



MINUTES
CITY COMMISSION MEETING
TUESDAY, MARCH 7, 2017
7:00 P.M.

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Usha Reddi and Commissioners Linda Morse, Michael L. Dodson, Wynn Butler, and Karen McCulloh were present. Also present were the City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Kiel Mangus, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 9 staff, and approximately 45 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PROCLAMATION

Mayor Reddi proclaimed March 8, 2017, *International Women's Day*. Karen Tinkler, President, and Mary Stamey and Tresa Landis, Members, Manhattan's American Association of University Women, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments.

COMMISSIONER COMMENTS

Commissioner Dodson asked Fire Chief Scott French to comment about the current fire dangers and extended his appreciation to the fire departments.

COMMISSIONER COMMENTS (*CONTINUED*)

Scott French, Fire Chief, stated that the humidity is extremely low and asked that everyone be careful and adhere to the burn warnings and advisories. He informed the Commission that the Manhattan Fire Department sent one fire engine and four fire fighters to assist the City of Hutchinson.

Rob Ott, Director of Public Works, provided information on the Spring Cleanup program scheduled for April 3-7, 2017, with Public Works and Parks and Recreation crews picking up yard debris in the neighborhood areas. He encouraged citizens to view the City's website for additional information.

Mayor Reddi informed the community that Fake Patty's Day is Saturday, March 11, 2017, and reiterated that this activity is not sponsored by the City. She stated that a lot of youngsters will be in the community and asked if you see a young person having a difficult time, to extend a helping hand. She encouraged citizens to have a safety plan for their families as the storm season is approaching. She gave a big shout out to the Manhattan Fire Department, Riley County Police Department, Riley County Emergency Medical Services, and the emergency responders that helped with the recent fire at the old Dusty Bookshelf location. She stated that there would not be a City Commission Work Session on Tuesday, March 14, 2017, and that she, Commissioner McCulloh and City Manager Ron Fehr would be in Washington, D.C., attending the National League of Cities Conference and meetings with our national representatives.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, February 21, 2017.

CLAIMS REGISTER NOS. 2844 AND 2845

The Commission approved Claims Register Nos. 2844 and 2845 authorizing and approving the payment of claims from February 15, 2017, to February 28, 2017, in the amounts of \$68,525.95 and \$3,621,041.50, respectively.

FINAL PLAT – THE HIGHLANDS AT GRAND MERE, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of The Highlands at Grand Mere, Unit One, generally located to the north of the dead end of Grand Mere Parkway, based on conformance with the Manhattan Urban Area Subdivision Regulations.

CONSENT AGENDA (*CONTINUED*)

FINAL PLAT – PRAIRIE VILLAGE AT THE HIGHLANDS, UNIT ONE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Prairie Village at The Highlands, Unit One, generally located 280 feet to the north of the intersection of MacNaghten Drive and MacGillivray Drive, roads to be platted with The Highlands at Grand Mere, Unit One, based on conformance with the Manhattan Urban Area Subdivision Regulations.

* **ORDINANCE NO. 7276 – ESTABLISH – RENTAL DWELLING UNIT REGISTRATION PROGRAM**

Commissioner Butler commented about the proposed ordinance and changes made since first reading. He stated that his understanding from City staff was that the date of birth is not essential and asked that this be deleted from the proposed ordinance.

Ron Fehr, City Manager, responded to questions from the Commission. He stated that this item can be decided as part of the Consent Agenda or if requested, the item can be moved to the end of the General Agenda.

Katie Jackson, City Attorney, provided clarification on the item. She stated this information is not required for Municipal Court to prosecute; however, she said the Riley County Police Department (RCPD) indicated they needed the date of birth information.

Kiel Mangus, Assistant City Manager, informed the Commission that he asked RCPD if date of birth was critical information and they said it was. He stated that the date of birth can be taken out if that is desired by the City Commission.

Commissioner Morse stated that she wanted Municipal Court and RCPD to have the tools needed to enforce the ordinance and was not interested in further compromise.

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the process.

The Commission approved Ordinance No. 7276 establishing a Rental Dwelling Unit Registration Program.

CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 030717-A – POLICY – ADVERTISING IN CITY PARKS, RECREATION OR OPEN SPACES

The Commission approved Resolution No. 030717-A, Advertising in City Parks, Recreation or Open Spaces Policy, allowing the City Manager, or his/her designee, to approve and permit advertising in City parks, recreation and open space areas that arises from a public service provider's performance of a public service agreement.

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – SUNSET ZOO MASTER PLAN AND STRATEGIC PLAN (CIP #SZ025P)

The Commission accepted the Selection Committee's recommendation, and authorized City Administration to negotiate a contract, with GLMV Architecture, of Wichita, Kansas, for master plan and strategic plan services for the Sunset Zoo (CIP #SZ025P).

NEGOTIATE CONTRACT – PROFESSIONAL SERVICES – 5TH STREET AND HOUSTON STREET STORMWATER IMPROVEMENTS (SM1701, CIP #SW052P)

The Commission accepted the recommendation of the Selection Committee, and authorized City Administration to negotiate a professional services contract with Olsson Associates, of Manhattan, Kansas, for the 5th Street and Houston Street Stormwater Improvements (CIP #SW052P) project.

AGREEMENT – PROFESSIONAL SERVICES – OLD BIG BLUE RIVER BEAUTIFICATION/STORMWATER IMPROVEMENTS, PHASE 5, AND MULTI-USE TRAIL (SM1605)

The Commission authorized the Mayor and City Clerk to execute an engineering services agreement, in an amount not to exceed \$196,526.00, with Amec Foster Wheeler Environment and Infrastructure, Inc., of Topeka, Kansas, for the Old Big Blue River Beautification/Stormwater Improvements, Phase 5, and Multi-Use Trail project (SM1605).

AGREEMENT – PROFESSIONAL SERVICES – MESSENGER ROAD WATERLINE EXTENSION (WA1702)

The Commission authorized the Mayor and City Clerk to execute an agreement for professional services, in an amount not to exceed \$33,079.00, with SMH Consultants, of Manhattan, Kansas, for the Messenger Road Waterline Extension Project (WA1702).

CONSENT AGENDA (CONTINUED)

APPLICATION – KDOT GEOMETRIC IMPROVEMENTS GRANT – US 24/TUTTLE CREEK BOULEVARD AND KIMBALL AVENUE INTERSECTION

The Commission authorized City Administration to submit an application to the Kansas Department of Transportation for the Geometric Improvements Grant for improvements to the US 24/Tuttle Creek Boulevard and Kimball Avenue intersection.

APPLICATION – KDOT CITY CONNECTING LINK PROGRAM GRANT – K-18 FROM SOUTH 4TH STREET TO US 24/EAST POYNTZ AVENUE

The Commission authorized City Administration to submit an application to the Kansas Department of Transportation for the City Connecting Link Program Grant for improvements along K-18 from South 4th Street to US 24/East Poyntz Avenue.

APPLICATION – HISTORIC PRESERVATION FUND GRANT – CITY-OWNED PROPERTIES IN THE SUNSET AREA (CIP #BR037P)

The Commission authorized City Administration to submit a Historic Preservation Fund Grant application to hire a consultant to conduct a “historic resources survey” of City-owned properties in the Sunset area (CIP #BR037P), and authorized the Mayor and City Clerk to execute a grant agreement upon award of the grant.

PURCHASE – ZONING/PROPERTY MAINTENANCE INSPECTORS – MID-SIZE SEDANS (CIP #BM028E)

The Commission authorized City Administration to purchase two (2) mid-size sedans (CIP #BM028E) utilizing State vehicle bids, in the amount of \$34,682.80, for the Zoning/Property Maintenance Inspectors.

PURCHASE – PARKS DIVISION – UTILITY TRACTOR AND LOADER (CIP #CP118E)

The Commission authorized the purchase of a John Deere 5075E utility tractor and loader (Unit #883, CIP # CP118E) for the Parks Division, from Concordia Tractor Inc., of Concordia, Kansas, in the amount of \$28,250.00 (Base Bid in the amount of \$40,250.00 less trade-in of current Unit #883 in the amount of \$12,000.00), to be paid from the General Fund.

BOARD APPOINTMENTS

The Commission approved the following appointments by Mayor Reddi to various boards and committees of the City:

CONSENT AGENDA (CONTINUED)

BOARD APPOINTMENTS (CONTINUED)

Aggieville Business Improvement District Advisory Board

Appointment of Chad Broadway, 3442 Chimney Rock Road, to a three-year term. Mr. Broadway's term begins immediately, and will expire December 31, 2019.

Bicycle Advisory Committee

Appointment of Julie Hettinger, 731 Humboldt Street, Apartment #3, to a three-year Riley County Health Department term. Ms. Hettinger's term begins immediately, and will expire October 31, 2019.

Douglass Center Advisory Board

Appointment of Blane Hope, 3044 Conrow Drive, to fill the unexpired At-Large term of Melodie Pooler. Mr. Hope's term begins immediately, and will expire October 2, 2019.

Mayor Reddi opened the public comments.

Richard Hill, representing landlords of Manhattan, 1019 Poyntz Avenue, voiced concerns with the proposed ordinance and language aimed for rental properties. He also voiced concerns with Sec. 8-381(b) and Sec. 8-383 in the proposed ordinance and referenced several State of Kansas Statutes, Kansas Constitution and U.S. Supreme Court rulings regarding private information, property rights and due process. He also referenced the Bill of Rights in Kansas and rights of the individual and proper notification. He provided additional information regarding the proposed ordinance and informed the Commission that if the ordinance is passed as is, the landlords will continue to fight until the ordinance is overturned.

Mayor Reddi closed public comments on the Consent Agenda.

Ron Fehr, City Manager, responded to questions from the Commission and provided clarification on the process for Item E, ORDINANCE NO. 7276 – ESTABLISH – RENTAL DWELLING UNIT REGISTRATION PROGRAM.

After further discussion, Commissioner Butler moved to take the draft of Ordinance No. 7276 establishing a Rental Dwelling Unit Registration program and remove the reference to date of birth from Sec. 8-381(b). The motion died for lack of a second.

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

GENERAL AGENDA

FIRST CONSIDERATION - ECONOMIC DEVELOPMENT APPLICATION - K-STATE FOUNDATION

Jason Hilgers, Deputy City Manager, presented an overview of the application and request from the K-State Foundation. He highlighted the requested amount; the payment due to the Foundation upon receipt of the Certificate of Occupancy; the performance evaluation, the annual payment and analysis; the economic impact on the investment and net benefits to the City of Manhattan, Riley County, USD 383, and the State of Kansas; and information on the Economic Development Fund and update on jobs and infrastructure. He then responded to questions from the Commission regarding the application process, evaluation and consideration of Economic Development Funds.

After comments and questions from the Commission, Jason Hilgers, Deputy City Manager, informed the Commission that the City's financial advisor, Springsted, Inc., performed an independent analysis and risk assessment in regard to the incentives agreement and determined that it was favorable. He then responded to additional questions from the Commission regarding the number and types of jobs, clarified reporting periods, and highlighted components of the incentive agreement between the City and K-State Foundation.

Greg Willems, President/Chief Executive Officer, K-State Foundation, thanked the Commission for their service to the community and for their consideration of the request. He informed the Commission that there are currently 126 staff working in their building and have plans for continued growth in the future. He highlighted the K-State Foundation; the Foundation's commitment to Manhattan; and the Foundation's commercial real estate guiding principles.

Greg Lohrentz, Senior Vice President for Finance and Operations, discussed the K-State Office Park and Research Park partner experience and presented a current map of the area. He highlighted the companies currently affiliated with the Park and associated with computer engineering, global food systems, construction science, and animal health. He stressed the importance to expand the ecosystem and stated that it is time to capture the unique economic development opportunities for the greater Manhattan area made possible by leveraging Kansas State University and the National Bio and Agro-Defense Facility (NBAF). He provided information on the K-State Office Park and Research Park, Phase II, design and construction, and stated that Bluestem Bistro would be part of the second phase as well as engaging with Commercial Real Estate Services. He highlighted the K-State Foundation direct investment in the community, occupancy rates, and requested the City of Manhattan support and partner with the K-State Foundation. He then responded to additional questions from the Commission.

Mayor Reddi opened the public comments.

GENERAL AGENDA (CONTINUED)

FIRST CONSIDERATION - ECONOMIC DEVELOPMENT APPLICATION - K-STATE FOUNDATION (CONTINUED)

Calvin Emig, local real estate investor, applauded the K-State Foundation for their presentation and excellent model. He asked that the City make the same process and incentives available to other developers in the community.

Jim Gordon, Board Chair, Manhattan Area Chamber of Commerce, stated that the Chamber and the City of Manhattan worked together on the economic model as a tool to evaluate the return on investment and to see if this was a good project for the city. He stated the model was developed to be company blind and to evaluate proposals based on its merits. He stated the Chamber supports the proposal and the item deserves support.

Art DeGroat, Executive Director, Military and Veteran's Affairs at Kansas State University, informed the Commission that he was the first tenant at the Foundation Park and has created a Military Innovation Center. He said the location is very accessible and has been able to collaborate with others in the office. He stated this space is unique and asked the Commission to favorably consider the proposal.

Lyle Butler, President, Manhattan Area Chamber of Commerce, informed the Commission that this process is transparent and fair with every applicant. He stated that any applicant interested in applying for consideration of economic development funds can contact the City of Manhattan or the Chamber and they will walk them through the model. He highlighted the benefits of a research park to attract other businesses and the importance to create new jobs for the community.

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

After discussion and comments from the Commission, Commissioner Butler moved to schedule March 21, 2017, as the date for a final determination on an economic development incentive package for the K-State Foundation. Commissioner Dodson seconded the motion.

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

At 8:50 p.m., the Commission took a brief recess.

GENERAL AGENDA (CONTINUED)

PUBLIC HEARING - UNSAFE OR DANGEROUS STRUCTURE - 1119 EL PASO LANE

Brad Claussen, Building Official, presented background information on the item. He highlighted additional information provided on March 7, 2017, at the City Commission meeting and events since that meeting. He provided information and photographs of the structure at 1119 El Paso Lane regarding the current structure; an outline of the public hearing procedure; associated costs of demolition of the structure and process; and presented evidence of an unsafe or dangerous condition including the condition of the roof and building envelope, attached carport, nuisance conditions, and being an attractive nuisance. He then responded to questions from the Commission regarding the conditions of the property and discussed the April 7, 2017, deadline for repair or removal of the property as outlined in the proposed Resolution.

Mayor Reddi opened the public hearing.

Hearing no comments, Mayor Reddi closed the public hearing.

RESOLUTION NO. 030717-B - UNSAFE OR DANGEROUS STRUCTURE - 1119 EL PASO LANE

After comments from the Commission, Commissioner Butler moved to approve Resolution No. 030717-B finding the structure at 1119 El Paso Lane unsafe or dangerous and setting April 7, 2017, as the deadline for repair or removal. Commissioner McCulloh seconded the motion. After further comments, on a roll call vote, motion carried 5-0.

AGREEMENT - PROFESSIONAL SERVICES - LETTER OF MAP REVISION (LOMR) FOR FLOODPLAIN SUBMITTAL ON CICO TRIBUTARY (SM1705)

Brian Johnson, City Engineer, presented an overview of the item. He highlighted additional background of the item; presented the north and south end detention basin and sled hill maps; the CiCo Park Detention CiCo Tributary Letter of Map Revision (LOMR); and the CiCo Tributary downstream map. He stated that up to nine properties could be removed from the floodplain and that would save these property owners money that could be put into the local economy.

Mayor Reddi opened the public comments.

Kyle Montoya, 3209 Windgate Circle, provided information on his home and informed the Commission that he gathered the property owner's signatures in the neighborhood and made the request to the City. He asked the Commission to support the request.

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

GENERAL AGENDA (CONTINUED)

AGREEMENT - PROFESSIONAL SERVICES - LETTER OF MAP REVISION (LOMR) FOR FLOODPLAIN SUBMITTAL ON CICO TRIBUTARY (SM1705) (CONTINUED)

After further discussion and comments from the Commission, Commissioner Butler moved to authorize City Administration to finalize and the Mayor and City Clerk to execute an engineering services agreement with Olson Associates, of Manhattan, Kansas, in an amount not to exceed \$19,578.00, for a Letter of Map Revision (LOMR) submittal for the CiCo tributary (SM1705). Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

CHANGE ORDER NO. 33 - MANHATTAN REGIONAL AIRPORT TERMINAL EXPANSION, PHASE TWO

Jesse Romo, Airport Director, presented an overview of the item. He highlighted Phase I of the project; the timeline for Phase II; the Change Order transition and escalation of costs; and the proposed Change Order No. 33 amount and total projects amounts. He also provided clarification on the passenger facility charges and recommendation from City Administration.

Ron Fehr, City Manager, provided additional information on the item.

After comments from the Commission, Jesse Romo, Airport Director responded to questions regarding the change order.

Mayor Reddi opened the public comments.

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

After additional discussion and comments from the Commission, Commissioner Dodson moved to approve and authorize the Mayor and City Clerk to execute Change Order No. 33 for the Airport Terminal, Phase Two, Project (CIP #AP035P), resulting in a net increase in the amount of \$262,715.30 to the contract with The Weitz Company, LLC, of Lenexa, Kansas. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 9:36 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk