.

GENERAL AGENDA (CONTINUED)

DISCUSSION - HIGHER STANDARD FLOODPLAIN REGULATION
INFORMATION: FUTURE CONDITIONS FLOOD MAPPING STUDY
(CONTINUED)

Chad Bunger, Planner II, provided an update on the next steps associated with the Floodplain Management Services for the Big Blue River. He also provided additional information on the Future Conditions Flood Mapping Study and information that will be available.

Ron Fehr, City Manager, and Rob Ott, City Engineer, responded to questions from the Commission and provided additional information on the benefits of modeling and discussed future projects to address floodplain issues.

As this was a discussion item, no action was taken.

Mayor Matta stated that the next City Commission meeting would be on Tuesday, August 6, 2013.

ADJOURNMENT

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



Gary S. Fees, MMC, City Clerk