



MINUTES
CITY COMMISSION MEETING
TUESDAY, OCTOBER 6, 2015
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Karen McCulloh and Commissioners Usha Reddi, Linda Morse, Michael L. Dodson, and Wynn Butler were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, Interim City Attorney Katharine Jackson, City Clerk Gary S. Fees, 6 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor McCulloh led the Commission in the Pledge of Allegiance.

PROCLAMATIONS

Mayor McCulloh proclaimed October 4-10, 2015, ***Fire Prevention Week***. Rick Stillwagon, Fire Marshal, was present to receive the proclamation.

Mayor McCulloh proclaimed October 4-10, 2015, ***National 4-H Week***. Georgia Hatesohl, President, College Hill 4-H Club, was present to receive the proclamation.

Mayor McCulloh proclaimed October 2015, ***National Arts and Humanities Month***. Danielle Schapaugh, Vice President, Arts and Humanities Association of Manhattan, was present to receive the proclamation.

PUBLIC COMMENTS

Mayor McCulloh opened the public comments.

PUBLIC COMMENTS (CONTINUED)

Lori Gotchall, 210 Ridge Drive, informed the City Commission that she rents a house in the Blue Zone that requires a parking pass to park in front of her home. She stated that she understood the need for the parking permits in this area, but explained the difficulty for her to come to City Hall and get a parking permit due to her daycare business. She asked that the City consider other options to make the process more convenient in the future regarding parking permits.

Andy Hurtig, Student Body President, Kansas State University Student Government Association (SGA), informed the Commission that the SGA wanted to discuss the rental inspection program and are interested in working with the City Commission to provide a rental inspection program that is sustainable and benefits the community. He stated that it has come to their attention that student housing has become a serious point of concern across the student body and there are some students who are renters living in deplorable conditions. He said rental inspection programs are currently in place or being discussed in Lawrence, Wyandotte County, Wichita, and Columbia, Missouri. He referenced the Flint Hills Fair Housing Equity Assessment and recommendation for a rental inspection program. He stated that this type of program would also be helpful to fire and police in times of an emergency. Finally, he informed the Commission that the K-State Student Governing Association unanimously passed a resolution on Thursday, October 1, 2015, to encourage the Commission to look into the issue, with an emphasis on safety and the well being of students and the entire community.

Ava Clark, Chief of Staff, Kansas State University Student Government Association, spoke about past research on the program and meetings on the topic with Pat Bosco, Vice President for Student Life Dean of Students, Kansas State University; Mayor Karen McCulloh; Brad Claussen, Building Official, City of Manhattan; Kirk Schulz, President, Kansas State University; Sue Peterson, Director of Governmental Relations and Assistant to the President, Kansas State University; Phil Anderson, retired Kansas State University faculty member and rental property owner; and Jessica Wheeler, Director, Kansas State University Off-Campus Housing Support. She informed the Commission that the Student Senate recently passed a resolution unanimously in support to look at the rental inspection program.

Patrick Kennedy, Director of Local Relations, Kansas State University Student Government Association, encouraged the Commission to look at the rental inspection program and see if some sort of gradual process can occur to provide information to students and tenants on their rights for safe housing. He stated that students do not know their rights and are made to feel like they are an inconvenience to their landlords.

PUBLIC COMMENTS (CONTINUED)

Lucas Dudgeon, Kansas State University student, lived at University Crossing, informed the Commission that they discovered black mold on the vents and ducts where he lived about three weeks ago. He stated that in speaking with Jessica Wheeler, Director, Kansas State University Off-Campus Housing Support, all eight tests for microbes and mold failed and was against code. He said University Crossing did replace the ducts and air conditioning unit to fix the issue, but he was caught in the middle since his roommate works for University Crossing. He voiced his appreciation with the connection between landlords and students through the assistance of Kansas State University Off-Campus Housing Support.

Joe Tinker, Student Body Vice President, Kansas State University Student Government Association, informed the Commission that he moved into a four-bedroom house on Kearney Street with his roommates and has dealt with moldy bathrooms, lack of smoke detectors, exposed electrical wiring, insufficient egress steps, and a failing foundation wall. He stated that Code Services has been involved, but there are still items that need to be corrected. He said that valuable time that could have been spent finding a job after graduation has been spent pestering his landlord to fix the foundation wall. He stated that safe and dependable housing should be a right for all and not a privilege for the few.

