



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, JUNE 15, 2021***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Wynn Butler and Commissioners Linda Morse, Mark J. Hatesohl, and Aaron Estabrook were present. Participating remotely was Commissioner Usha Reddi. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, Assistant to the City Manager Jared Wasinger, City Attorney Katharine Jackson, City Clerk Brenda K. Wolf, 12 staff, and approximately 17 interested citizens.

Participating remotely was Bill Burns, Gilmore & Bell.

**PLEDGE OF ALLEGIANCE**

Mayor Butler led the Commission in the Pledge of Allegiance.

**PROCLAMATIONS**

Mayor Butler proclaimed June 19, 2021, ***Juneteenth***. Sonya Baker, Chair, and Vern Henricks, Betty Jones, Molli Mayberry, Dereck Thomas, and Hilary Whalen, Manhattan Juneteenth Committee, and Dave Baker, Douglass Center Director, were present to receive the proclamation.

Mayor Butler proclaimed June 21-27, 2021, ***Pollinator Week***. Alfonso Leyva, Park Planner, City of Manhattan; Melissa Kirkwood, Marketing and Development Officer, and Jared Bixby, Curator of Education, Sunset Zoo; and Stephen Bridenstine, Curator of Education, Flint Hills Discovery Center, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Reddi commented that she was glad that Juneteenth was happening this year and that she appreciated the new mural at the Douglass Recreation Center.

## COMMISSIONER COMMENTS (CONTINUED)

Commissioner Estabrook commented that he had the opportunity to spend the night at the Sunset Zoo with his daughters on Friday, June 11, 2021, to learn about the 10 variants of frogs in Riley County and the sounds they make. He stated that he was excited to see all the families and kids at the parks participating in all the Parks and Recreation programs.

Commissioner Hatesohl reminded the public about the Arts in the Park programs at 8:00 p.m. on Friday nights and the Municipal Band concerts on Tuesday nights at 7:30 p.m., both which are held at the Larry Norvell Band Shell in City Park through July.

Commissioner Morse stated that the Municipal Band concert would start soon at 7:30 p.m. in City Park. She stated she was pleased with the Juneteenth lineup and highlighted the events scheduled for Thursday, June 17, 2021 - Saturday, June 19, 2021. She mentioned she was part of the Juneteenth Committee for over 20 years and that it was important for the community to have these Juneteenth events.

Mayor Butler thanked everyone that participated in the Flag Day ceremony held on Monday, June 14, 2021, in front of City Hall.

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

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, June 1, 2021.

### CLAIMS REGISTER NO. 2976

The Commission approved Claims Register No. 2976 authorizing and approving the payment of claims from May 26, 2021 – June 8, 2021, in the amount of \$4,437,742.92.

### LICENSES

The Commission approved a Fireworks Display License for Manhattan Country Club, 1531 North 10<sup>th</sup> Street, for July 3, 2021.

### \* ORDINANCE NO. 7538 - AMENDED REDEVELOPMENT PLAN - MANHATTAN MUSEUM OF ART AND LIGHT

The Commission approved Ordinance No. 7538 approving a Project Plan Amendment to the South Project Area Redevelopment Project Plan and Special Bond Project Plan for the Manhattan Downtown Redevelopment District.

## CONSENT AGENDA (CONTINUED)

\* **PRE-DEVELOPMENT AGREEMENT - MANHATTAN MUSEUM OF ART AND LIGHT**

The Commission authorized the Mayor and City Clerk to execute a Pre-Development Agreement with The Museum of Art and Light Land, Inc., for the Manhattan Museum of Art and Light.

**ORDINANCE NO. 7539 – EMINENT DOMAIN – SAFE ROUTES TO SCHOOLS (PD2001)**

The Commission approved Ordinance No. 7539 authorizing the commencement of eminent domain proceedings to acquire the subject property interests for the Safe Routes to School Project, Phase IIC (PD2001).

**ORDINANCE NO. 7540 - EMINENT DOMAIN - MANHATTAN LEEVE FLOOD RISK MANAGEMENT**

The Commission approved Ordinance No. 7540 authorizing the commencement of eminent domain proceedings to acquire the subject property interests for Utility Relocations necessitated by the Manhattan Levee Flood Risk Management Project (SM1813/SP1908).

\* **PROJECT FUNDING AGREEMENT - FLINT HILLS DISCOVERY CENTER KIDSCAPE PROJECT, PHASE 1 (PR2103)**

The Commission approved and authorized the Mayor and City Clerk to execute a Project Funding Agreement with the Flint Hills Discovery Center Foundation for the Foundation to pay for Phase 1 design services for the Flint Hills Discovery Center Kidscape project (PR2103).

**CONTRACT – FLINT HILLS DISCOVERY CENTER KIDSCAPE PROJECT, PHASE 1 (PR2103)**

The Commission awarded a design-build contract in the amount of \$62,370.00 to McCownGordon Construction, of Manhattan, Kansas, and authorized City Administration to finalize and the Mayor and City Clerk to execute a Phase 1 contract, only following receipt of the FHDC Foundation's Phase 1 payment, for the Kidscape project (PR2103).

**AGREEMENT - ENGINEERING SERVICES - WATER BOOSTER PUMP STATION CAPACITY UPGRADE PROJECT (WA2021, CIP #WA135P, #WA152E AND #WA032E)**

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in the amount of \$324,786.00, with Olsson, of Manhattan, Kansas, for the Water Booster Pump Station Capacity Upgrades Project (WA2021, CIP #WA135P, #WA152E and #WA032E).

## CONSENT AGENDA (CONTINUED)

### AGREEMENT – ENGINEERING SERVICES – PAVEMENT MANAGEMENT SURVEY (ST2108)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$91,932.00, with IMS (Infrastructure Management Services), of Tempe, Arizona, as an update to the Pavement Management Survey (ST2108).

### GRANT OFFER – RUNWAY 3/21 RECONSTRUCTION REIMBURSABLE AGREEMENT – PROJECT (AP030P)

The Commission accepted and authorized the Mayor and City Clerk to execute a federal Grant Offer (3-20-0052-052-2021) from the Federal Aviation Administration in the amount of \$336,742.00 for the Runway 3/21 Reconstruction Reimbursable Agreement, project (AP030P).

Mayor Butler opened the public comments.

Hearing no comments, Mayor Butler closed the public comments.

Commissioner Morse moved to approve the consent agenda as it was distributed. Commissioner Estabrook seconded the motion. On a roll call vote, motion carried 5-0.

## PRESENTATION

Kent Glasscock, Treasurer, Flint Hills Discovery Center Foundation Board of Directors, and Lesley White, Director, Flint Hills Discovery Center Foundation, presented a check to the City to pay for the Phase 1 Design for the Kidscape project.

## PUBLIC HEARING

### PUBLIC HEARING - RESOLUTION NO. 061521-A - INTENT TO ISSUE; FIRST READING - INDUSTRIAL REVENUE BONDS - MEADOWLARK HILLS

Jason Hilgers, Deputy City Manager, presented the item.

Mayor Butler opened the public hearing.

Hearing no comments, Mayor Butler closed the public hearing.

## PUBLIC HEARING (CONTINUED)

### RESOLUTION NO. 061521-A - INTENT TO ISSUE; FIRST READING - INDUSTRIAL REVENUE BONDS - MEADOWLARK HILLS

Commissioner Hatesohl moved to approve Resolution No. 061521-A indicating the Commission's intent to issue and first reading of an ordinance issuing not to exceed \$50 million in Industrial Revenue Bonds (IRBS) to fund the 2021 Series IRBs; and approve certain documents and actions in connection with the issuance for the purpose of refunding the outstanding IRBs issued by the City for Meadowlark Hills, refinance other obligations of Meadowlark Hills, and finance capital improvements on the Meadowlark Hills campus. Commissioner Estabrook seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

### DISCUSSION - PUBLIC ART PROGRAM

Dennis Marstall, Assistant City Manager; Katie Jackson, City Attorney; and Randi Clifford, Director of Recreation, presented the item.

Mayor Butler opened the public comments.

Jackie Hartman Borck, 1412 Penrose Place, stated that she was the chair of the Art Committee for the Greater Manhattan Foundation Board and that there are funds available in the Lincoln and Dorothy Diel Fund for public art. She said there are grants that can be applied for on an annual basis to support the projects that the Arts and Humanities Advisory Board has been working on and the murals around town that Incite MHK has been working on, but the problem was the ad hoc nature when dealing with the City. She commented that the Greater Manhattan Community Foundation Board Art Committee was in support of a public policy to enhance the community, to attract people and tourism and those who want to stay in Manhattan, and to attract people to move to Manhattan. She stated public art is just one piece of quality of life. She urged the Commission to consider the proposal presented by City staff.

Kelly Yarbrough, 2024 College View Road, Prairewood Preserve, stated that public art was not just for decoration, but can be an indicator of vitality and vibrancy within a community. She stated that the arts program and the art policy needed a home, consistency, and oversight with best practices. She spoke in support of City staff's proposal.

Monica Macfarlane, 213 Parker Drive, stated that public art is a quality-of-life issue and that it is important to establish policies. She had questions regarding the proposed position.

## GENERAL AGENDA (CONTINUED)

### DISCUSSION - PUBLIC ART PROGRAM (CONTINUED)

Joe Knopp, 620 Humboldt Street, spoke in favor of public art, encouraged the Commission to find space within current staff rather than creating a new position, and spoke against any kind of development tax.

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

Ron Fehr, City Manager, provided clarification on the percentage fee (development tax).

Mayor Butler summarized that a majority of the Commissioners were not interested in having a percentage of development projects going to an art project nor interested in hiring a new full-time position that was recommended by City staff. The Commission was interested in figuring out how to receive the money from the Greater Manhattan Community Foundation into an account that could be managed by the Arts and Humanities Advisory Board and to take small steps to develop a larger public art program.

Ron Fehr, City Manager, clarified that the Commission wanted City Staff to continue the ad hoc policy but have a policy for everyone to donate art.

Katie Jackson, City Attorney, stated that if the Commission would like to accept funds from just one organization, the City could do so that on an ad hoc basis without a policy. If the City adopted a policy, it could not discriminate among those who have an opportunity to pursue that process under the policy.

Dennis Marstall, Assistant City Manager, answered questions from the Commission.

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

At 8:50 p.m., the Commission took a short break.

### DISCUSSION - MANHATTAN DEVELOPMENT CODE - ARTICLES 26-8, PROCEDURES & ADMINISTRATION, AND 26-9, LAND DEVELOPMENT REVIEW

John Adam, Senior Long-Range Planner, presented Article 26-8, Procedures and Administration, which covered topics of administrative bodies involved in land use actions and their roles in the process, application process, notice requirements, meeting steps and requirements for land use actions, application requirements and standards, and the steps staff will follow in processing applications for development approvals and other land use actions, and regulating and enforcing nonconformities. He also presented Article 26-9, Land Development Review, which included growth management such as annexation, rezoning, and comprehensive plan adoption; subdivisions and partitions of land, as well as lot line

## GENERAL AGENDA (CONTINUED)

### DISCUSSION – MANHATTAN DEVELOPMENT CODE - ARTICLES 26-8, PROCEDURES & ADMINISTRATION, AND 26-9, LAND DEVELOPMENT REVIEW (CONTINUED)

adjustment; site development that regulates master planned development, mixed-use development, planned development, historic review, and various administrative permits, including those for floodplains, signs, and wireless telecommunication facilities; adjustment that regulates conditional use, exception, modification, and variance permitting; and the appeal division that regulates the municipal-level appellate processes.

John Adam, Senior Long-Range Planner, and Eric Cattell, Director of Community Development, answered questions from the Commission.

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

### ADJOURNMENT

At 9:27 p.m., the Commission adjourned.



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Brenda K. Wolf, CMC, City Clerk