



MINUTES
SPECIAL CITY COMMISSION MEETING
TUESDAY, MARCH 24, 2015
7:00 P.M.

The Special Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Karen McCulloh, Usha Reddi, and Richard B. Jankovich were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Bill Raymond, City Clerk Gary S. Fees, 9 staff, and approximately 25 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Butler led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Butler proclaimed March 2015, *March for Meals Month*. Julie Govert Walter, Executive Director; Karen Mayse, Senior Opportunities and Community Services Supervisor; and Linda Morse, Board Member, North Central-Flint Hills Area Agency on Aging, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Reddi stated that advanced voting has started and encouraged citizens to participate in the upcoming City Commission and USD 383 School Board candidate election process. She informed the community that she and City Manager Ron Fehr recently attended the National League of Cities Conference in Washington, DC, and also met with United States Senator Pat Roberts' and Senator Jerry Moran's offices to discuss items of mutual interest.

COMMISSIONER COMMENTS (CONTINUED)

Commissioner McCulloh informed the community that a new bill is being discussed in Topeka that would move local city elections to November of even years. She voiced concern that this would result in elections of local city commissioners and school board members to be on the same ballot with everyone else and would distract from focusing on local issues. She stated that she and others are not supportive of the proposed bill.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, March 3, 2015.

CLAIMS REGISTER NOS. 2786 and 2787

The Commission approved Claims Register Nos. 2786 and 2787 authorizing and approving the payment of claims from February 25, 2015, to March 17, 2015, in the amount of \$112,032.41 and \$4,981,941.33, respectively.

FINAL PLAT – GRAND ESTATES ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Grand Estates Addition, generally located approximately 200 feet to the west of the intersection of Vanesta Drive and Kauffman Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

ORDINANCE NO. 7129 – VACATE UTILITY EASEMENT – 1718 THOMAS CIRCLE

The Commission approved Ordinance No. 7129 vacating a utility easement at 1718 Thomas Circle, Lot R-4, Ball Addition, Unit One.

ACCEPT – PERMANENT EASEMENT – 1718 THOMAS CIRCLE

The Commission accepted a utility easement granted by the property owner at 1718 Thomas Circle, Lot R-4, Ball Addition, Unit One.

DEVELOPMENT AGREEMENT – HOWE SANITARY SEWER REALIGNMENT (SS1421)

The Commission authorized City Administration to finalize and the City Manager and City Clerk to execute a development agreement with the owner at 1718 Thomas Circle, Lot R-4, Ball Addition, Unit One, for sanitary sewer improvements (SS1421).

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7130 – REASSESS SPECIAL ASSESSMENTS – LOT 1, GRAND MERE VILLAGE ADDITION (REPLATTED AS THE GRAND OLD CHICAGO ADDITION)

The Commission approved Ordinance No. 7130 authorizing the reassessment and/or re-levy of certain special assessments applicable to the Grand Old Chicago Addition and amending and supplementing Ordinance No. 6686.

FIRST READING – RENAME STREET IN INTERLACHEN ADDITION (SOCIETY CIRLE TO PALMER CIRCLE)

The Commission approved first reading of an ordinance renaming “Society Circle” in Interlachen Addition and designating it “Palmer Circle”.

REQUEST FOR PROPOSALS – UTILITIES FACILITY BAY GARAGE STRUCTURE (SS1419, CIP #WW138P)

The Commission approved the Design-Build process as outlined in the documents prepared by City Administration and authorized City Administration to solicit proposals and qualifications for the Utilities Facility Bay Garage Structure project (SS1419, CIP #WW138P).

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – WATERSHED ANALYSIS, PHASE II, STORMWATER DOWNTOWN WATERSHEDS (SM1405, CIP #SW058P)

The Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a contract with AMEC Foster Wheeler Environment and Infrastructure, Inc., of Topeka, Kansas, for the Watershed Analysis, Phase II, Stormwater Downtown Watersheds project (SM1405, CIP #SW058P).

RESOLUTION NO. 032415A – SUPPLEMENTAL AGREEMENT NO. 2 – ARBOR HEIGHTS FENCE (SP1302)

The Commission approved Resolution No. 032415-A authorizing the Mayor and City Clerk to execute the Supplemental Agreement No. 2 to Agreement No. 60-08 with the Kansas Department of Transportation for the K-18 Corridor Project and finalizing funding arrangements for the Arbor Heights Fence (SP1302).

AGREEMENT – KNOX LANE MULTI-USE TRAIL PROJECT (SW1402)

The Commission authorized the Mayor and City Clerk to execute the City-State Agreement No. 544-14 from the Kansas Department of Transportation (KDOT), and directed the Public Works Department to proceed in a manner that will facilitate construction of improvements for the Knox Lane Multi-Use Trail project (SW1402) once KDOT informs the City to proceed.

CONSENT AGENDA (CONTINUED)

* **AGREEMENT – JULIETTE AVENUE BRICK STREET REHABILITATION, PHASE I, IMPROVEMENTS (ST1414)**

Rob Ott, Director of Public Works, responded to questions from the Commission and provided additional information on the item.

The Commission authorized the Mayor and City Clerk to execute the City-State Agreement No. 536-14 from KDOT, and directed the Public Works Department to proceed in a manner that will facilitate construction for the Juliette Avenue Brick Street Rehabilitation, Phase I, improvements (ST1414) once KDOT informs the City to proceed.

ACCEPT PERMANENT EASEMENT – KSU HOUSING AND DINING MAINTENANCE FACILITY

The Commission accepted a permanent easement that was granted to the City by Kansas State University and authorized the Mayor and City Clerk to execute the permanent easement agreement.

AGREEMENT – OUTSIDE CITY SEWER – 5106 MURRAY ROAD (UNDERGROUND VAULTS AND STORAGE, INC.)

The Commission authorized the Mayor and City Clerk to execute an agreement with Underground Vaults and Storage, Inc., for an outside city limits sanitary sewer service connection for the warehouse and office located at 5106 Murray Road, Manhattan, Kansas, Riley County.

* **PURCHASE – MOUNTED PAINT STRIPER (CIP #TR008E)**

The Commission authorized the purchase of an EZ Liner Palletized Road Striping Unit in the amount of \$69,191.28 base bid, less \$5,500.00 trade-in, from EZ Liner, of Orange City, Iowa, to be paid from the General Fund

LEASE PURCHASE AGREEMENT – MOUNTED PAINT STRIPER (CIP #TR008E)

The Commission authorized the Mayor and/or City Clerk to execute the lease purchase agreement for the mounted paint striper (CIP #TR008E).

CONTRACT – MID-RANGE COMPUTER SYSTEM

The Commission authorized the Mayor and the City Clerk to execute a lease-to-own contract in the amount of \$32,650.00, with Sirius Computer Solutions, located in Overland Park, Kansas, for the purchase of a mid-range computer system including hardware, operating software, maintenance, and technical support (to be paid from the Water Fund (\$16,325.00) and Wastewater Fund (\$16,325.00)).

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS

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

Flint Hills Regional Council

Appointment of Commissioner McCulloh, 1516 Leavenworth Street, to replace Commissioner Jankovich's term. Commissioner McCulloh's term will begin April 21, 2015.

Historic Resources Board

Appointment of Suzanne Orr, 2018 Scheu Drive, to fill the unexpired term of Tim Weiser. Ms. Orr's term begins immediately, and will expire April 30, 2017.

Human Rights and Services Board

Re-appointment of Thomas Kerrigan, 1000 Pierre Street, to a three-year term. Mr. Kerrigan's term begins immediately, and will expire March 9, 2018.

Appointment of William Gill, 3500 Woods Court, to fill the unexpired term of Dee McKee. Mr. Gill's term begins immediately, and will expire March 9, 2017.

Appointment of Matthew Jepsen, 3313 Effingham Street, to a three-year term. Mr. Jepsen's term begins immediately, and will expire March 9, 2018.

SPECIAL ALCOHOL FUNDS ADVISORY COMMITTEE

Appointment of Lora Boyer, 211 North 15th Street, to fill the unexpired term of Dee McKee. Ms. Boyer's term begins immediately, and will expire June 30, 2017.

Appointment of Elizabeth Kreiger, 720 Frey Drive, to fill the unexpired term of Mitch Beims. Ms. Kreiger's term begins immediately, and will expire June 30, 2016.

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 4-0.

GENERAL AGENDA

FIRST READING – ADOPT - MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND THE MANHATTAN AREA TRANSPORTATION STRATEGY

Eric Cattell, Assistant Director for Planning, presented background information and provided an overview of the item.

Darcie White, Clarion Associates, presented information on The Growth Vision and key objectives of the Manhattan Urban Area Comprehensive Plan Update. She highlighted Chapter 3: A Coordinated and Efficient Pattern of Growth; Chapter 4: Preserve and Enhance Natural Resources and Promote Resiliency; Chapter 5: Efficient Use and Expansion of Public Facilities and Services; Chapter 6: Active Community Involvement and Regional Cooperation; Chapter 7: A Balance Multi-Modal Transportation System; Chapter 8: Healthy, Livable Neighborhoods Offering a Variety of Lifestyle Options; Chapter 9: An Active Community Recognized for its Quality of Life and Strong Sense of Place; Chapter 10: A Strong, Diversified Economic Base; Chapter 11: Special Planning Area Policies; future growth and primary opportunity areas including West US-24 Corridor, Blue Township Urban Growth Area, and expanded infill and redevelopment opportunities in the core area; west of campus expanded high density residential; east of campus expanded M-FRO boundary and new urban core residential; proposed downzoning east of City Park; expanded employment/commercial opportunities in the Eureka Valley; changes in overall residential and non-residential growth capacity since 2003; and the Chapter 12: Action Plan. She informed the Commission that there are detailed appendices in the Report regarding growth opportunity areas, related plans and policy documents, supplemental utility planning information, and a trends and forces report.

Christopher Kinzel, HDR, provided an overview of the Manhattan Area Transportation Strategy (MATS), guiding principles, and system-wide/regional MATS goals. He highlighted the following priority strategies: 1) update to the zoning and subdivision regulations, 2) complete an area-wide transit system, 3) adopt Bicycle Master Plan, 4) implement traffic calming techniques, 5) implement a stable funding source, 6) establish regular monitoring programs, 7) integrate Flint Hills Metropolitan Planning Organization travel demand model, and 8) update engineering design standards. He then responded to questions from the Commission and stated that what has been presented is a high-level overview and there is much more information available to the public.

Mayor Butler opened the public comments.

John Pence, 2361 Grandview Terrace, voiced concern with the maps that were provided and stated that it was very difficult to get a large map showing all the streets. Specifically, he questioned property along the 1000 block of Thurston Street and asked if this was being rezoned to high-density.

GENERAL AGENDA (CONTINUED)

FIRST READING – ADOPT - MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND THE MANHATTAN AREA TRANSPORTATION STRATEGY (CONTINUED)

Eric Cattell, Assistant Director for Planning, responded to questions regarding the maps and provided clarification about Thurston Street. He stated that the action before the City Commission is to adopt the Manhattan Urban Area Comprehensive Plan.

John Pence, 2361 Grandview Terrace, asked questions about the 1000 block of Humboldt Street and the 800 and 900 blocks of Laramie Street for potential increased density. He also requested notification of any future changes that would impact property owners and asked that the City look to the east side of campus for additional multi-family.

Eric Cattell, Assistant Director for Planning, provided clarification on the map and discussed density ranges. He also highlighted the M-FRO boundary area.

Loren Pepperd, 1404 Oaktree Place, thanked Darcie White and Christopher Kinzel for their work with the committee and public during the Comprehensive Plan process. He informed the Commission that the subdivision regulations need to be updated and voiced concern with the high costs associated with Planned Unit Developments for developers. He also asked that consideration be given before the adoption of new building codes, which increase the costs associated with housing in Manhattan. Finally, he requested that contractors and developers be required to have a similar application process as licensed real estate agents.

Mayor Butler and Ron Fehr, City Manager, responded to questions regarding the updated application process adopted for developers and requirements to create benefit districts.

Loren Pepperd, 1404 Oaktree Place, informed the Commission that some developers and contractors may have liens filed against them and with so many different Limited Liability Company's (LLC's), it is difficult to know if developers have paid their property taxes and need to be upfront with the public.

Bill Raymond, City Attorney, responded to questions and provided clarification. He stated that liens are a matter of public record and federal tax liens are required to be filed and are public documents.

GENERAL AGENDA (*CONTINUED*)

FIRST READING – ADOPT - MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND THE MANHATTAN AREA TRANSPORTATION STRATEGY (*CONTINUED*)

Mel Borst, 1918 Humboldt Street, informed the Commission that he supported the recommendations presented and thanked everyone involved. He voiced appreciation for the downzoning that has occurred and the stabilization and investments that have been made in Manhattan's older neighborhoods. He asked that consideration be given to support a larger downzoning area east of City Park and neighborhoods near Bluemont Elementary. He expressed his thanks to the Commission for the opportunity to support an important land use plan.

Gary Stith, 2517 Meadowood Drive, Manhattan Urban Area Planning Board member, expressed his appreciation to the management team, committee members, and to the consulting team for doing a fabulous job in the comprehensive planning process. He stated that this plan that will serve the community and urban area very well, with the assumption that the community wants to continue to grow and strengthen and diversify the economic base beyond Kansas State University and Fort Riley. He informed the Commission that Blue Township's potential will be limited if Manhattan does not help Pottawatomie County develop it and stated that the City should continue helping the area as it has already done by extending water and sewer service. He stated that the action plan items listed in Chapter 12 are the most important in the document.

Commissioner McCulloh suggested that having a Pottawatomie County representative on the Planning Board would be beneficial.

Ron Fehr, City Manager, stated that it would be good to bring Blue Township into the urban area influence and to accommodate a Pottawatomie County appointment. He reiterated the comments provided earlier by Gary Stith and stated that it is going to be key to have a good dialog with the Pottawatomie County Commission.

Sara Fisher, 811 Osage Street, stated the importance of downzoning and improvements made in her neighborhood and changes in older neighborhoods.

Hearing no other comments, Mayor Butler closed the public comments.

Darcie White, Clarion Associates, provided additional information on the availability of maps that can be found on the website to provide an additional level of detail.

Eric Cattell, Assistant Director for Planning, stated that this is a large document and you can zoom in on the maps and addresses you want to review on the City's website.

GENERAL AGENDA (CONTINUED)

FIRST READING – ADOPT - MANHATTAN URBAN AREA COMPREHENSIVE PLAN AND THE MANHATTAN AREA TRANSPORTATION STRATEGY (CONTINUED)

After additional discussion and comments from the Commission, Commissioner Jankovich moved to approve first reading of an ordinance updating, amending and superseding the current comprehensive plan for the development or redevelopment of the Manhattan Urban Area and the City of Manhattan, Kansas by the adoption, by reference, of that certain document known as the Manhattan Urban Area Comprehensive Plan, dated March 2015, as presented, with the List of Known Corrections being made and with any additional typographical corrections. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

CONCESSIONAIRE REQUEST - SELL CEREAL MALT BEVERAGES AT TWIN OAKS COMPLEX IN FRANK ANNEBERG PARK

Eddie Eastes, Director of Parks and Recreation, provided background information and an overview of the request by Brad Streeter to allow cereal malt beverages (CMB) at the Twin Oaks Complex located within Frank Anneberg Park. He highlighted the discussion and recommendation from the Parks and Recreation Advisory Board during its meeting held March 2, 2015, that CMB sales be allowed at adult-only activities at Twin Oaks in 2015, and provided the recommendation from City Administration.

Brad Streeter, Streeter Enterprises, LLC, presented his proposal to sell CMB at Twin Oaks for the adult programs as a way to increase revenues for his concession business and for the City of Manhattan. He provided information on beer sales at public facilities in Wisconsin and discussed the potential consumption and revenue that could be generated based on the number of adult games and tournaments. He informed the Commission that consumption of alcohol is already occurring in the parking areas of Anneberg Park. He stated that this proposal will help control the consumption of alcohol better than what is happening now and encouraged the Commission to visit Twin Oaks and the parking lot during game times. He provided results of a recent survey on facebook regarding the sale of CMB at Twin Oaks and stated that beer is currently sold at Kansas State University baseball games and at the Kaw Valley Rodeo. He then responded to questions from the Commission regarding how beer sales would be monitored and controlled.

After comments and additional questions from the Commission, Brad Streeter, Streeter Enterprises, LLC, informed the Commission that he respects the concerns expressed about selling alcohol at Twin Oaks. He provided additional information about using wrist bands and installing a video camera at Twin Oaks to police the activity. He stated that beer is already being consumed in the parking lot and discussed the item with the head of patrol at the Riley County Police Department. He informed the Commission that on slow nights, their business is not making enough in concession sales to pay for their labor and are seeking ways to increase sales to make this a viable operation.

GENERAL AGENDA (CONTINUED)

CONCESSIONAIRE REQUEST - SELL CEREAL MALT BEVERAGES AT TWIN OAKS COMPLEX IN FRANK ANNEBERG PARK (CONTINUED)

Eddie Eastes, Director of Parks and Recreation, informed the Commission that from his experience there are issues and challenges in selling alcohol at the Twin Oaks Complex. He stated this activity would take the City into another arena and from his experience, there would need to be additional supervision and an older age group than there currently is now to manage this activity.

Ron Fehr, City Manager, provided additional information on the item and highlighted other activities and venues that allow special events with alcohol. He stated that the Twin Oaks Complex is not designed to accommodate this activity very well and expressed the challenges to manage alcohol sales at this facility.

Brad Streeter, Streeter Enterprises, LLC, agreed with the design challenges of the facility and responded to questions from the Commission regarding the future of their concessions business with the City of Manhattan. He stated that at the end of the year, he will meet with Parks and Recreation and decide if they can continue to operate or not. He informed the Commission that their family has been in the food business for 57 years and need to make money or cannot continue to do it.

Eddie Eastes, Director of Parks and Recreation, informed the Commission that the concessions are not operating at the soccer complex at Anneberg Park unless there is a soccer tournament based on the level of activity.

Ron Fehr, City Manager, stated that more tournaments may happen with the installation of artificial turf. He provided additional information on the mutual arrangement to have concession stands open or not.

Mayor Butler opened the public comments.

Dave Shaffer, Parks and Recreation Advisory Board member, informed the Commission that he has been playing softball since 1970 and stated that beer consumption is happening at Twin Oaks, but that not everyone is drinking beer. He stated that having concessions at Twin Oaks is a nice service and could see the use of wrist bands and cameras to monitor activity and to limit consumption of alcohol. He stated this could be limited to a one year trial experimental basis and if there is an incident requiring the Riley County Police Department, then the activity should be shut down.

Hearing no other comments, Mayor Butler closed the public comments.

GENERAL AGENDA (CONTINUED)

CONCESSIONAIRE REQUEST - SELL CEREAL MALT BEVERAGES AT TWIN OAKS COMPLEX IN FRANK ANNEBERG PARK (CONTINUED)

Bill Raymond, City Attorney, responded to questions from the Commission regarding potential liability considerations for the City and highlighted portions of the City Commission Agenda Memorandum regarding the appropriate license required by the vendor to sell CMB at Twin Oaks.

Ron Fehr, City Manager, responded to questions from the Commission regarding specific information that may be helpful to provide at a future meeting.

After additional discussion and comments from the Commission, Commissioner Jankovich moved to table the request for sale of Cereal Malt Beverages at the Twin Oaks Complex during adult-only events for further information concerning how the concessionaire would handle enforcement and supervision as well as an evaluation of the event/tournament as a test bed to allow sales at that event/tournament. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-0.

At 9:00 p.m., the City Commission took a brief recess.

PRIVATE STRUCTURE ON JORGENSON PARK LAND

Eddie Eastes, Director of Parks and Recreation, provided background information on the item and the request from Diane Meredith and David Sauter, adjoining property owners constructing the tree house. He also highlighted the topic discussion from the Parks and Recreation Advisory Board meeting held March 2, 2015. He provided examples of past occurrences of private structures built on City park land that have not been allowed. He stated that after further consideration of the request, City Administration recommends that the structure be removed from the public property and that the park land not be sold to accommodate the location of the structure. He then responded to questions from the Commission regarding possible options and reiterated City Administrations recommendation that the structure not be allowed to remain on public property nor the park land sold.

Rob Ott, Director of Public Works, stated that he has not looked at the structure, but provided the example of the Sharingbrook private pedestrian bridge that is an all wooden structure needing repair.

Eddie Eastes, Director of Parks and Recreation, responded to additional questions from the Commission and stated that there would be extended costs associated with this wooden structure and also safety and code considerations. He informed the Commission that City-owned playgrounds are evaluated for safety and typically incur annual associated maintenance expenses.

GENERAL AGENDA (CONTINUED)

PRIVATE STRUCTURE ON JORGENSEN PARK LAND (CONTINUED)

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

After further discussion and comments from the Commission, Commissioner Jankovich moved that the City Commission require that the structure be removed. Mayor Butler seconded the motion.

After additional comments, on a roll call vote, motion carried 4-0.

EXECUTIVE SESSION

At 9:17 p.m., Mayor Butler moved to recess into Executive Session until 9:45 p.m. for the purpose of discussing personnel matters of non-elected personnel and to consult with the City Attorney regarding matters deemed privileged under the attorney/client relationship. Commissioner Jankovich seconded the motion. On a roll call vote, motion carried 4-0.

At 9:45 p.m., the Commission reconvened with Mayor Butler and Commissioners McCulloh, Reddi, and Jankovich in attendance. Mayor Butler announced the meeting adjourned.

ADJOURNMENT

At 9:46 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk