

CERTIFICATION OF CLERK

I, Brenda K. Wolf, the duly appointed, qualified, and City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Minutes from September 5, 2023, were duly adopted at a meeting of the City of Manhattan, Kansas, held on the 19th day of September, 2023, and that said Minutes have been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, this 20th day of September, 2023.



Brenda K. Wolf
Brenda K. Wolf, CMC, City Clerk



***MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 5, 2023
6:00 P.M.***

CALL TO ORDER

At 6:00 pm, Mayor Hatesohl called the September 5, 2023, City Commission Meeting to order.

ROLL CALL

Present: Commissioner Wynn Butler, Commissioner John E. Matta, and Commissioner Linda Morse, with Mayor Mark J. Hatesohl presiding.

After roll call, the City Clerk announced there were 4 Commissioners present and that the quorum of 3 was met.

Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Jared Wasinger, Assistant City Manager Wyatt Thompson, Assistant to the City Manager Kristen Dolf, City Attorney Katharine Jackson, City Clerk Brenda K. Wolf 11 staff, and approximately 31 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Hatesohl led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor Hatesohl proclaimed September 10, 2023, ***9/11 Day of Remembrance***. Lori Bishop, Executive Director, Flint Hills Volunteer Center; and Sue Simmons, Board President; Ronnie Grice, Board Vice-President; and Missy Tener and Lucy Straily, Board Members, The Flint Hills Volunteer Center Board of Directors, were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Hatesohl proclaimed September 17-23, 2023, *Constitution Week*. Sara Larson, Chapter Regent, and Donna VanGlider, Chapter Vice Regent, Polly Ogden Daughters of the American Revolution, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Hatesohl opened the public comments and highlighted the process.

The Commission heard public comment on items and issues not scheduled on the agenda. The following member of the public provided comments:

- Gary Olds, 3308 Frontier Circle

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

COMMISSIONER COMMENTS

Commissioner Morse stated she attended a workshop regarding suicide sponsored by the Riley County Health Department and learned that the number of suicides continue to rise. She highlighted that September was National Suicide Prevention Month. She mentioned that five years ago over Labor Day weekend was the Wildcat Creek flood event. She highlighted the progress that has been done since 2018. She complemented the Parks and Recreation Department on a great aquatic season and the Downtown Manhattan Inc. and the City's Horticulture Division on how beautiful the flowers were Downtown.

Commissioner Matta mentioned that on the consent agenda was a property that the City was acquiring that was in the floodplain, an example of the progress made since the 2018 flood.

CONSENT AGENDA

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, August 15, 2023.

CLAIMS REGISTER NO. 3042

The Commission approved Claims Register No. 3042 authorizing and approving the payment of claims from July 26, 2023 - August 8, 2023, in the amount of \$4,940,097.41.

CONSENT AGENDA (CONTINUED)

REIMBURSEMENT - RELOCATION EXPENSES - MANHATTAN LEVEE IMPROVEMENTS PROJECT (SM1813)

The Commission authorized payment of eligible utility relocation expenses in the amount of \$288,020.88 claimed by Kansas Gas Services in association with the Manhattan Levee Improvements Project (SM1813).

LICENSE

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Target Store T-1821, 800 Commons Place.

FINAL PLAT - LIVING WORD ADDITION, UNIT 2

The Commission accepted the easements and rights-of-way, as shown, on the Final Plat of Living Word Addition, Unit 2, based on conformance with the Manhattan Development Code and approval by the Manhattan Urban Area Planning Board.

ORDINANCE NO. 7658 – AMEND – GREENBRIAR PLANNED UNIT DEVELOPMENT (PUD) – ALLOW FOR NON-OWNER OCCUPIED SHORT-TERM RENTALS

The Commission approved Ordinance No. 7658 amending Ordinance No. 4581 of the Greenbriar PUD, to allow for non-owner-occupied short-term rentals, based on the findings in the Staff Report and the recommendation of the Manhattan Urban Area Planning Board (*See Attachment No. 1 in the August 15, 2023, Commission Minutes*).

ORDINANCE NO. 7659 - VACATE UTILITY EASEMENT - CAMPUS VIEW ADDITION, LOT 2 (1200 CENTENNIAL DRIVE)

The Commission, having found that no private rights would be injured or endangered by such vacation, and that the public would suffer no loss or inconvenience thereby, approved Ordinance No. 7659 vacating a portion of a utility easement located at Lot 2 of Campus View Addition (also known as 1200 Centennial Drive) Manhattan, Riley County, Kansas (VA2301).

ORDINANCE NO. 7660 - AMEND - MASSAGE THERAPY ESTABLISHMENT AND MASSAGE THERAPIST LICENSE

The Commission approved Ordinance No. 7660 amending Chapter 19, Article III, Division 1, Sec. 19-61 of the Code of Ordinances regarding licensing of massage therapy establishments and massage therapist by amending the definition of “Crime Involving Moral Turpitude.”

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 090523-A – SPECIAL EVENT WITH ALCOHOL – OKTOBERFEST IN THE ALLEY

The Commission approved Resolution No. 090523-A authorizing a Special Event with Alcohol Permit for Oktoberfest in the Alley to occur on September 21, 2023.

AGREEMENT - PROFESSIONAL CONSULTANT SERVICES - EAST MANHATTAN GATEWAY PLAN (SP2304)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Consultant Services, in an amount not to exceed \$499,885.00, with Stantec Consulting Services Inc., of Overland Park, Kansas, for the East Manhattan Gateway Plan (SP2304).

SOLICIT INTEREST FORMS - EAST MANHATTAN GATEWAY PLAN COMMUNITY ADVISORY COMMITTEE (SP2304)

The Commission authorized City Administration to initiate solicitation of interest forms for the East Manhattan Gateway Community Advisory Committee composition for the East Manhattan Gateway Plan (SP2304).

SELECTION COMMITTEE RECOMMENDATION/NEGOTIATE AGREEMENT - DESIGN SERVICES - AFRICAN PLAINS AND THE AMERICA'S HABITAT PROJECT (PR2322)

The Commission accepted the Selection Committee's recommendation and authorized City Administration to negotiate a design contract with Anderson Knight Architects, of Manhattan, Kansas, for the African Plains and the America's Habitat project (PR2322).

SELECTION COMMITTEE RECOMMENDATION/NEGOTIATE AGREEMENT - PROFESSIONAL SERVICES - MOVE MHK! COMPREHENSIVE PARKS AND RECREATION MASTER PLAN (PR2323, CIP #CP406P)

The Commission accepted the selection committee's recommendation and authorized staff to enter into negotiations with Vireo, LLC, of Kansas City, Missouri, for completion of the Move MHK! Comprehensive Parks and Recreation Master Plan (PR2323, CIP #CP406P).

AWARD CONSTRUCTION CONTRACT - STONEHAVEN PARK TRAIL AND PARK IMPROVEMENTS (PR2306)

The Commission authorized an alternative selection process of direct negotiations, pursuant to Section 3 of Charter Ordinance No. 62, to award and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$210,672.00 with Bayer Construction Co., Inc., of Manhattan, Kansas, for installation of trail and park improvements at Stonehaven Park (PR2306).

CONSENT AGENDA (CONTINUED)

AGREEMENT - SALE OF REAL ESTATE - HAZARD MITIGATION PROGRAM - 925 VILLAGE DRIVE (SW2305)

The Commission authorized the Mayor and City Clerk to execute an Agreement for the Sale of Real Estate with the property owners of 925 Village Drive in the amount of \$133,308.00 (SW2305) as part of the Kansas Emergency Management Mitigation Program and to finalize and execute all documents relative to the closing of the property.

MEMORANDUM OF UNDERSTANDING - DESIGN - LOTS 1-10, LEE MILL VILLAGE

The Commission authorized Mayor and City Clerk to execute the Memorandum of Understanding with Frontier Development Group, LLC, of Manhattan, Kansas, to jointly cooperate in developing design scenarios for Lots 1-10 of Lee Mill Village.

FIRST AMENDMENT TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT LOAN AGREEMENT - REPAYMENT SCHEDULE - WATER TREATMENT PLANT LIME SLUDGE LAGOON IMPROVEMENTS PROJECT (WA1907)

The Commission authorized the Mayor and City Clerk to execute a First Amendment to the Loan Agreement between the City of Manhattan and the Kansas Department of Health and Environment (KDHE) to modify the repayment schedule for the Water Treatment Plant Lime Sludge Lagoon Improvements Project (WA1907).

AUTHORIZE PURCHASE/DISPOSAL – WIDE AREA MOWER – PARKS DIVISION

The Commission approved an alternative procurement process utilizing a Cooperative Contract through the National Association of State Procurement Officers (NASPO) and authorized the purchase of a John Deere 1600 Terrain Cut Wide Area Mower, in the amount of \$80,359.33, from Prairieland Partners, LLC, of Wamego, Kansas, and authorized the disposal or future sale of the 2006 unit once the replacement mower has arrived.

BOARD APPOINTMENTS

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

Food and Farm Council

Appointment of Carol Sevin, 1231 Houston Street, to a three-year Kansas State University term which begins immediately and will expire on August 31, 2026.

Appointment of Cheryl Arthur, 2813 Nevada Street, to a three-year Schools term which begins immediately and will expire on August 31, 2026.

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Fredrick Douglass Recreation Complex Advisory Board

Appointment of Karla Hagemester, 4650 S. Dwight Drive, to fill the unexpired At-Large term of Christina Stratman, which begins immediately and will expire on October 2, 2024.

Mayor Hatesohl opened the public comments.

Hearing no comments, Mayor Hatesohl closed the public comments.

Mayor Hatesohl Commissioner moved to approve the consent agenda. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0 with the exception of Item E1, *ORDINANCE NO. 7658 – AMEND – GREENBRIAR PLANNED UNIT DEVELOPMENT – ALLOW FOR NON-OWNER-OCCUPIED SHORT-TERM RENTALS*, which carried 3-1 with Commissioner Morse voting against.

PUBLIC HEARING

RESOLUTION NO. 090523-B - LEVY PROPERTY TAX RATE - REVENUE NEUTRAL RATE

Jason Hilgers, Deputy City Manager, presented the revenue neutral rate and the 2024 budget. He then answered questions from the Commission.

Mayor Hatesohl opened the public hearing.

Mark Wilson, 1012 N. Mill Point Circle, had questions regarding funding of the Riley County Police Department; who received the money from the communication antennae facilities on a water tower in his neighborhood, how much was received, what fund does it go into, and how many communication antennae facilities are there within the city; why taxes continue to go up; and why the local government was not more vocal with the state of Kansas regarding property taxes. He stated that value of homes in Manhattan would go down in the future and that Manhattan was losing people.

Barta Stevenson, 3201 Willowood Circle, stated that there were several things about revenue neutral that she did not like. She mentioned that she paid more in property taxes than family and friends in other parts of the country and they received more city services like refuse and recycling pick up than she does. She asked for an explanation why the City budget was going up when her fixed income was not.

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

PUBLIC HEARING (CONTINUED)

RESOLUTION NO. 090523-B – LEVY PROPERTY TAX RATE – REVENUE NEUTRAL RATE (CONTINUED)

After comments by the Commission, Mayor Hatesohl Commissioner moved to approve Resolution No. 090523-B levying a property tax rate exceeding the revenue neutral rate. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING - 2024 CITY BUDGET

Mayor Hatesohl opened the public hearing.

Mark Wilson, 1012 N. Mill Pointe, mentioned that Kansas was almost the highest taxed state in the Union since we are taxed annually and that was a reason why people do not move to Kansas.

Jim Genandt, 3801 Kate's Court, President, Manhattan Area Technical College, provided an update on its current Advanced Technology Center project. He stated that WalletHub, a Financial Services Company, Best and Worst two-year college ranking had Manhattan Area Technical College (MATC) ranked #1 in Kansas for the Best the last four years in a row, ranked #4 in the nation last year, and ranked #2 in the nation for 2023. He said that MATC produced outcomes that produce revenue. He thanked the Commission for its support and mentioned the Advanced Technology Center construction would be done in April 2024 and programs would start in Fall 2024.

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

After discussion, Commissioner Matta moved to approve first reading of an ordinance adopting the 2024 City Budget reducing the mill levy to 49 mills. Commissioner Butler seconded the motion. On a roll call vote, motion carried 3-1 with Commissioner Morse voting against.

GENERAL AGENDA

FIRST READING - ESTABLISH COMMON CONSUMPTION AREA - DOWNTOWN THIRD THURSDAY STREET FAIRE AND MAKER'S MARKET EVENT

Jason Hilgers, Deputy City Manager, presented the item.

Mayor Hatesohl opened the public comments.

Hearing no comments, Mayor Hatesohl closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING - ESTABLISH COMMON CONSUMPTION AREA - DOWNTOWN THIRD THURSDAY STREET FAIRE AND MAKER'S MARKET EVENT (CONTINUED)

Commissioner Butler moved to approve first reading of an ordinance establishing a common consumption area for the possession and consumption of alcohol on Poyntz Avenue, from 3rd Street to 5th Street, on Thursday, October 19, 2023, from 5:00 p.m. to 8:00 p.m., for a Third Thursday Street Faire & Maker's Market event. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0.

AGREEMENT - REAL ESTATE PURCHASE - FUTURE FIRE STATION 6 (3830 EXCEL ROAD)

Jason Hilgers, Deputy City Manager, presented the item. He then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information to the Commission. He then answered questions from the Commission.

Mayor Hatesohl opened the public comments.

Hearing no comments, Mayor Hatesohl closed the public comments.

Commissioner Butler moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an Agreement for Purchase of Real Estate at 3830 Excel Road and finalize and execute all documents relative to the closing of the property. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

Commissioner Butler moved to adjourn the September 5, 2023, City Commission Meeting. Commissioner Matta seconded the motion. On a roll call vote, motion carried 4-0.

At 7:38 p.m., Mayor Hatesohl announced the Commission meeting was adjourned.


Brenda K. Wolf, CMC, City Clerk