Jackie Hartman, Chief of Staff and Director of Community Relations, Kansas State University, informed the Commission she was here to promote the students and their efforts to promote the need for rental inspections. She stated that approximately 150 complaints were received by the Kansas State University Off-Campus Housing Support with Jessica Wheeler. She highlighted an issue of students dealing with horrible housing conditions and asked that the partnership continue with the City to enhance the safety, health and welfare of students, military and everyone renting in Manhattan.

Mayor McCulloh stated the City and Kansas State University have a very good relationship. She discussed her recent visit with the Manhattan Area Chamber of Commerce to Columbia, Missouri, where they have had a rental inspection program since 1971. She stated the Commission will take the comments under consideration and address the concerns at a work session in the near future.

Commissioner Reddi thanked Jackie Hartman and the students for bringing this to the attention of the City Commission. She said that parents think their children are in a safe place when they leave them, and the City Commission wants to make sure they are in a safe place. She stated that we will plan to work together and see what we can come up with to address safety and health.

PUBLIC COMMENTS (CONTINUED)

Commissioner Butler stated that he appreciated the input and understood that this issue has been discussed since 1979. He said that he is not a fan of the rental inspection program and it has been a very contentious issue. He stated that he would be in favor of a rental education program because the Kansas Residential Landlord and Tenant Act address those issues. He stated that there are already procedures in place to handle the situations that have been brought up with the Landlord and Tenant Act. He stated that the Kansas State University Off-Campus Housing could perhaps be the clearing house for information.

Commissioner Dodson stated that he liked the term of shared information. He agreed that the Kansas Residential Landlord and Tenant Act has good information, but it does nothing unless everybody is aware of it. He stated that the Commission would be discussing the topic of code enforcement at a future work session and that the information received is very timely. He thanked the students for coming and explaining their perspectives.

Commissioner Morse thanked the student leaders at Kansas State University for bringing this item to the community's attention. She voiced support for life safety issues and stated the items mentioned are very serious issues.

Commissioner Dodson acknowledged Ms. Gotchall and her issue expressed earlier.

Ron Fehr, City Manager, stated that he appreciated the issue being brought to the City's attention and that something will be figured out that will work.

Phil Anderson, 1719 Fairchild Avenue, owner of Anderson Bed and Breakfast, informed the Commission that he had three items. First, he supported the student presentation and the initiative of the Student Government Association. Second, he provided an update on the status of the bridge pier sign project and stated the project should be completed by early November. Finally, he requested that the speed limit along the 1700 block of Fairchild Avenue be reduced to 20 miles per hour. He provided background information to support his position that the speed limit be lowered and presented a petition signed by 12 of the 15 property owners on the block favoring the proposal.

Mayor McCulloh informed Mr. Anderson that the City would check into his concerns.

Ron Cochran, 1618 Delaney Drive, voiced concerns regarding parking along the north side of Dickens Avenue from College Avenue west to Delaney Drive. He stated that Dickens Avenue is currently marked "No Parking" on both sides of the street from Delaney Drive west to Browning Avenue. He informed the Commission that Dickens Avenue has become an extremely busy street and has recently had double yellow striping added down the center as well as marked a bicycle way. He stated that football games are a major concern, particularly at night. He provided additional concerns with pedestrian safety and encouraged the Commission and Fire Department personnel to come to

PUBLIC COMMENTS (CONTINUED)

Dickens Avenue immediately following a football game. He asked the Commission to consider designating Dickens Avenue from College Avenue to Delaney Drive as a “No Parking Anytime” area to be consistent with existing “No Parking Anytime” from Delaney Drive to Browning Avenue. He then responded to questions from the Commission.

Mayor McCulloh informed Mr. Cochran that the City would check into his concerns.

Rob Ott, Director of Public Works, responded to questions from the Commission regarding Dickens Avenue.

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

COMMISSIONER COMMENTS

Commissioner Reddi informed the community that October is National Bullying Prevention Awareness Month and stressed the importance for schools and the public to be aware of this issue. She stated there are a lot of activities happening in Manhattan this weekend including performances at McCain, the Flint Hills Discovery Center, the Manhattan Fire Department Open House on Sunday, October 11th at the headquarters Fire Station, and the K-State football game on Saturday, October 10th.

Mayor McCulloh talked about the green bike program and encouraged those people using the bikes to please return them when you are finished. She stated this is a great program and hoped that it would work well and get people physically fit.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 15, 2015.

CLAIMS REGISTER NO. 2801

The Commission approved Claims Register No. 2801 authorizing and approving the payment of claims from September 9, 2015, to September 29, 2015, in the amount of \$2,873,899.89.

CONSENT AGENDA (CONTINUED)

FINAL PLAT – MERCY REGIONAL HEALTH CENTER PUD

The Commission accepted the easements and rights-of-way, as shown on the revised Final Plat of the Mercy Regional Health Center, Planned Unit Development, generally located southwest of the intersection of Kimball Avenue and College Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CHARTER ORDINANCE NO. 55 – STORMWATER RATES

The Commission approved Charter Ordinance No. 55 increasing stormwater rates by 3% effective January 1, 2016.

FIRST READING – 2016 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission approved first reading of an ordinance levying Business Improvement Service Fees for 2016 on businesses located within the Aggieville and Business Improvement District.

FIRST READING – 2016 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission approved first reading of an ordinance levying Business Improvement Service Fees for 2016 on businesses located within the Downtown Business Improvement District.

PUBLIC HEARING – KDHE LOAN APPLICATION – WATER TREATMENT PLANT IMPROVEMENTS (WA1403, 2014 CIP #WA015P AND WA121E)

Mayor McCulloh opened the public hearing.

Hearing no comments, Mayor McCulloh closed the public hearing.

RESOLUTION NO. 100615-A - KDHE LOAN APPLICATION - WATER TREATMENT PLANT IMPROVEMENTS (WA1403, 2014 CIP #WA015P AND WA121E)

The Commission approved Resolution No. 100615-A authorizing the submittal of an application to the Kansas Department of Health and Environment (KDHE) for a loan not to exceed \$7,308,000.00 from the Kansas Public Water Supply Loan Fund (KPWSLF) for the Water Treatment Plant Improvements (WA1403, 2014 CIP #WA015P and WA121E).

CONSENT AGENDA (CONTINUED)

NEGOTIATE CONTRACT - DESIGN SERVICES - WATER TREATMENT PLANT IMPROVEMENTS (WA1403, 2014 CIP #WA015P AND WA121E)

The Commission authorized City Administration to negotiate a design services contract with Carollo Engineers, of Kansas City, Missouri, for the Water Treatment Plant Improvements (WA1403, 2014 CIP #WA015P and WA121E).

FINAL PLAT – SCENIC CROSSING

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Scenic Crossing, generally located northeast of the intersection of Kimball Avenue/Scenic Drive and Anderson Avenue, based on conformance with the Manhattan Urban Area Subdivision Regulations.

RESOLUTION NO. 100615-B – TDD PETITION – SCENIC CROSSING

The Commission found the petition sufficient, and approved Resolution No. 100615-B setting November 3, 2015, as the date for a public hearing relative to the creation of the Scenic Crossing Transportation Development District (TDD).

RESOLUTION NO. 100615-C – PETITION – SCENIC CROSSING STORMWATER IMPROVEMENTS (SM1511)

The Commission found the petition sufficient, and approved Resolution No. 100615-C finding the project advisable and authorizing construction for the Scenic Crossing Stormwater Improvements (SM1511).

DEVELOPMENT AGREEMENT - SCENIC CROSSING STORMWATER IMPROVEMENTS (SM1511)

The Commission authorized the Mayor and City Clerk to execute a development agreement with Scenic Crossing, LLC, for the construction of the Scenic Crossing Stormwater Improvements (SM1511).

DEVELOPMENT AGREEMENT – LOT 4, HERITAGE SQUARE, UNIT 4 – SANITARY SEWER (SS1515) AND STORM SEWER (SM1510) IMPROVEMENTS

The Commission authorized the Mayor and City Clerk to execute a development agreement with Schultz Real Estate Development, Inc., of Manhattan, Kansas, for Lot 4, Heritage Square, Unit 4, sanitary sewer (SS1515) and storm sewer (SM1510) improvements.

CONSENT AGENDA (CONTINUED)

DEVELOPMENT AGREEMENT – WILLOW RIDGE APARTMENTS WATER IMPROVEMENTS (WA1517)

The Commission authorized the Mayor and City Clerk to execute a development agreement with Schultz Construction, of Manhattan, Kansas, for the Willow Ridge Apartments Water Improvements (WA1517).

AWARD CONTRACT - MANHATTAN REGIONAL AIRPORT TEMPORARY PARKING (AP1502)

The Commission accepted the Engineer's Opinion of Probable Cost in the amount of \$135,115.50, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$113,564.75 with Midwest Concrete Materials, of Manhattan, Kansas, for construction of temporary parking at the Manhattan Regional Airport (AP1502).

* **ACCEPT – SAFE ROUTES TO SCHOOL PLAN, PHASE 1 (ST1402)**

Commissioner Reddi and Mayor McCulloh voiced their support for this initiative.

The Commission accepted the Safe Routes to School Plan, Phase I, and its recommendations.

JOINT FUNDING AGREEMENT – RIVER GAUGES

The Commission approved and authorized the Mayor to execute a Joint Funding Agreement with the United States Geological Survey (USGS) for the costs of four river gauges along Wildcat Creek and the Kansas River from October 1, 2015, to September 30, 2016, at a local cost of \$20,820.00, with the City's share being \$14,700.00.

OUTSIDE CITY WATER AND SEWER AGREEMENT – 1621 BARNES ROAD (KSU PLANT PATHOLOGY)

The Commission authorized City Administration to finalize an agreement with Riley County and Kansas State University (Kansas State University Plant Pathology) for an outside city water connection and sewer service connection for the property at 1621 Barnes Road, Riley County, Kansas, and authorized the Mayor and City Clerk to execute said agreement.

* **AGREEMENT – FESTIVAL OF LIGHTS**

Commissioner Butler encouraged those that would like to help with the Whoville Fund to contact the Manhattan Greater Community Foundation. He stated this is a wonderful event and appreciated the efforts of local merchants to make this event happen.

CONSENT AGENDA (CONTINUED)

* **AGREEMENT – FESTIVAL OF LIGHTS (CONTINUED)**

The Commission approved and authorized the Mayor and City Clerk to execute an agreement for the holiday lighting at Blue Earth Plaza.

PAYMENT – RELOCATION OF WESTAR TRANSMISSION LINE – INTERLACHEN (ST1325)

The Commission authorized payment of the relocation invoice from Westar Energy for the Interlachen Subdivision (ST1325) in the amount of \$140,647.93, and payment of the conduit installation from the Westar authorized contractor, Larson Construction, in the amount of \$27,660.00, using the funds programmed in the Street Petition for this subdivision with no City-At-Large participation.

BOARD APPOINTMENTS

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

Douglass Center Advisory Board

Re-appointment of Glenna Burckel, 2031 Pierre Street, to a three-year At-Large term. Ms. Burckel's term will begin October 3, 2015, and will expire October 2, 2018.

Housing Appeals Board

Appointment of Eric Neilson, 1709 Little Kitten Avenue, to a three-year term. Mr. Neilson's term begins immediately, and will expire June 30, 2018.

After discussion and comments from the Commission, Commissioner Reddi moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING - AMEND MANHATTAN URBAN AREA COMPREHENSIVE PLAN - ADOPT AND INCORPORATE THE HARTFORD HILL MASTER PLAN

Eric Cattell, Assistant Director for Planning, presented an overview of the Hartford Hill Master Plan. He also highlighted Fort Riley's Land Use Planning Zone and noise disclosure, parks and open space proposed, access and traffic, drainage, utility services, fire and emergency access, various meetings the item was discussed and approved, and outlined the proposed Comprehensive Plan Amendment. He then responded to questions from the Commission regarding jurisdictional boundaries, the process for future annexations and phasing envisioned for this area.

GENERAL AGENDA (*CONTINUED*)

FIRST READING - AMEND MANHATTAN URBAN AREA COMPREHENSIVE PLAN - ADOPT AND INCORPORATE THE HARTFORD HILL MASTER PLAN (*CONTINUED*)

Rob Ott, Director of Public Works, responded to questions from the Commission regarding utilities and water pressure.

Eric Cattell, Assistant Director for Planning, provided additional information regarding notification and disclosure that is provided when the lots are platted. He also responded to questions from the Commission about the Joint Land Use Study, noise impact area, traffic analysis, considerations of street alignment, and the process, timing and considerations necessary to create a future second access point to Marlatt Avenue.

Rob Ott, Director of Public Works, responded to additional questions from the Commission regarding future street connectivity, future considerations to upgrade the roundabout at Grand Mere Parkway and Kimball Avenue, and the potential timeline for residential development in this area over the next five to ten years.

Eric Cattell, Assistant Director for Planning, informed the Commission that residential housing growth will be driven by market conditions and the Capital Improvements Program will need to incorporate necessary improvements. He then responded to additional questions from the Commission regarding a ring-road system within the development areas of Hartford Hill, connections to future phases of Grand Mere, and presented a map showing the school district boundaries for USD383 and USD378.

Mayor McCulloh opened the public comments.

Zach Burton, Fieldhouse Development and applicant, informed the Commission that he was available to answer questions. He provided additional information on the proposed development and the desire to create a Hartford Hill Master Plan. He responded to questions from the Commission regarding build-out projections over a 20-25 year projected timeframe, creation of a homeowners association, structural measures and building code updates, noise impact experience and noise disclosure information provided due to Fort Riley.

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

After discussion and additional comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance amending the Manhattan Urban Area Comprehensive Plan, dated March 2015, by adopting and incorporating by reference the Hartford Hill Master Plan, dated September 2015, as recommended by the Manhattan Urban Area Planning Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

AUDITOR'S REPORTS - 2014 CITY AUDIT

Hillary Badger, Assistant Director of Finance, introduced the item, provided background information and acknowledged Rina Neil, City Controller, for her work on the 2014 City audit. She informed the public of the availability of various financial reports on the City of Manhattan's website.

Eric Higgins, Chair, Municipal Audit Committee, thanked the Committee members serving on the Municipal Audit Committee and the City's financial staff. He highlighted several areas regarding the audit and items that have been previously addressed.

Michelle Crow, CPA, Varney and Associates, informed the Commission that the majority of the field work was completed in May and the audit finished in September. She stated that there were no additional suggestions for improvements and that suggestions in the past have been addressed. She thanked the City's finance staff for answering their questions and requests. She then responded to questions from the Commission regarding the audit letter and stated that the firm is doing the audit and not a single individual, so there is not an individual signature on the audit letter.

Mayor McCulloh opened the public comments.

Hearing no comments, Mayor McCulloh closed the public comments.

After discussion and comments from the Commission, Commissioner Reddi moved to receive and accept the Auditor's reports for the 2014 City Audit. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

2015 THIRD QUARTER REPORT - CONVENTION AND VISITORS BUREAU

Brad Everett, Chair, Manhattan Convention & Visitors Bureau (CVB) Steering Committee, introduced the item.

Karen Hibbard, Director, Manhattan Convention & Visitors Bureau, presented information for the third quarter including number of conferences hosted, estimated economic impact, amateur sports groups hosted, performance measures for inquiries/fulfillment, performance measures for social media engagement, and highlighted the five goals of the Manhattan Convention & Visitors Bureau.

Marcia Rozell, Tourism Sales Manager, Manhattan Convention & Visitors Bureau, presented information on the Rhythm & Brews and Hail the Ale events.

Karen Hibbard, Director, Manhattan Convention & Visitors Bureau, presented information on the Visitor Intercept Study and recognized volunteers Donna Erpelding, Sue Carpenter and Donna Davis, retired school teachers, for their wonderful work.

GENERAL AGENDA (*CONTINUED*)

2015 THIRD QUARTER REPORT - CONVENTION AND VISITORS BUREAU (*CONTINUED*)

Sue Carpenter, volunteer, CVB, presented her experience after talking with an 80-year-old couple that recently visited Manhattan, Kansas, for the first time. She highlighted their perceptions and experience during their brief stay in the community.

Karen Hibbard, Director, Manhattan Convention & Visitors Bureau, presented an update on the annual number of room supply and demand, average number of rooms occupied, average daily rate, and revenue per room. She stated that Manhattan is a great community and responded to questions from the Commission regarding outreach, special events, seasonal activities, and CVB goals.

Lyle Butler, Chief Executive Officer, Manhattan Area Chamber of Commerce, provided additional information on the CVB report. He informed the Commission that the Chamber is working with Whoville this year and are combining marketing dollars to help promote this seasonal event.

After additional comments from the Commission, Karen Hibbard, Director, Manhattan Convention & Visitors Bureau, informed the Commission that their contract with the City stipulates four presentations annually to the City Commission. She stated that the CVB also provides a monthly report to the City and is included with the City Manager's Monthly Report.

Brad Everett, Chair, Manhattan Convention & Visitors Bureau (CVB) Steering Committee, responded to questions from the Commission regarding the Blue Earth Plaza holiday event and tree lighting ceremony. He informed the Commission that approximately \$350,000.00 has been raised in private funds over three years to bring this event to Manhattan.

Karen Hibbard, Director, Manhattan Convention & Visitors Bureau, responded to additional questions from the Commission about the new zip line venue and stated the CVB is continuing to work with Kansas State University and K-State Global Campus to pursue meeting opportunities in Manhattan.

Mayor McCulloh opened the public comments.

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

As this was a discussion item only, there was no formal action taken by the Commission.

ADJOURNMENT

At 9:45 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk