



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JULY 2, 2019***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Michael L. Dodson and Commissioners Usha Reddi, Wynn Butler, Jerred McKee, and Linda Morse were present. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 9 staff, and approximately 75 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Dodson led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Dodson proclaimed July 2019, ***Parks and Recreation Month***. Eddie Eastes, Director; Wyatt Thompson, Assistant Director; Randi Clifford, Recreation Director; Scott Shoemaker, Zoo Director; Casey Smithson, Parks Superintendent; Alfonso Leyva, Park Planner; Janelle Fritzson, Operations Officer; and Melissa Kirkwood, Community Relations Officer, Parks and Recreation, City of Manhattan, and Dave Schafer, Board Member, Parks and Recreation Advisory Board, were present to receive the proclamation.

**PUBLIC COMMENTS**

Mayor Dodson opened the public comments and highlighted the process.

Mark Hatesohl, 1206 Stacy Lane, representing St. Luke's Lutheran Church, informed the Commission of their bad experiences and ongoing difficulties working with Pavers, Inc. He voiced concern with the continued problems with Pavers, Inc., on the church's site for the West Anderson Avenue project, as mentioned to the Commission earlier. He asked the Commission to not award any additional contracts with Pavers, Inc.; requested that someone from the City get back in contact with him about the matter; and stated the City should not be doing business with this company.

## PUBLIC COMMENTS (CONTINUED)

Jerry Sextro, 314 N. 11<sup>th</sup> Street, Secretary, Flint Hills Human Rights Project, discussed the need for safe and affordable housing in Manhattan as well as urged the Commission to take the necessary steps forward to consider mandatory rental registration and inspections for a safe rental environment in the community.

Hanna (no last name provided) stated that she is 27 years old and has been a Manhattan resident for two and a half years. She expressed support for making Manhattan a sanctuary city for immigrants from the United States Immigration and Customs Enforcement (ICE). She expressed support for a public declaration of noncompliance from ICE because immigrants are a valuable part of the community and they deserve to live safe and happy lives.

Richard Hill, 433 Houston Street, representing landlords of Manhattan, informed the Commission that for three years, the housing item was discussed and finally an agreement made between landlords and the City on a registration program. He said that landlords were told there would be a five-year period of trying this program before anything further would come up. He stated that State law says no county or city shall adopt or maintain a residential property license ordinance or resolution, which includes a required periodic interior inspection unless the lawful occupant consents to such interior inspection. He then provided the legal definition of a lawful occupant and stated the person in control of that property would have to give the City permission to go into that property.

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

## COMMISSIONER COMMENTS

Commissioner Morse encouraged citizens, especially the Northview area residents, to continue to watch the Tuttle Creek Lake levels and to be prepared as the water is still high. She stated that if residents have ideas to keep the number of houses at risk from growing, the Commissioners would like to hear from you. She reminded everyone that Furniture Amnesty Day would be on Friday, July 26, 2019.

Commissioner McKee provided information on the Mandela Washington Fellows program and stated that he attended a welcoming reception at Kansas State University for those Young African Leaders participating in the program. He encouraged everyone to welcome the Fellows to the community and if you have the opportunity, to interact with them during their time in Manhattan. He also discussed affordable and quality housing in Manhattan. He stated that he appreciates the continued support for rental inspections and a push for a better environment.

## COMMISSIONER COMMENTS (CONTINUED)

Commissioner Butler highlighted the social services donation program and encouraged utility customers to add \$1 or whatever amount you would like to your monthly utility payment to go to the Social Services Advisory Board for capital improvement requests. He reminded the community to pay attention to the rules regarding fireworks and stated that information can be found on the Riley County Police Department website as well as to be mindful that many animals are not in favor of all the banging. He also said the T. Russell Reitz Animal Shelter has some nice animals to adopt and to make sure that you license your animals.

Commissioner Reddi reminded the community that Independence Day is Thursday, July 4, 2019, and to use fireworks safely. She said that the Manhattan Municipal Band is playing in City Park tonight and that Junction City and Wamego will be having their annual public firework displays for everyone to attend. She stated that Manhattan is trying to be a very inclusive community and have implemented policies, but continue to make improvements to be where we need to be. She encouraged everyone to have a safe and fantastic Fourth of July.

Mayor Dodson encouraged everyone to have a safe Fourth of July. He said to make sure to stay well hydrated and if you are in the sun, to have enough shade too. He discussed high water areas and encouraged everyone to be careful if you are on the water, especially given the recent rescue event of two individuals on the Kansas River.

Ron Fehr, City Manager, provided a brief update on elevation levels and water releases planned by the Corps of Engineers at Tuttle Creek Dam. He also discussed levee protection measures and priority areas.

## CONSENT AGENDA (\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 18, 2019.

### CLAIMS REGISTER NO. 2916

The Commission approved Claims Register No. 2916 authorizing and approving the payment of claims from June 12, 2019 – June 25, 2019, in the amount of \$3,400,101.90.

## CONSENT AGENDA (CONTINUED)

### FINAL PLAT – ELIJAH ADDITION

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of the Elijah Addition, generally located west of Grand Mere Parkway at the future intersection of Chapel Hill Road and Victory Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

### RESOLUTION NO. 070219-A – SET PUBLIC HEARING DATE – AGGIEVILLE REDEVELOPMENT PLAN

The Commission approved Resolution No. 070219-A setting August 20, 2019, as the date for a public hearing to consider the proposed Redevelopment Plan for the Aggieville Project Area in the Aggieville Redevelopment District in Manhattan, Kansas.

\* **RESOLUTION NO. 070219-B – AUTHORIZE SALE OF COMMUNITY HOUSE BUILDING**

Commissioner Morse highlighted the item and stated that with the use of Economic Development Funds, she wanted assurance that the property taxes would be kept current.

Ron Fehr, City Manager, provided additional information on the item and highlighted the City's policy for special assessments for infrastructure.

The Commission approved Resolution No. 070219-B authorizing the Mayor and City Clerk to execute an Agreement providing for a Grant for the redevelopment of the Community House, in a maximum amount of \$500,000.00 using Economic Development Funds, to be issued only after a \$2 million expenditure, and establishing a Restrictive Covenant ensuring the structure maintains its historic designations; a Deed; and any other documents necessary to facilitate the sale of the Community Building, located at 120 North 4<sup>th</sup> Street, to Switchgrass Development, Inc.

### CONTRACT AMENDMENT NO. 1 – SOUTH MANHATTAN AVENUE (SW1802) AND PECAN CIRCLE (SW1803) TRAIL CROSSINGS

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1, in an amount not to exceed \$17,220.00, with Schwab-Eaton, P.A., of Manhattan, Kansas, for the South Manhattan Avenue Trail Crossing (SW1802) and the Pecan Circle Trail Crossing (SW1803) projects.

## CONSENT AGENDA (CONTINUED)

### **CHANGE ORDER NO. 1 – 2019 CONCRETE STREET MAINTENANCE, PHASE I (ST1901)**

The Commission authorized the Mayor to execute Change Order No. 1, resulting in a net increase in the amount of \$150,000.00 (+23.48%), to the contract with T & M Construction, of Junction City, Kansas, for the 2019 Concrete Street Maintenance, Phase I, (ST1901) project for additional concrete street repairs.

### **AWARD CONTRACT – REPLACE WASTEWATER TREATMENT PLANT FACILITIES ROOF COATING (SS1910, CIP #WW089P)**

The Commission awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$150,422.39 to Midwest Coating, Inc., of Topeka, Kansas, for the 2019 Replace Wastewater Treatment Plant Facilities Roof Coating project (SS1910, CIP #WW089P), to be paid from the Wastewater Fund.

### **BOARD APPOINTMENTS**

The Commission approved the following appointments by Mayor Dodson to various committees of the City.

#### *City-University Special Projects Funds Committee*

Re-appointment of Theo Stavropoulos, 1739 Kings Road, to a two-year At-Large term. Mr. Stavropoulos' term begins immediately, and will expire June 30, 2021.

#### *Special Alcohol Funds Advisory Committee*

Appointment of Ansley Chua, 1000 Stratford Circle, to a three-year term. Ms. Chua's term begins immediately, and will expire June 30, 2022.

Re-appointment of Jurdene Coleman, 4573 Sunflower Slope Drive, to a three-year term. Ms. Coleman's term begins immediately, and will expire June 30, 2022.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner Morse moved to approve the consent agenda, as written. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## PUBLIC HEARING

### **PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET)**

Barry Beagle, Senior Planner, presented an overview of the item. He highlighted the Municipal Facility Review process, presented the proposal from USD 383 for a proposed parking lot at 600 Osage Street, discussed the Manhattan Urban Area Planning Board considerations and action on the item, highlighted considerations for the City Commission, and provided the recommendation by City Staff. He then responded to questions from the Commission regarding views from the Manhattan Urban Area Planning Board as well as comments from the June 17, 2019, Manhattan Urban Area Planning Board meeting.

Eric Cattell, Director of Community Development, and Barry Beagle, Senior Planner, provided additional information on the item. They responded to questions from the Commission about the use of the parking lot and availability when school is not in session.

Mayor Dodson opened the public hearing.

Chad Moreau, 421 Leavenworth Street, informed the Commission that he had an alternate plan that was better, cheaper and safer for all stakeholders. He provided plan comparisons based on the USD 383 plan and the proposed alternate plan. He stated that by voting no, creates a better plan that includes all stakeholders interests being met as well as keeps the Osage Street property on the tax rolls. He presented a proposed plan featuring 44 angled parking spaces, including two disabled spaces as well as a 6-foot-wide sidewalk. He reiterated that by voting no is not voting against the teachers and staff, but provides a better plan for everyone.

Brandon Kliever, 1405 Pierre Street, stated that he rides his bicycle through the area and voiced concern with the proposed plan. He said that paving over the Osage Street property does not make much sense and would be a loss to the community. He asked that the Commission and Manhattan Urban Area Planning Board find a solution that better meets the standards of planning.

Anne Cowan, 415 N. Juliette Avenue, stated that she lives in the neighborhood and agrees with staff at Woodrow Wilson that they need more parking. However, she asked that other alternatives be considered and stated that turning the existing lot into a parking lot would change the character of the neighborhood. She stated that she did not want to see the loss of residential and asked the Commission to examine other options for parking.

Cassidy Moreau, 421 Leavenworth Street, stated that she was in opposition of paving 600 Osage Street. She voiced a preference for consideration of the alternate plan presented and stated the community, faculty, and USD 383 needs to work together and find a better solution. She discussed the current parking situation being dangerous and asked the Commission to not pave 600 Osage Street and to find a better plan.

## PUBLIC HEARING (CONTINUED)

### PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET) (CONTINUED)

Andy Price, 3936 Golden Eagle Drive, provided background information on his experiences with Woodrow Wilson as a parent and stated that his spouse is the past Parent-Teacher Organization (PTO) president and currently the volunteer leader for the annual year book project. He voiced concerns with the current plan for additional parking that was provided with the bond issue as well as concerns with the alternate plan that was presented earlier. He asked the Commission to allow the school district to build the new parking area, as suggested, and stated this is the safest, most affordable, and most efficacious course of action.

Joshua Penabaz, 612 Osage Street, said that he was in favor of adding additional parking at 600 Osage Street. He voiced appreciation for the alternate plan and addressed oversights with the plan presented. He stated prior to the fire, there was an unkempt apartment complex on the lot and voiced concern that it may become another apartment complex as no one would want to build a single-family home on the lot. He reiterated the importance for additional parking and was supportive of the proposal.

Betty Banner, 618 Osage Street, discussed the aesthetics of the proposed parking lot and voiced support for the proposal presented by USD 383. She questioned the tax loss identified with the alternate proposal and stated that a single lot would be worth significantly less. She provided suggestions for the bus configuration and parking considerations for short periods of time. She stated that she supported the proposal and appreciated the nicely landscape plan.

Travis Aggson, 412 Lindsay Drive, informed the Commission that his three children attend Woodrow Wilson. He stated that parking near the school is a challenge and that there is only one handicapped parking stall at Woodrow Wilson. He said that parking is needed and thanked the Commission for their consideration of the item.

Rebecca Price, 3936 Golden Eagle Drive, stated that it is widely recognized that parking is a problem by faculty at Woodrow Wilson and the neighborhood. She said that the faculty needs a safe area to load and unload cars and the proposed parking lot would do that as well as fit the neighborhood well. She voiced concerns with the alternate plan presented earlier and stated it is not safe for students or teachers. She stated the proposed lot at 600 Osage Street would be preferred and thanked the Commission for their time and consideration.

## PUBLIC HEARING (CONTINUED)

### PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET) (CONTINUED)

Janalea Then, 4592 Nature Avenue, informed the Commission that she is a third grade teacher at Woodrow Wilson in the mobile unit on campus. She voiced the importance in using all the current space possible, including the playground area as a classroom. She stated that a change in parking is needed now and this proposal provides much needed parking without taking away from valuable teaching space.

Memory Buffington, 612 N. 6<sup>th</sup> Street, stated that she is a resident of the neighborhood for the past 14 years and has children that attended and two children currently attending Woodrow Wilson. She stated that safety is a huge concern and said the proposed parking lot consolidates cars in one area, provides a better line of site, and would be safer for children walking to school. She voiced support for the parking solution provided by USD 383 for both the school and for the neighborhood.

Brooke Snyder, 2301 Timbercreek Drive, said that she is a teacher and parent at Woodrow Wilson and teaches in the mobile unit. She voiced concern in reducing the size of the playground and creating less space for children to play and learn. She informed the Commission that she stepped into a water meter and injured her leg after parking her car and crossing the street. She thanked the Commission for their consideration and stated that more condensed parking at the school would be counterproductive.

Heather Peterson, Architect One, architect representing USD 383, informed the Commission that the parking lot renderings were created to be sensitive to the community, designed to meet requirements, and to address the needs of the faculty and staff. She presented a map of the neighborhood and highlighted owner occupied and renters based on information obtained from Geographic Information Systems (GIS). She also addressed areas of concern with the alternate proposal that was presented earlier. She stated the proposed plan would be implemented as soon as possible if the Commission gives USD 383 the green light to proceed.

Margaret Shroyer, 612 Osage Street, stated that as a resident of the neighborhood, she cannot leave her parked vehicle parking in front of her house with the hope of finding it open later. She said the school is part of the neighborhood and could not see how the proposed parking lot could diminish the neighborhood. She stated the teachers are carrying materials, the kids are crossing the streets, and the parents are looking for places to park. She stated the previous house on Osage Street was in horrible condition and was delighted to support the USD 383 plan for the parking lot as well as supported their plans to make it beautifully landscaped and provide a seating area.



## PUBLIC HEARING (CONTINUED)

### PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET) (CONTINUED)

Kristie King, resident of Westmoreland, informed the Commission that she is a physical therapist assigned to multiple sites in the school district, including Woodrow Wilson. She provided a visual of what she carries in and out of schools and said that Woodrow Wilson is the most difficult school to get in and out of. She voiced safety concerns with the current parking situation. She stated that she was a huge advocate of the proposed parking lot at 600 Osage Street, with safety being a primary consideration.

Rachael Asbury, 3635 Stewart Farm Road, Wamego, a Science, Technology, Engineering, and Math (STEM) teacher at Woodrow Wilson, said that her classroom is tiny and was concerned that the alternate proposal would take up extremely valuable space. She stated the proposal by USD 383 and Architect One provides a logical parking space and that it is illogical to take away space for outside learning for children. She said that students from Kansas State University also come to Woodrow Wilson to teach on a regular basis several hours a day.

Lara Mallean, 606 Laramie Street, informed the Commission that she purchased her home ten years ago and works at Woodrow Wilson School. She stated that she was in full support of the neighborhood and plan proposed by USD 383.

Karla Hagemeister, 4650 S. Dwight Drive, provided background information on her experiences with Woodrow Wilson and her familiarity with the neighborhood. As a member of the USD 383 Board of Education, she voiced appreciation for the work done by Heather Peterson with Architect One in providing appropriate landscaping to ensure that the parking lot fits into the neighborhood. She mentioned that she enjoys the pocket parks that the City included in the North Redevelopment area and said that once the greenspace and play area disappears, it usually gone forever. She stated that the current plan proposed allows USD 383 to address the need for adequate parking and to protect the play area while also better accommodating teachers and staff that work at Woodrow Wilson.

Jim Shroyer, 612 Osage Street, stated that he was on the school board a few years back and said there are other parking lots in the area, but they cannot be used by the school. He discussed the historic homes on Osage Street and the need to support the schools as well as highlighted the support schools receive from the community. He said that if the proposed parking lot were to become an apartment house, it would add to the increased parking concerns. He suggested that a historic marker indicate that the new parking lot was at one time a sawmill and said that it would be an interesting project for a K-State student or Eagle Scout project.

## PUBLIC HEARING (CONTINUED)

### PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET) (CONTINUED)

Christina Pease, 5626 Elbo Bluff Drive, second grade teacher at Woodrow Wilson, informed the Commission that she agreed with her colleagues and was in favor of the proposal by USD 383 for the parking lot.

John Adam, 405 N. 5<sup>th</sup> Street, informed the Commission of his interest in urban vitality and highlighted the neighborhood as well as its ease of access to many services and attractions. He stated that the proposed parking lot at 600 Osage Street is not the only solution and that there are other solutions, such as reopening nearby streets for parking or to go with the original plan. He said this lot could become an active living use and that parking lots are dead uses. He stated there are other options to consider and asked why degrade the neighborhood when we do not have to.

Barb Kephart, 1100 Lee Mill Circle, Woodrow Wilson teacher, shared her thoughts and asked the Commission to consider the parking lot across the street as proposed. She reiterated the difficulty in finding parking at Woodrow Wilson, especially if you have equipment to carry into the school. She stated the proposed parking lot across the street is the best option to provide safety for the students and for itinerant teachers.

Deb Nauwerth, 3800 Boston Circle, Principal at Woodrow Wilson, stated that she appreciated the comments and understood the desperate need for parking space at Woodrow Wilson. She said that the lack of parking is a regular complaint and is challenging for the volunteers that serve Woodrow Wilson. She discussed the proposed parking space that would also be available to the neighborhood residents when school is out of session as well as to be used by a nearby church for their service as they have agreed to maintain the landscaping. She encouraged the Commission to approve the parking lot proposal and said that it would be safer for students as well as ease parking for faculty and staff.

Daryle Frank, 1830 Todd Road, provided additional information on the proposal. He stated he owns a farm and his great grandfather built the Wolf House.

Eric Reid, 4100 Eagle Valley Drive, Assistant Superintendent, USD 383, informed the Commission that it is rare when one of his plans has united support from staff. He said the parking lot identified at 600 Osage Street provides an opportunity to find a solution to address parking and to save playground space. He stated that Heather Peterson has done a very nice job in being sensitive to the neighborhood and providing a good proposal. He appreciated the alternate plan that was highlighted earlier, but said the plan was not feasible for USD 383. He voiced appreciation to those that spoke and stood for questions.

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

## PUBLIC HEARING (CONTINUED)

### **FIRST READING - MUNICIPAL FACILITY REVIEW - WOODROW WILSON ELEMENTARY SCHOOL PROPOSED PARKING LOT (600 OSAGE STREET)**

Mayor Dodson stated that it was rewarding to see the ideas that have come forward and the comments that have been provided on this item. He said this was a model of democracy in action. He expressed his appreciation to those offering solutions, to the teachers, and to those that have come forward from a wide variety across all neighborhoods.

Commissioner Reddi stated the Commission has three plans to consider: 1) staying with the original plan; 2) going with the proposed plan by USD 383; or 3) selecting an alternate plan that was presented. She stated that sometimes parking problems in Manhattan is usually a convenience problem. She said this is not a convenience problem but a necessity. She stated that she was supportive of the parking proposed by USD 383 and City staff.

Commissioner Butler stated that his primary interest in rezoning issues are property rights. He said that based on comments from those immediate property owners around the area, since they do not have a problem with the proposal, he would support the proposal.

Commissioner McKee stressed the importance to remember that a majority of the population in Manhattan are renters and that Manhattan is a transient community. He stated that there is a convincing argument when it comes to the safety of children and that the proposal from USD 383 makes sense. He also stated that he despises surface level parking lots, but was convinced of the need after hearing from the public on the item.

Eric Reid, 4100 Eagle Valley Drive, Assistant Superintendent, USD 383, responded to questions from the Commission regarding the number of students that attend Woodrow Wilson and walk to downtown area schools.

Commissioner Morse stated that Woodrow Wilson is a public square and is committed to education. She said there are different ways of looking at this item and appreciated the different perspectives. She stated the Commission needs to do what is in the best interest of the community and would support the item, as it is an important step for the property owners in the neighborhood, teachers and staff.

After discussion and additional comments from the Commission, Commissioner Butler moved to find that the public interests to be served by the proposed off-street parking lot at Woodrow Wilson Elementary School, outweigh the impacts upon legitimate community interests; and, approve first reading of an ordinance authorizing the proposed Municipal Facility of the proposed off-street parking lot at Woodrow Wilson Elementary School, located at 600 Osage Street, based on the findings in the Staff Report (*See Attachment No. I*). Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

At 9:32 p.m., the Commission took a brief recess.

## GENERAL AGENDA

### DISCUSSION: 2019 COMMUNITY SURVEY RESULTS

Jared Wasinger, Assistant to the City Manager, introduced the item.

Dr. Josephine Schafer, Director of Center for Public Affairs Research, University of Nebraska at Omaha, presented an overview of the Community Survey results. She highlighted key survey questions, discussed survey results, and presented the features of the dashboard. She then responded to questions from the Commission regarding responses to the survey questions, the high response rate from homeowners, the level of education received by those completing the surveys, and the interpretation and representation of those completing the surveys.

Jared Wasinger, Assistant to the City Manager, responded to questions from the Commission. He provided additional information regarding mail and electronic surveys and stated the survey could be found on the City's website.

Mayor Dodson opened the public comments.

Brandon Irwin, 4440 Tuttle Creek Boulevard, discussed the representation of the survey and the difficulty in reaching the 18-24 age population. He stated that a more participatory research approach would result in a better representative sample. He suggested that student groups on campus could be asked if they would like to design a survey and ask them what meaningful questions would they like to see on a survey. He stated that it is hard to do and you may not get the answer you want, but would be worth doing.

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

After comments from the Commission, Dr. Josephine Schafer, Director of Center for Public Affairs Research, University of Nebraska at Omaha, and Jared Wasinger, Assistant to the City Manager, responded to questions from the Commission regarding the survey results and concerns expressed by several Commissioners with the representation of the population of homeowners and renters completing the survey.

As this was a discussion item, the Commission took no formal action.

### PUBLIC PARTNERSHIP AGREEMENT (PPA) - UNITED STATES ARMY CORPS OF ENGINEERS - LEVEE RECONSTRUCTION PROJECT (SM1813)

Brian Johnson, City Engineer, presented an overview of the item. He provided a historical perspective of the levee system, presented aspects of the Public Partnership Agreement (PPA), highlighted the levee improvements, discussed the PPA project timeline and financial timeline, and discussed ROW and easement acquisitions that would be required.

## GENERAL AGENDA (*CONTINUED*)

### **PUBLIC PARTNERSHIP AGREEMENT (PPA) - UNITED STATES ARMY CORPS OF ENGINEERS - LEVEE RECONSTRUCTION PROJECT (SM1813)** *(CONTINUED)*

He also presented the Betterments regarding the PPA project. He then responded to questions from the Commission regarding the language in the Agreement and cost share for the project.

Rob Ott, Director of Public Works, provided additional information on the project and stated the levee is owned and maintained by the City.

Ron Fehr, City Manager, informed the Commission that when construction is done by the City on the levee, the City would be the resident owner responsible for maintaining the levee.

Rob Ott, Director of Public Works, and Brian Johnson, City Engineer, responded to questions from the Commission regarding the project costs split percentages, the projected cost of the entire project, and the costs associated with property acquisitions.

Ron Fehr, City Manager, responded to questions from the Commission regarding the funding options and sources available to pay for the improvements.

After discussion of the Commission, Mayor Dodson opened the public comments.

Brandon Irwin, 4440 Tuttle Creek Boulevard, voiced concerns with the impact of the levee system and placing an additional burden on neighborhoods in the Northview area. He asked if there was any discussion to provide relief to residents living in the Northview neighborhood. He stated that he would take his questions to the project team, but said there are a lot of concerns.

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

Rob Ott, Director of Public Works, and Brian Johnson, City Engineer, provided additional information on the feasibility study and modeling completed. They responded to questions from the Commission regarding how raising the levee would provide additional protection from flooding and addressed concerns about flooding in the Northview area.

Commissioner Butler moved to authorize the Mayor to execute the Public Partnership Agreement with the United States Army Corps of Engineers for the Levee Reconstruction project (SM1813). Commissioner Reddi seconded the motion.

## GENERAL AGENDA (*CONTINUED*)

### **PUBLIC PARTNERSHIP AGREEMENT (PPA) - UNITED STATES ARMY CORPS OF ENGINEERS - LEVEE RECONSTRUCTION PROJECT (SM1813)** *(CONTINUED)*

Ron Fehr, City Manager, responded to questions from the Commission regarding zoning and building permits in the Northview area. He also provided prior projects and efforts that have occurred in this area to reduce the risk of flooding as well as efforts on Wildcat Creek.

Eric Cattell, Director of Community Development, provided additional information regarding zoning considerations in the area and updates to the Comprehensive Plan.

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

### **AGREEMENT - PROFESSIONAL ENGINEERING SERVICES - KIRKWOOD DRIVE EXTENSION FINAL DESIGN (SM1816, ST1811)**

Jeff Hancock, SMH Consultants, provided a historical perspective on Kirkwood Drive, discussed the design services, highlighted project findings, and stated the estimated costs for the entire project was \$1,977,610. He also presented an overview of the general improvements associated with the project and provided additional information on plans for a crosswalk at the intersection with Marlatt Avenue.

Brian Johnson, City Engineer, presented the financing options available for the bridge and roadway. He stated they are coordinating the project with the Eisenhower Middle School project and are mindful of traffic considerations.

Rob Ott, Director of Public Works, highlighted a map of the future growth area shown in the Comprehensive Plan as a commercial node for this area along Tuttle Creek Boulevard. He stated that due to the commercial possibilities, a Transportation Development District (TDD), economic development funds, and/or a benefit district are all possible funding sources.

Jeff Hancock, SMH Consultants, responded to questions from the Commission regarding a turn lane and level of service analysis when Kirkwood Drive joins Marlatt Avenue.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

After discussion, Commissioner Butler moved to authorize the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$188,810.50, with SMH Consultants, P.A., of Manhattan, Kansas, for the Kirkwood Drive Extension Project (SM1816, ST1811). Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

**ADJOURNMENT**

At 11:28 p.m., the Commission adjourned.



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Gary S. Fees, MMC, City Clerk

# Staff Report

Community Development Department



## **Municipal Facility Review**

## **NW Corner of Osage Street and North 6<sup>th</sup> Street**

file no. MFC-19-040

**To:** Manhattan Urban Area Planning Board

**From:** Shauna Laauwe, AICP, Planner II

**Applicant:** Architect One (Heather Peterson)

**Owner:** Unified School District 383

**Property Location:** Northwest Corner of Osage Street and North 6<sup>th</sup> Street (formerly 600 Osage St.)

**Total Area:** 0.17 acres

**Date Neighborhood Meeting:** April 25, 2019

**Date Public Notice Published:** May 24, 2019

**Date of Public Hearing:** Planning Board: June 17, 2019  
City Commission: July 2, 2019

**Current Zoning:** R-M/TNO, Four-Family Residential District with Traditional Neighborhood Overlay





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*At the conclusion of the hearing, the Manhattan Urban Area Planning Board shall forward its recommendation to the Governing Body. Such recommendation shall include all factors and reasons the Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by the Zoning Regulations. In balancing such interests, the Planning Board shall consider factors, such as:*

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**MUNICIPAL FACILITY PROCESS:**

The Municipal Facility Review process is outlined in Section 3-412 of the Manhattan Zoning Regulations (attached), which indicates, in part, that: “Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.”

If a utility or facility is specifically listed in a zoning district as a permitted or conditional use, the municipality can follow the requirements set out in Article IV, District Regulations, or follow the provisions of Section 3-412. If the utility or facility is not set out in a zoning district in which it is proposed, the utility or facility must follow the provisions of Section 3-412.

*Attachment No. 1*

The process requires that both the Manhattan Urban Area Planning Board and the City Commission hold public hearings on the proposal. This process is not a rezoning action, but a process whereby the Planning Board and the City Commission consider the proposal by balancing the public interests to be served by a proposed Municipal Utility or Facility, as opposed to the impact upon public interests intended to be protected by the Zoning Regulations. In performing this balancing test and evaluating a proposed facility or use, the Planning Board and City Commission must consider the factors listed under the Staff Report headings.

The City Commission is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration, unless the City Commission chooses to do so. If the City Commission approves the request, it does so by adoption of an ordinance, following a public hearing.

**EXISTING USE:**

The existing use of the site is a vacant lot. The subject lot was occupied by a four-family dwelling unit structure that was destroyed by fire on January 4, 2018.

**PROPOSED USE:**

The Manhattan-Ogden Unified School District (USD 383) is proposing to construct a twenty-one (21) space off-street parking lot for the staff of Woodrow Wilson Elementary School. The school is located at 312 North Juliette Avenue, and comprises the city block bound by North Juliette to the west, Osage Street to the north, Leavenworth Street to the south, and North 6<sup>th</sup> Street to the east. The proposed parking lot would be off-site and located on the northwest corner of Osage Street and North 6<sup>th</sup> Street, directly across the street from the northeast corner of the school campus. The subject site is a 7,470 square foot corner lot that is 90 feet by 83 feet with the longer frontage abutting Osage Street.

Woodrow Wilson Elementary enrolls approximately 350 students in grades pre-kindergarten through 6<sup>th</sup> grade and has a total of 47 full-time and part-time teachers and staff members. Currently, the school has 24 off-street parking spaces located along the north side of the campus that abuts Osage Street. The school, which was constructed in 1922 and bound within four streets, was not built with automobiles, including student drop-off and pick up, in mind. The size of the school at approximately 41,000 square feet and playground area leaves limited room for off-street parking on the site. When the limited off-street parking is occupied, staff and visitors utilize on-street parking on surrounding residential streets. Furthermore, on-street parking on Osage Street is limited to only the north side of the street. Recent preliminary findings of a USD 383 parking study found that to accommodate the current 47 staff members, 46 parking spaces were

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required, an existing deficit of 22 parking spaces. The District plans to shift 6<sup>th</sup> grade students and teachers to the middle schools within the next few years. At that time, the staff totals at the school will decrease by 2 and result in a parking need of 44 spaces and a deficit of 20 parking spaces.

After the four-family dwelling unit structure at 600 Osage Street was destroyed by fire in January 2018, the School saw an opportunity to relieve the deficit in staff parking by utilizing the now vacant lot for off-street parking. The proposed off-site parking lot would provide a total of 21 off-street parking spaces that would be placed at 90 degree angles and around the edge of the nearly square lot.

*Circulation and access*

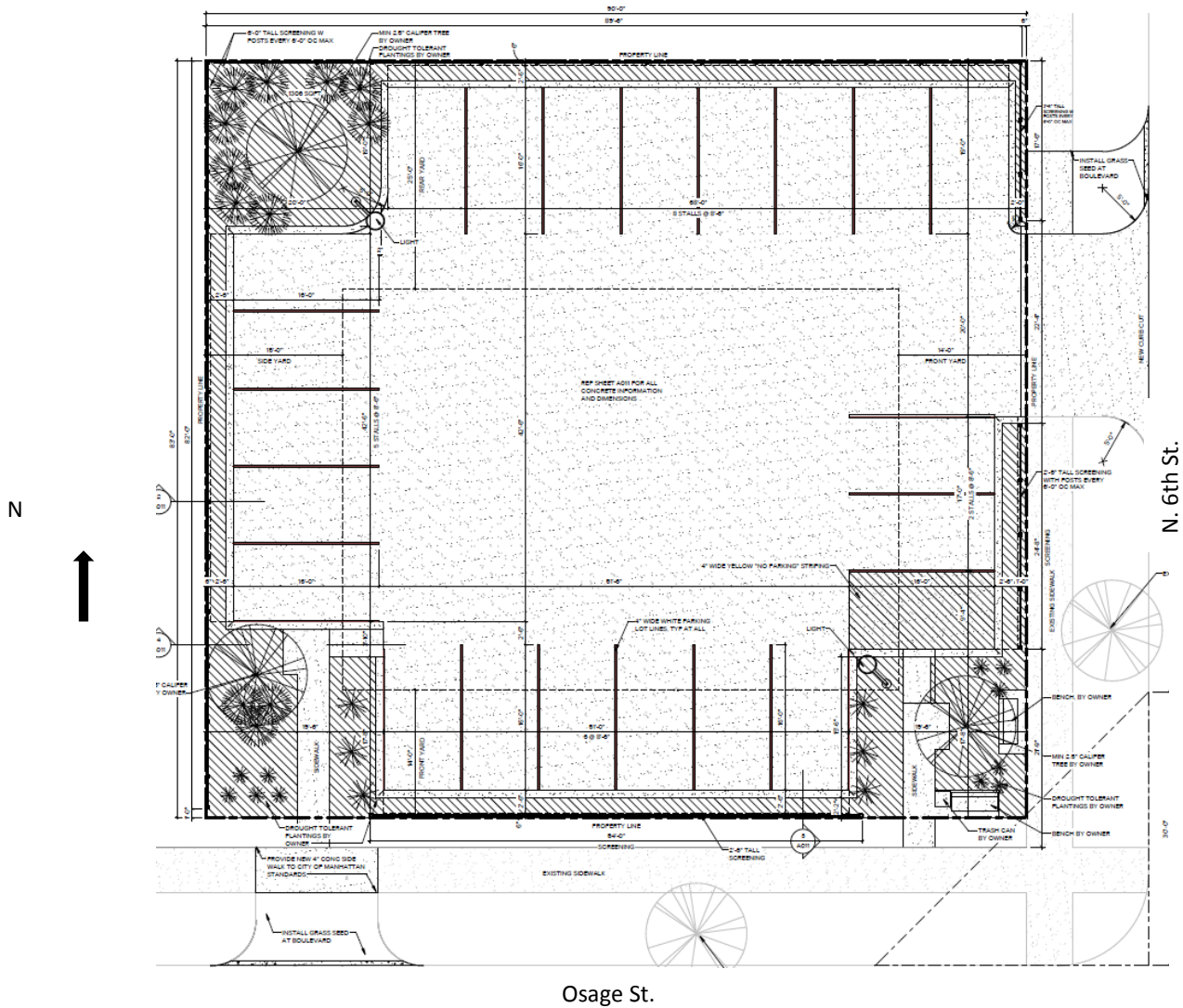
The existing driveway located on the southwest corner of the site along Osage Street will be removed and replaced with landscaping and a sidewalk to provide pedestrian access to the parking lot. The public sidewalk along Osage Street will also be extended and constructed to meet City of Manhattan standards. An additional internal sidewalk will connect the public sidewalk to the parking lot on the southeast corner. The existing driveway on the northeast corner of the site along North 6<sup>th</sup> Street will be replaced and expanded to 22 feet 4 inches in width and will serve as the sole access to the parking lot.

The intersection of Osage Street and North 6<sup>th</sup> Street is currently a two-way stop with stop signs at the north and south crossings of North 6<sup>th</sup> Street. Pedestrian crosswalks are located on three (3) ways of the intersection, crossing the north and south intersections of North 6<sup>th</sup> Street and the west crossing of Osage Street. The existing crosswalk at Osage Street would give safe passage from the proposed parking lot to the school.

*Site landscaping and screening*

The applicant has provided a landscape plan. Per Manhattan Zoning Regulations, five percent (5%) of the parking lot is required to be landscaped. At 5,690 square feet of paved area, 284.5 square feet of landscaping and one (1) tree of 2.5 inch caliper is required. The landscape plan provides for 1,306 square feet of landscaping to include 3 trees and various shrubs and grasses. An existing oak tree located in the public right-of-way along Osage Street and an oak tree within the right-of-way of North 6<sup>th</sup> Street are also marked to remain as requested by the City Forester. A narrow, 2 foot 6 inch landscape grass strip is shown around the front edge of the parking stalls. The southern corners along Osage Street and the northwest corner of the parking area provides the bulk of the landscaping with approximately 325 square feet of landscaping in each of the three corners to include trees and shrubs.

A 2 foot 6 inch cedar fence is proposed along the street frontages and a 6 foot cedar fence will screen adjacent residential properties to the north and west from the parking lot. The proposed landscaping and fencing do not obstruct the vision-sight triangle of the intersection.



**PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:**

The site is relatively flat and is a corner lot with frontage along Osage Street to the south and North 6<sup>th</sup> Street to the east. A four-family residential structure abuts the property to the north and the adjacent property to the west is developed as a three-family residential structure. To the east, across North 6<sup>th</sup> Street, is the Vintage Faith Church.

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The lot is less than .5 acres, thus a drainage study is not required and was not deemed necessary by the City Engineer.

**THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:**

USD 383 is the Manhattan-Ogden Unified School District and is the public school system for the greater Manhattan and Ogden area. For the most recent 2018-2019 school year, USD 383 had 6,363 students enrolled in preK-12 schools within the Cities of Manhattan and Ogden.

**THE FUNCTION OF THE UTILITY OR FACILITY:**

In relation to Woodrow Wilson Elementary School, the off-site parking lot will be located across Osage Street, directly to the north and east. The function of the parking lot is to mitigate the shortage of off-street parking available to teachers and staff. As described above, the proposed 21 parking spaces will come just one short from meeting the current parking needs of school staff. Unlike modern constructed schools, the elementary school will still not be able to provide off-street parking for parents, part-time specialists, and visitors and will need to continue to utilize mostly on-street parking.

**THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:**

The School District recently conducted a parking study in relation to the 2018 Bond Issue that evaluated the supply and demand of parking needs for each of the District's schools and what effect future improvements would have. As noted above, the study found that Woodrow Wilson Elementary has a deficit of 22 off-street parking spaces for staff members and will have a deficit of 20 parking spaces when the 6<sup>th</sup> grade teachers transition to the middle school. Currently, this results in 22 additional vehicles parking on surrounding residential streets for the duration of school days. The proposed parking lot would reduce the number of vehicles on the street and increase visibility and safety of children and hazards one experiences by parking on the street.

**THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:**

The application of the off-street parking requirements would significantly alter the overall use of the site, to the point where very few parking spaces could be accommodated.

The Zoning Regulations state in Section 7-102(C)(1) that "No off-street parking spaces open to the sky shall be located on any required front yard. . ." The TNO has a minimum required

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fourteen (14) foot front yard setback and as a corner lot, the site has a front yard along both Osage Street and North 6<sup>th</sup> Street. In addition, the Zoning Regulations also restrict fences from within the front yard setback. The proposed site plan has six (6) parking spaces within the front yard setback along Osage Street and four (4) spaces within the front setback along North 6<sup>th</sup> Street. Adhering to these regulations would restrict the number of off-street parking spaces to eleven (11) overall to include five (5) along the west property line and six (6) along the north property line. Reducing the amount of parking to the site to eleven (11) spaces would not meet the off-street parking needs for the school and would make the site financially unfeasible.

Considering these factors, requiring the minimum off-street parking requirements on this site would be detrimental on the municipality and its ability to service the staff and public.

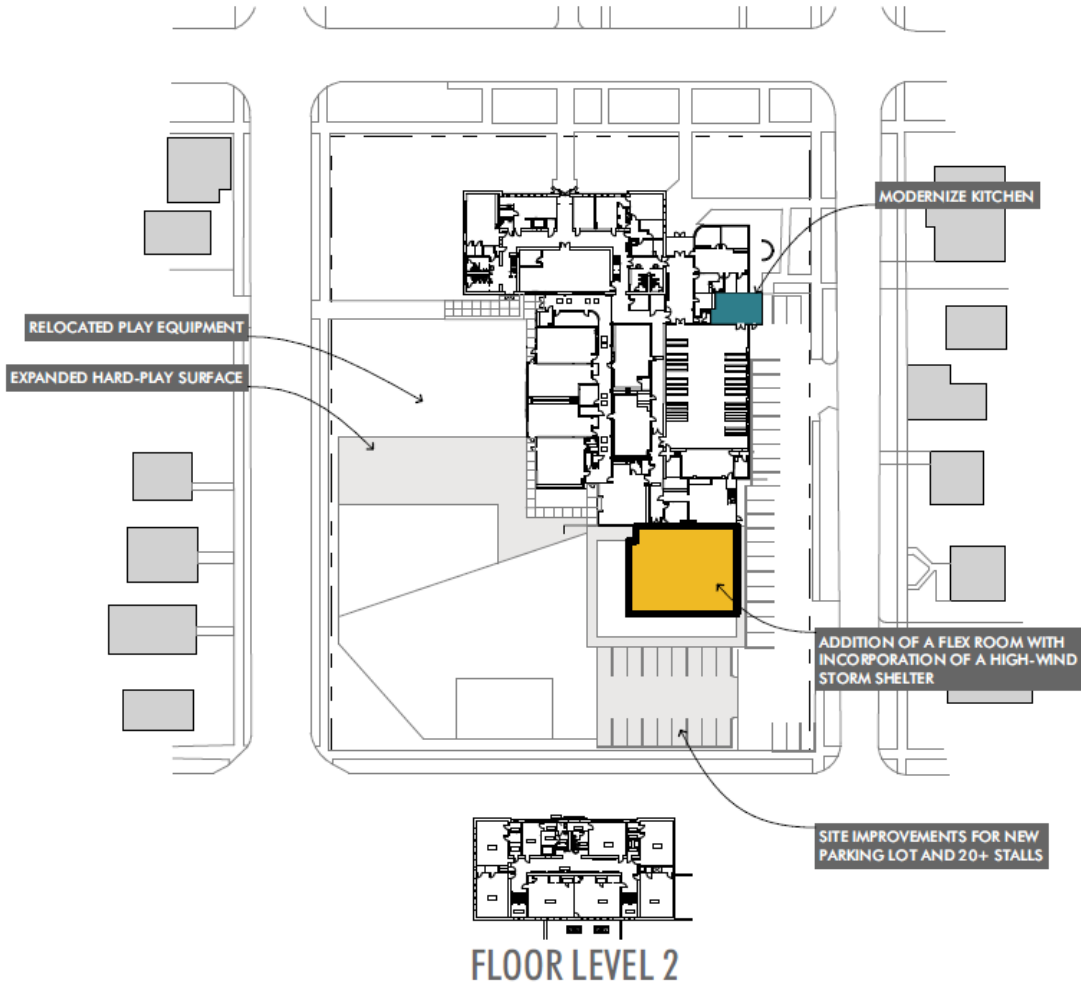
**THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:**

Some adverse impacts on neighboring property could be seen with the construction of an off-site parking lot within a residential district. The subject site and the surrounding properties to the north, west and east are located within an R-M/TNO District. To the southeast, diagonally across Osage Street, is an R-3, Multi-Family Residential District. As zoned, the vacant lot could be developed to provide up to a two-family dwelling based on minimum lot area requirements. In general, parking lots are not the highest and best use of a residential property.

It also appears that alternative options are possible to provide the necessary off-street parking spaces on the existing school grounds. The existing mobile classroom that is located on the northeast side of the school lot, and helps accommodate the sixth grade classes, will be removed as those classes are shifted to the middle schools. With the removal the mobile classroom, there may be ample room to provide additional off-street parking and convert the existing 90 degree parking spaces to angled parking. In addition, the materials provided for the USD 383 2018 Bond Referendum published November 6, 2018, outlined the proposed plans for Woodrow Wilson Elementary School and detailed \$2.2 million in improvements for the site. Proposed site improvements included a new parking lot with 20+ stalls to be located on the east side of the campus near North 6<sup>th</sup> Street. The parking lot would require that the existing play equipment be relocated to the south side of the school near a proposed expanded hard-play surface. The existing hard-play surface would be removed to allow for the addition of a flex room that incorporates a high-wind storm shelter.

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The applicant has stated that the plans provided for the Bond issue were devised before the purchase of the subject site. The proposed parking lot would allow the school district to meet the staff parking needs without losing playground space. The previous plan is on the next page.



## WOODROW WILSON ELEMENTARY SCHOOL

MANHATTAN-OGDEN PUBLIC SCHOOLS

developed by BG CONSULTANTS, INC. in collaboration with ALLOY Architecture

*Attachment No. 1*

USD 383 and the applicant, Architect One, held a neighborhood meeting on April 25, 2019. Forty-three (43) people attended the meeting including teachers, parents of students, and neighboring residents. The meeting summary states that those in attendance were generally in favor of the proposed parking lot. Many safety concerns regarding reduced visibility from on-street parking and vehicles being damaged were mentioned. In addition, many voiced concerns about the lack of availability of on-street parking to accommodate teachers, staff, visitors, and the residents that live near the school. It was also mentioned that many part-time staff to include therapists, social workers, student interns and parents come and go throughout the day and cannot find parking. Someone also asked about neighborhood use and the applicant stated that during the summer and weekends that the neighborhood could utilize the lot. A complete summary of the neighborhood meeting is provided.

**IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:**

The City of Manhattan is not the owner of the proposed facility as the subject site is owned by the Unified School District 383. The Future Land Use Map for the Core Area Neighborhoods shows the site as Residential Medium/High Density land uses. The Comprehensive Plan does call for in Chapter 5 for the efficient use and expansion of public facilities and services. While the plan does consider new schools and school expansions, it does not specifically address parking. The proposed parking lot would help alleviate the parking deficit at the school and reduce the amount of on-street parking that occurs during the school day. The surrounding residential streets limit on-street parking to one side of the street resulting in finding parking in close proximity of the school to be more difficult.

**OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:**

In addition to the factors addressed above, the Manhattan Urban Area Planning Board may consider any other factors which it deems appropriate and relevant in its consideration regarding the off-site parking lot for Woodrow Wilson Elementary School. City Administration finds the applicant has adequately demonstrated the need to provide additional off-street parking for school staff. The proposed parking lot appears to be less expensive than providing one on-site and would not cause the loss of school playground area. While a parking lot is not an ideal use of a residential lot, the plan shows a substantial amount of landscaping and screening of the parking area, which will reduce the impacts.

**STAFF RECOMMENDATION:** City Administration recommends approval of the proposed off-site parking lot for Woodrow Wilson Elementary School, to be located at the Northwest corner of Osage Street and North 6<sup>th</sup> Street with the following conditions of approval:



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1. The parking lot shall be designed and constructed as shown on the submitted architectural site plan.
2. Landscaping shall be maintained as shown on the landscape plan.
3. Exterior lighting shall be shielded to minimize glare on adjacent properties.

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*The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.*

*If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.*

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## **ALTERNATIVES**

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

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of the proposed parking lot, based on the findings in the staff report, with the three (3) conditions of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed parking lot for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed parking lot.
4. Table the public hearing of a proposed parking lot, for specifically stated reasons and provide further direction to City Administration.

## **RECOMMENDATION**

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed parking lot;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed parking lot, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed parking lot, with the three (3) conditions of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

## **POSSIBLE MOTION**

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of a proposed parking lot for Woodrow Wilson Elementary School, based on the findings in the Staff Report, with the three (3) conditions of approval recommended by City Administration.

**PREPARED BY:** Shauna Laauwe, AICP, Planner II

**DATE:** June 13, 2019