



***MINUTES  
CITY COMMISSION MEETING  
TUESDAY, DECEMBER 19, 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 Linda Morse and Commissioners Michael L. Dodson, Wynn Butler, Karen McCulloh, and Usha Reddi 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, 8 staff, and approximately 25 interested citizens.

**PLEDGE OF ALLEGIANCE**

Mayor Morse led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Morse and the Manhattan City Commission proclaimed December 21, 2017, *C. Clyde Jones Day*. C. Clyde Jones was present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner McCulloh encouraged the community to complete a Riley County Food Survey on the Flint Hills Wellness Coalition website at [www.flinthillswellness.org](http://www.flinthillswellness.org).

Commissioner Butler discussed the upcoming Chambers Flint Hills Regional Leaders Retreat and voiced concern that the Conference was going to be held at the Olathe Conference Center and not in Manhattan or in the region. He stated that taxpayer dollars are supporting City and County officials and staff to attend this event, unless they are paying for their own expenses, and said that he would not be attending the Conference until the location is changed. He stated the Greater Manhattan Project will be discussed on the morning of Friday, January 19, 2018, and encouraged the Chamber to tape the event so that others can watch it too.

## COMMISSIONER COMMENTS (*CONTINUED*)

Commissioner Dodson stated that this is a wonderful season to participate in community events and to spend time with family and loved ones. He encouraged citizens to keep in mind the police officers, firefighters and soldiers that are working during the holidays. He asked that everyone drive defensively and have a wonderful holiday season and a great New Year.

Commissioner Morse informed the community that the City Commission will not meet on Tuesday, January 2, 2018, or Tuesday, January 9, 2018, but will be meeting on Monday, January 8, 2018, due to changes in the state law. She stated there would be a reception for Commissioner McCulloh on Tuesday, January 8, 2018, starting at 6:00 p.m., in the City Commission foyer at City Hall, 1101 Poyntz Avenue, preceded by a Discussion/Briefing Session at 5:00 p.m., and then a legislative meeting starting at 7:00 p.m. She encouraged citizens to think about those less fortunate in the community during the holiday season and to consider making a contribution to the Flint Hills Breadbasket or other agencies.

## CONSENT AGENDA

(\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, December 5, 2017.

### CLAIMS REGISTER NO. 2866

The Commission approved Claims Register No. 2866 authorizing and approving the payment of claims from November 29, 2017, to December 12, 2017, in the amount of \$4,796,847.91.

### LICENSES

The Commission approved a **Fireworks Display License** for Stellar Fireworks, 4440 Southeast Boulevard, Wichita, Kansas, for December 31, 2017/January 1, 2018, at midnight for the New Year's Eve celebration; a Merchant Guard Agency License for calendar year 2018 for Securitas Security Services USA, Inc., 3641 Southwest Plass Avenue, Suite 150, Topeka, Kansas; Smart Security, Inc., 625 South Anna Street, Wichita, Kansas; and VendTech-SGI, LLC, 250 North Rock Road, Suite 360, Wichita, Kansas; a **Tree Maintenance License** for calendar year 2018 for Grogg's Stump Grinding Service, 5007 Vista Acres Drive; and Gudenkauf Tree Service, 102 North Street, Seneca, Kansas; an annual **Cereal Malt Beverages Off-Premises License** for Dara's #1, 1816 Claflin Road; Dara's #2, 3270 Kimball Avenue; Dara's #10, 2323 Tuttle Creek Boulevard; Dara's #12, 1701 Anderson

## CONSENT AGENDA (CONTINUED)

### LICENSES (CONTINUED)

Avenue; Oppy's Service, Inc., 605 South 3<sup>rd</sup> Street; Shop Quik #11, 3108 Anderson Avenue; Shop Quik #12, 430 Fort Riley Boulevard; Shop Quik #14, 529 Richards Drive; Shop Quik #16, 1127 Bluemont Avenue; Walgreens #07060, 325 Bluemont Avenue; and Walgreens #12814, 2719 Anderson Avenue; and an annual **Cereal Malt Beverages On-Premises License** for K-State Union Bowling Center, 311 K-State Union; and Wingstop, 1126 Moro Street.

### ORDINANCE NO. 7327 - LEVY SALES TAX - PARKS AND RECREATION IMPROVEMENTS

The Commission approved Ordinance No. 7327 levying a .25% sales tax for the Parks and Recreation improvements.

### ORDINANCE NO. 7328 - REZONE - MANHATTAN BUSINESS PARK LOTS (I-5/AO/MBPO TO I-3/AO/MBPO)

The Commission approved Ordinance No. 7328 rezoning Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; and Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3, generally located to the north and east of the Manhattan Regional Airport within the Manhattan Business Park from I-5/AO/MBPO, Business Park District with Airport Overlay District and Manhattan Business Park Overlay District, to I-3/AO/MBPO, Light Industrial District with Airport Overlay District and Manhattan Business Park Overlay District, based on the findings in the Staff Report (*See Attachment No. 1*), and the recommendation of the Manhattan Urban Area Planning Board Planning Board.

### ORDINANCE NO. 7329 - FRANCHISE - TWIN VALLEY COMMUNICATION

The Commission approved Ordinance No. 7329 amending Article XI of Chapter 15 of the Code of Ordinances, authorizing a competitive infrastructure provider franchise with Twin Valley Communication, and authorized the Mayor and City Clerk to execute the Franchise Agreement.

### ORDINANCE NO. 7330 - DESIGNATE AS MAIN TRAFFICWAY CONNECTION - MARLATT AVENUE AND DENISON AVENUE

The Commission approved Ordinance No. 7330 designating Marlatt Avenue, from Tuttle Creek Boulevard (US 24) to Denison Avenue, and Denison Avenue, from Marlatt Avenue to Kimball Avenue, as main trafficway connections.

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 121917-A - ISSUE GENERAL OBLIGATION BONDS - MARLATT AVENUE AND DENISON AVENUE ROADWAY EXPANSION PROJECT, PHASE II, ROADWAY AND STORMWATER IMPROVEMENTS (ST1612, CIP #EN075P AND SW066P)**

The Commission approved Resolution No. 121917-A authorizing the issuance of general obligation bonds to finance the City's portion of the Marlatt Avenue and Denison Avenue Roadway Expansion Project, Phase II, Roadway and Stormwater Improvements (ST1612, CIP #EN075P and SW066P) project.

### **ORDINANCE NO. 7331 - MODIFY - WATER RATES AND CHARGES**

The Commission approved Ordinance No. 7331 amending applicable sections of Chapter 32 of the Code of Ordinances to modify water rates and charges as recommended, effective January 1, 2018.

### **ORDINANCE NO. 7332 - MODIFY - SEWER RATES AND CHARGES**

The Commission approved Ordinance No. 7332 amending applicable sections of Chapter 32 of the Code of Ordinances to modify sewer rates and charges as recommended, effective January 1, 2018.

### **CHARTER ORDINANCE NO. 57 - SET RATES BY REGULAR ORDINANCE**

The Commission approved Charter Ordinance No. 57 allowing the City to establish stormwater rates by regular ordinance, effective July 1, 2018.

### **ORDINANCE NO. 7333 - AMEND - CRIMINAL OFFENSES**

The Commission approved Ordinance No. 7333 amending certain provisions of Chapter 22 of the City's Code of Ordinances relating to criminal offenses.

### **CHARTER ORDINANCE NO. 58 - MUNICIPAL COURT - SUBPOENAS AND WITNESS FEES**

The Commission approved Charter Ordinance No. 58 relating to subpoenas and witness fees for Municipal Court matters.

### **FIRST READING - AMEND RESERVED STALLS - COMMUNITY HOUSE PARKING LOT**

The Commission approved first reading of an ordinance amending Section 31-52 of the Code of Ordinances authorizing the City Manager to designate up to eight parking stalls reserved for use by public vehicles only in the public parking lot on the south side of Humboldt Street between Third and Fourth Streets.

## CONSENT AGENDA (CONTINUED)

\* **FIRST READING - AMEND EXPIRATION DATE - PET LICENSES**

The Commission approved first reading of an ordinance amending Section 6-41 of the Code of Ordinances matching up the expiration dates of the pet license and rabies vaccination.

**RESOLUTION NO. 121917-B - CITY BOUNDARY**

The Commission approved Resolution No. 121917-B establishing and defining the boundaries of the city of Manhattan, Kansas, as of December 19, 2017.

**REQUEST FOR PROPOSALS - DESIGN-BUILD CONTRACT - ANTHONY AND EISENHOWER MIDDLE SCHOOLS IMPROVEMENTS (SP1802)**

The Commission authorized the issuance of a Request for Proposals for a design-build contract for the improvements at the Anthony and Eisenhower Middle Schools (SP1802).

**NEGOTIATE CONTRACT - PROFESSIONAL SERVICES - PAVEMENT MANAGEMENT SURVEY (ST1717)**

The Commission accepted the recommendation of the Selection Committee, and authorized City Administration to negotiate a professional services contract with Gorrondona and Associates, Inc., of Austin, Texas, for the Pavement Management Survey (ST1717) project.

**AMENDED DEVELOPMENT AGREEMENT - GENESIS HEALTH CLUB**

The Commission approved and authorized the Mayor and City Clerk to execute an amended development agreement to relocate a waterline and prepare a site off Allison Road for a future health and fitness club for Genesis (Open Land, LLC).

\* **AWARD CONTRACT - AIRPORT TERMINAL PYLON SIGN (AP1703)**

The Commission accepted the Architect's Opinion of Probable Cost in the amount of \$96,020.44, and awarded and authorized the Mayor and City Clerk to execute a construction contract in the amount of \$103,250.00 with Riley Construction Company, Inc., of Manhattan, Kansas, for the Airport Terminal Pylon Sign project (AP1703).

**AWARD CONTRACT - UNION PACIFIC DEPOT REPAIR AND REHABILITATION (CP236P)**

The Commission awarded a construction contract in the amount of \$61,011.08 (Base Bid in the amount of \$49,159.08, Alternate No. 1 in the amount of \$4,242.00, and Alternate No. 2 in the amount of \$7,610.00) to the lowest bidder, R.M. Baril,

## CONSENT AGENDA (CONTINUED)

### AWARD CONTRACT - UNION PACIFIC DEPOT REPAIR AND REHABILITATION (CP236P) (CONTINUED)

General Contractors, Inc., of Manhattan, Kansas, and authorized the Mayor and City Clerk to execute a construction contract Union Pacific Depot Repair and Rehabilitation (CIP #CP236P), to be paid from the Park Development Fund.

### CHANGE ORDER NO. 27 - WEST ANDERSON AVENUE TRANSPORTATION EXPANSION (ST0810)

The Commission approved and authorized the Mayor to execute Change Order No. 27, resulting in a net increase in the amount of 97,039.88 (+1.5%) to the contract with Pavers, Inc., of Salina, Kansas, for the West Anderson Avenue Transportation Expansion (ST0810).

### CHANGE ORDER NO. 28 - WEST ANDERSON AVENUE TRANSPORTATION EXPANSION (ST0810)

The Commission approved and authorized the Mayor to execute Change Order No. 28, resulting in a net decrease in the amount of \$44,718.80 (-0.7%) to the contract with Pavers, Inc., of Salina, Kansas, for the West Anderson Avenue Transportation Expansion (ST1605) project.

### CHANGE ORDER NO. 3 - ALLEN ROAD SANITARY SEWER IMPROVEMENTS (SS1613, CIP WW003P)

The Commission approved and authorized the Mayor to execute Change Order No. 3, resulting in a net increase in the amount of \$46,773.40 (+8.6%) to the contract with Middlecreek Corp., of Peabody, Kansas, for the Allen Road Sanitary Sewer Improvements Project (SS1613, CIP #WW003P).

### 2018 CONTRACT - MANHATTAN CENTER FOR THE ARTS

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Manhattan Center for the Arts.

### 2018 CONTRACT - WOLF HOUSE MUSEUM

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Wolf House Museum.

### 2018 CONTRACT - DOWNTOWN MANHATTAN, INC.

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Downtown Manhattan, Inc.

## CONSENT AGENDA (CONTINUED)

### 2018 CONTRACT - AGGIEVILLE BUSINESS DISTRICT

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Aggieville Business District.

### 2018 CONTRACT - FLINT HILLS AREA TRANSPORTATION AGENCY

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Flint Hills Area Transportation Agency.

### 2018 CONTRACTS - SOCIAL SERVICES ADVISORY BOARD AGENCIES

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Social Services Advisory Board agencies (*See Attachment No. 2*).

### 2018 CONTRACTS - SPECIAL ALCOHOL FUND AGENCIES

The Commission approved a contract as budgeted in the 2018 City Budget, and authorized the Mayor and City Clerk to execute said contract with the Special Alcohol Fund agencies (*See Attachment No. 3*).

### 2018 CONTRACT - AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2018 Aggieville Business Improvement District contract.

### 2018 CONTRACT - DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The Commission authorized the Mayor and City Clerk to execute the 2018 Downtown Business Improvement District contract.

### AGREEMENT - FISCAL AGENT SERVICES - FLINT HILLS METROPOLITAN PLANNING ORGANIZATION

The Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an Agreement for Fiscal Agent Services between the Flint Hills Metropolitan Planning Organization and the City of Manhattan.

### PURCHASE - UNINTERRUPTED POWER SOURCE UNITS (CIP TR051P)

The Commission authorized a sole source purchase of nine Uninterrupted Power Source units (CIP #TR051P) from Gades Sales Company, Inc., of Wichita, Kansas, in the amount of \$39,600.00, to be paid from the General Fund.

### BOARD APPOINTMENTS

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

## CONSENT AGENDA (CONTINUED)

### BOARD APPOINTMENTS (CONTINUED)

#### Aggieville Business Improvement District Advisory Board

Re-appointment of Krista Bramhall, 4408 Leone Circle, to a three-year term. Ms. Bramhall's term will begin January 1, 2018, and will expire December 31, 2020.

Re-appointment of Stacy Lambert, 1125 Laramie Street, to a three-year term. Ms. Lambert's term will begin January 1, 2018, and will expire December 31, 2020.

Re-appointment of David Sauter, 1912 Stratton Circle, to a three-year term. Mr. Sauter's term will begin January 1, 2018, and will expire December 31, 2020.

#### City-University Special Projects Fund Committee

Re-appointment of Eileen Meyer, 2429 Buena Vista Drive, to a two-year Citizen term. Mrs. Meyer's term begins immediately and will expire June 30, 2019.

Appointment of Spencer Wood, 3017 Mary Kendal Court, to a one-year Faculty term. Mr. Wood's term begins immediately and will expire June 30, 2018.

#### Downtown Business Improvement District Advisory Board

Re-appointment of Barry Schmidt, 5629 Legends View Drive, to a two-year term. Mr. Schmidt's term will begin January 1, 2018, and will expire December 31, 2019.

Re-appointment of Jeff Sutton, 900 Wildcat Ridge, to a two-year term. Mr. Sutton's term will begin January 1, 2018, and will expire December 31, 2019.

### \* STANDSTILL AGREEMENT - GENERAL SERVICES ADMINISTRATION LEASE

Ron Fehr, City Manager, stated that this item was an addition to the consent agenda. He provided an overview of the Agreement for office space at the Manhattan Regional Airport.

The Commission authorized the Mayor and City Clerk to execute a Standstill Agreement with the General Services Administration for office space at Manhattan Regional Airport for a term of January 1, 2018-February 28, 2018.

Mayor Morse opened the public comments.



## CONSENT AGENDA (*CONTINUED*)

Craig Lauppe, Advanced Property Management, encouraged the Commission to consider the affordability aspect for housing regarding water and sewer increases. He asked the Commission to study this in the future when considering increasing rates for water, sewer and utility tap fees.

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

After discussion and comments from the Commission, Commissioner Dodson moved to approve the consent agenda with the addition of Item AA, STANDSTILL AGREEMENT - GENERAL SERVICES ADMINISTRATION LEASE. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Item V: 2018 CONTRACTS - MANHATTAN CENTER FOR THE ARTS; WOLF HOUSE; DOWNTOWN MANHATTAN, INC.; AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT; FLINT HILLS AREA TRANSPORTATION AGENCY; SOCIAL SERVICES ADVISORY BOARD AGENCIES; and SPECIAL ALCOHOL FUNDS ALCOHOL COMMITTEE AGENCIES, which carried 4-1 with Commissioner Butler voting against the item.

## GENERAL AGENDA

### AWARD CONTRACT - PEACE MEMORIAL AUDITORIUM IMPROVEMENTS (PR1704)

Commissioner Dodson moved to remove the item from the table. Commissioner McCulloh seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

Eddie Eastes, Director of Parks and Recreation, presented an overview of the item. He highlighted the financing options and alternatives for the Peace Memorial Auditorium project. He then responded to questions from the Commission.

Bernie Hayen, Director of Finance, provided additional information on the lease purchase program and opportunity for the Friends of Peace Memorial Auditorium to continue fundraising for the project.

Commissioner Butler stated that he was not in favor of putting more public funds into this project; however, between the two options, he preferred the six-year lease option to provide the least amount of damage to the budget. He said that he hoped the Friends of Peace Memorial Auditorium can continue to raise funds, so the City doesn't have to spend anything.

## GENERAL AGENDA (CONTINUED)

### AWARD CONTRACT - PEACE MEMORIAL AUDITORIUM IMPROVEMENTS (PR1704) (CONTINUED)

Eddie Eastes, Director of Parks and Recreation, stated that the lease option provides the most future flexibility to the Special Parks and Recreation Fund as well as provides additional time for fundraising efforts from the Friends of Peace Memorial Auditorium.

Commissioner McCulloh voiced support for the project and wanted to see additional events and activities utilize the Peace Memorial Auditorium. She informed the community that the Friends of Peace Memorial Auditorium has established a fund with the Greater Manhattan Community Foundation in which contributions can be made.

Eddie Eastes, Director of Parks and Recreation, responded to questions from the Commission and provided additional information on the project.

Mayor Morse opened the public comments.

Dave Fiser, President, Friends of Peace Memorial Auditorium, thanked the City Commission, City staff, and those that have participated in the fundraising efforts. He provided an update on fundraising totals and stated that the Friends of Peace Memorial Auditorium Committee plan to continue to raise money through at least 2018 and the need for future fundraising would be assessed after that time. He informed the Commission that the group would do everything they could to raise additional funds, but may not be able to raise all the funds. He stated that checks are received on an ongoing basis and that this is a community project for everyone. He then responded to questions from the Commission and voiced his appreciation for the wonderful support they have received on this project from the community.

Eddie Eastes, Director of Parks and Recreation, responded to additional questions from the Commission regarding rental activity and tracking use of the Peace Memorial Auditorium.

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

After discussion and additional comments from the Commission, Commissioner Dodson moved to accept the Architect's Opinion of Probable Cost in the amount of \$794,200.00; award and authorize the Mayor and City Clerk to execute a construction contract in the amount of \$535,205.00 with Trinium, Inc., of Manhattan, Kansas; authorize the Mayor and City Clerk to execute Contract Amendment No. 9, in an amount not to exceed \$24,300.00, with Bruce McMillan Architects, P.A., of Manhattan, Kansas, for construction administration services; and authorize the Mayor and/or City Clerk to execute a lease purchase agreement. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

## GENERAL AGENDA (CONTINUED)

### AGREEMENT - PROFESSIONAL SERVICES - KIMBALL AVENUE AND COLLEGE AVENUE INTERSECTION, PART OF THE NORTH CAMPUS CORRIDOR PROJECT (ST1718); RESOLUTION NO. 121917-C - AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS

Rob Ott, Director of Public Works, presented an overview of the item. He highlighted the North Campus Corridor phases, projected timelines, and funding scenarios for Kimball Avenue and College Avenue as well as North Manhattan Avenue, primary and secondary funding sources for the North Campus Corridor, and recommendations. He then responded to questions from the Commission regarding the secondary funding source for a Transportation Investment Generating Economic Recovery (TIGER) grant.

Ron Fehr, City Manager, and Jason Hilgers, Deputy City Manager, provided additional information on the TIGER grant and funding sources, and provided clarification on the sequencing of the proposed projects.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission regarding participation from the Kansas State University Foundation and the Kansas State University Athletics. He also provided additional information on discussions with Westar Energy regarding the project.

Rob Ott, Director of Public Works, informed the Commission that they met with the regional manager of Westar Energy and discussed the sequencing of events for the project.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner McCulloh moved to authorize the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$543,179.00, with BG Consultants, Inc., of Manhattan, Kansas, and approve Resolution No. 121917-C authorizing the issuance of general obligation bonds to finance the project. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### AGREEMENT - PROFESSIONAL SERVICES - NORTH MANHATTAN AVENUE, FROM CLAFLIN ROAD TO RESEARCH PARK DRIVE/KEEN STREET INTERSECTION (ST1719), PART OF THE NORTH CAMPUS CORRIDOR PROJECT; RESOLUTION NO. 121917-D - AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS

Rob Ott, Director of Public Works, presented an overview of the item and responded to questions from the Commission.

## GENERAL AGENDA (*CONTINUED*)

### AGREEMENT - PROFESSIONAL SERVICES - NORTH MANHATTAN AVENUE, FROM CLAFLIN ROAD TO RESEARCH PARK DRIVE/KEEN STREET INTERSECTION (ST1719), PART OF THE NORTH CAMPUS CORRIDOR PROJECT; RESOLUTION NO. 121917-D - AUTHORITY TO ISSUE GENERAL OBLIGATION BONDS (*CONTINUED*)

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

After discussion and comments from the Commission, Commissioner McCulloh moved to authorize the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$229,600.00, with Schwab-Eaton, P.A., of Manhattan, Kansas, and approve Resolution No. 121917-D authorizing the issuance of general obligation bonds to finance the project. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

### 2017 CHAMBER OF COMMERCE YEAR-END REPORTS; 2018 CONTRACTS

Lyle Butler, President/Chief Executive Officer (CEO), Manhattan Area Chamber of Commerce, introduced the item. He highlighted the economic development funding sources received from the private and public sectors as well as discussed the economic development funding trends.

John Pagen, Vice President, Manhattan Area Chamber of Commerce, highlighted the Manhattan sales activity and presented the labor force statistics for the top 16 Kansas cities by population. He informed the Commission that the Retire to the Flint Hills program would be evolving to Return to the Flint Hills. He highlighted recent accolades received for Manhattan and Kansas State University, discussed the Market Street Services-Community Visioning, and noted the core initiatives for the Advantage Manhattan Campaign. He responded to questions from the Commission regarding the Manhattan Area Technical College and their future plans to grow their campus and expand programs and partnerships. He also responded to questions regarding low unemployment as well as recruitment efforts and programs to encourage greater diversity in the community.

Janet Nichols, Military Community Liaison, Manhattan Area Chamber of Commerce, highlighted the Military Relations Committee (MRC) Mentor Program and military appreciation events as well as activities associated with the Veterans Day Parade. She then responded to questions from the Commission about the Adopt a Soldier Program.

## GENERAL AGENDA (*CONTINUED*)

### 2017 CHAMBER OF COMMERCE YEAR-END REPORTS; 2018 CONTRACTS (*CONTINUED*)

Trent Armbrust, Director of Economic Development, Manhattan Area Chamber of Commerce, presented information on the prime-age labor force status by gender and education. He responded to questions from the Commission regarding the need for additional childcare opportunities to help address workforce issues.

Ron Fehr, City Manager, provided information on Fayetteville, Arkansas, and their efforts to address workforce issues by creating additional preschool opportunities with the public school system.

Trent Armbrust, Director of Economic Development, presented a bar chart showing a decline in moving in the United States, highlighted co-working spaces: transforming the office real estate industry, and provided a chart showing change in Manhattan gross metropolitan product. He highlighted the tenants in the Kansas Entrepreneurial Center, activity at the Manhattan Business Park and the entrepreneurial ecosystem.

Lyle Butler, President/Chief Executive Officer (CEO), Manhattan Area Chamber of Commerce, responded to additional questions from the Commission regarding growth and regional efforts. He stated that advocacy efforts are continuing with other communities and informed the Commission that the Chamber will be forming a special task force on workforce initiatives.

Karen Hibbard, Vice President, Manhattan Area Chamber of Commerce, and Director, Manhattan Convention and Visitors Bureau (CVB), presented the fourth quarter report and activity for the CVB. She highlighted the fourth quarter conferences held in Manhattan; distributed a magazine of the Kansas Society of Association Executives (KSAE) featuring an article on Manhattan: Little Apple Offers Big Appeal; highlighted conferences held in Manhattan and economic impacts; discussed the number of booked rooms year-to-date through November; recapped the 2017 sports survey results; presented the CVB's website, mobile and social media activity; discussed the travel writers in Manhattan and the Learfield/K-State Sports promotion activity; and highlighted the special events during the year, holiday events, and the events being planned for 2018. She then presented a new video for 2018 and responded to questions from the Commission.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

## GENERAL AGENDA (CONTINUED)

### 2017 CHAMBER OF COMMERCE YEAR-END REPORTS; 2018 CONTRACTS (CONTINUED)

After discussion and comments from the Commission, Commissioner Dodson moved to authorize the Mayor and City Clerk to execute the Economic Development, Fort Riley Promotion, and Tourism and Convention contracts for 2018 with the Manhattan Area Chamber of Commerce. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

### EXECUTIVE SESSION

At 9:25 p.m., Commissioner Dodson moved to recess into Executive Session until 10:00 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

At 10:00 p.m., the Commission reconvened with Mayor Morse and Commissioners Dodson, Butler, McCulloh and Reddi in attendance. Commissioner Butler moved to recess into Executive Session until 10:15 p.m. for the purpose of discussing personnel matters of non-elected personnel pertaining to the evaluation of the City Manager. Commissioner McCulloh seconded the motion. On vote, motion carried 5-0.

At 10:16 p.m., the Commission reconvened with Mayor Morse and Commissioners Dodson, Butler, McCulloh and Reddi in attendance.

### ADJOURNMENT

At 10:16 p.m., Mayor Morse announced the Commission Meeting was adjourned.

  
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Gary S. Fees, MMC, City Clerk

# Staff Report

## REZONING AMENDMENT

**To:** Manhattan Urban Area Planning Board

**From:** Carol Davidson, CFM, CPM, Senior Planner

**Hearing Date:** November 20, 2017

**Re:** To rezone Lot 4, Manhattan Corporate Technical (MCT) Park, Unit 2; Lot 10, MCT Park, Unit 4; Lots 27 and 29, MCT Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay

**Applicant:**

**Property Owner:**

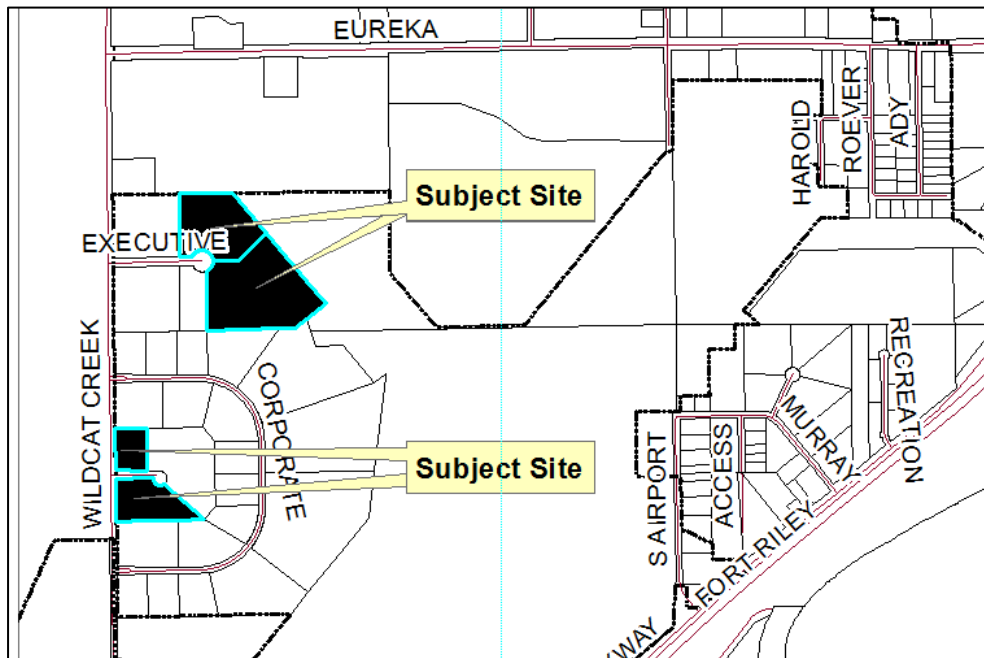
**Property Address:** Lot 4, MCT Park, Unit 2; Lot 10, MCT Park, Unit 4; and 5970 and 5971 Technology Circle

**Total Area:** 32.93 acres

**Date of Neighborhood Meeting:** October 10, 2017

**Date of Public Notice Publication:** October 30, 2017

**Date of City Commission:** First Reading: December 5, 2017  
Second Reading: December 19, 2017



## BACKGROUND

The City of Manhattan is requesting the rezoning of four parcels within the Manhattan Corporation Technology Park, which is located northwest of the MHK Regional Airport. The majority of the lots located in this Tech Park are zoned I-3/AO/MBPO, Light Industrial District, Airport Overlay, and the Manhattan Business Park Overlay. The four lots in this request are currently zoned I-5/AO/MBPO, Industrial Park District, Airport Overlay, and the Manhattan Business Park Overlay. The purpose of this rezoning request is to rezone the four parcels to I-3/AO/MBPO to bring the remaining City-owned lots under the same zoning classification as the majority of the lots in this Park. This request will not affect the established AO and MBPO overlays; they will remain the same.

## REVIEW OF MATTERS TO BE CONSIDERED AND STAFF FINDINGS

The following items will help to determine if the specific property is suitable for the rezoning request. (These are the 13 matters to consider when rezoning as found in Article 15-403 (A)).

### 1. Existing Use of Property

All four parcels are undeveloped and vacant at this time.



**Staff Finding**

The properties are vacant; therefore, there is no use on these existing properties.

**2. Physical and Environmental Characteristics of the Property**

All four lots have been cleared and are ready to be developed. Lot 4 on Executive Court is about 9.27 acres. The east side of the lot borders the airport and is located about 345 feet west of an airport runway spur. The lot generally slopes down from west to east, lowering about 20 feet over the span of the lot. Lot 10 on Executive Court is larger with approximately 15.39 acres. It is similar to Lot 4; however, the slope is only about a 10 foot difference over the span of the lot. 5970 Dry Hop Circle is the smallest lot, and it measures 2.71 acres. This lot corners Wildcat Creek Road. This lot also slopes from west to east and drops about 14 feet from west to east. The final lot, 5971 Dry Hop Circle also corners Wildcat Creek Road and is about 5.56 acres. The slope on this lot also drops 14 feet from west to east; however, since the lot is about twice the size of 5970, the slope is less dramatic. All four of the lots are outside of the Community Special Flood Hazard Area and do not require any extra floodplain measures.



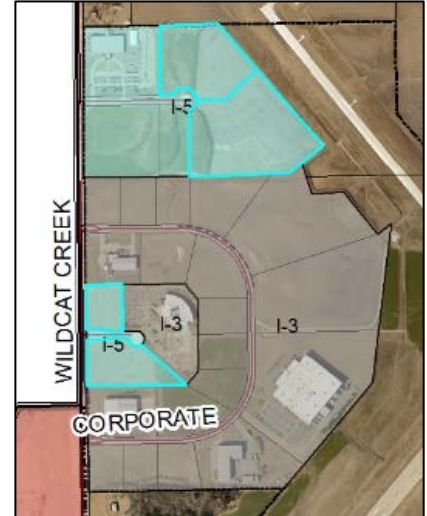
**Staff Finding**

The property is cleared of vegetation, does not require floodplain measures, and has some sloping.

**3. Surrounding Zoning and Land Uses of Nearby Properties**

*Attachment No. 1*

North	I-3, Light Industrial District; AG, Agriculture Riley County
South	I-3, Light Industrial District
East	I-3, Light Industrial District; MHK Regional Airport
West	I-5, Business Park District; Fort Riley
All surrounding Zoning includes the AO, Airport Overlay and the MBPO, Manhattan Business Park Overlay; except for Fort Riley doesn't carry either overlay and MHK Regional Airport doesn't carry the MBPO, Manhattan Business Park Overlay.	



The surrounding land uses include Flint Hills Beverage, Covan/Allied, Florence Corporation, Tall Grass Brewery and a couple of buildings owned by Kansas State University (KSU). All but one of the KSU buildings are located in the I-3, Light Industrial District.

**Staff Finding**

The surrounding zoning is industrial with either the Airport Overlay or the Manhattan Business Park Overlay, and the existing surrounding land uses are industrial.

**4. The Suitability of the Property for Land Uses to which it is Restricted Under Current Zoning**

The I-3, Light Industrial District allows for uses such as light manufacturing, research facilities, and warehousing (refer to Article 4-303 (A) for all permitted uses). These four lots are suitable for these types of uses. This location is far removed from residential properties and a large portion of this business park is already zoned I-3.

**Staff Findings**

The properties are suitable for land uses within the I-3 District and therefore, make it suitable for the requested rezone.

**5. The Character of the Neighborhood**

The surrounding neighborhood is comprised of industrial businesses, the Manhattan Regional Airport and Fort Riley.

**Staff Findings**

The character of the surrounding neighborhood is predominately industrial with some vacant parcels

**6. The Compatibility of the Proposed Zoning District with Nearby Properties and the Extent to which it may Detrimentially Affect Those Properties**

The surrounding properties are zoned the same as the proposed rezoning, and the characteristics of each zone should be identical. The surrounding existing uses will be consistent in character as permitted uses in the proposed district.

**Staff Findings**

The proposed rezoning is very similar to the nearby zoning districts, and permitted uses in the proposed district are no anticipated to result in detrimental impacts on existing nearby properties.

**7. Conformance of the requested change to the adopted Comprehensive Plan**

The Future Land Use map of the Manhattan Area 2035 Comprehensive Plan identifies this site as Office-Research Park (OR). Policies of the Office Research Park designations are listed below:

***OR-1: Characteristics***

*The Office/Research designation is intended to provide concentrated areas of high quality employment facilities, such as corporate office headquarters, research and development facilities, educational facilities, or supporting services in a planned setting. Ancillary commercial services and medium to high density residential may be incorporated in appropriate settings. Office/Research developments may be incorporated into a master planned neighborhood, as part of the KSU Campus, or located in close proximity to residential areas. Activities within an employment area typically take place indoors, and outdoor storage or other more industrial types of uses are typically not permitted. Some specialized research parks may include limited prototype production, or bioscience or agricultural research, such as in the K-State Research Park. This category may also include smaller office complexes consisting of a single building or several buildings that are not located within a typical office park setting. These smaller office complexes shall meet the intent of the policies within this section, to the extent that they apply. The Poyntz Avenue Corridor, located between 17th Street and Juliette Avenue, is another designated office district with some unique characteristics and issues that are addressed more specifically in the adopted Poyntz Avenue Corridor District Plan.*

**OR-2: Location**

*Office/Research facilities should have direct access to existing or planned arterial and collector streets and should not rely on local or residential streets for access. Multi-modal access should be considered in the location of employment areas.*

**OR-3: Site Layout and Design**

*Integrate Office/Research developments into the surrounding context, whether multiple buildings as part of a planned campus, or stand-alone buildings integrated as part of the urban or suburban fabric.*

**OR-4: Unified Character**

*Encourage a unified character for larger Office/Research developments achieved through the use of similar or complementary elements, such as materials, signage, landscaping and screening, and other site layout details.*

**OR-5: Common Areas**

*Provide plazas, courtyards, patios, quads, and other common outdoor gathering spaces for employees and visitors as part of standalone Office/Research developments. Provide access to adjacent trails or parks where applicable.*

**OR-6: Multimodal Connectivity**

*Ensure Office/Research development areas are served by a system of collector and local streets, as well as sidewalks and pedestrian and bicycle pathways, which provide connectivity to surrounding neighborhoods, adjacent services, and existing or planned transit. Provide clear, direct pedestrian linkages to and between building entrances, outdoor gathering spaces, parking areas, and transit stops.*

**OR-7: Outdoor Storage**

*Contain the functions of Office/Research facilities within buildings to the extent feasible. Accessory outdoor storage facilities typically should be of a limited nature and completely screened.*

The Future Land Use map within the Comprehensive Plan has several distinct use designations within the broader categories of Residential, Commercial/Mixed Use and Employment. Office/Research is found within the Employment use category along with Service Commercial and Industrial. The entire Manhattan Corporate Tech Park has the Future Land Use designation of Office/Research. However, this does not mean that this location is limited to the I-5 Zoning District alone. The designation on the Future Land Use map is considered a broad guideline as stated below:

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*The Future Land Use map is not intended to provide specific land use designations for individual parcels. Instead, it establishes broad guidelines for land use patterns and should be applied in combination with the guiding principles, goals, and policies contained throughout the Comprehensive Plan. (Page 22)*

While the original intent of this MCT Park was to encourage a business park district, the market has changed and this location has become more advantageous for light industrial uses. In fact, the market has changed to the point that the City and Manhattan Area Chamber of Commerce want to rebrand the park away from the original “Corporate Technology Park” to the “Manhattan Business Park” which is also why the covenants for this Park were removed. This change is in harmony with the guiding principles, goals, and policies of Chapter 3 and 10 of the Comprehensive Plan. These chapters encourage coordinated and efficient pattern of growth (Chapter 3) and a strong, diversified economic base (Chapter 10).

**Staff Findings**

While the rezoning does not conform to the Future Land Use map designation, it does conform to the general policies for industrial uses and the I-3 District.

**8. Zoning History and Length of Time Vacant as Zoned**

Jan. 4, 1999:	MUAPB approved Land Use Plan Amendment
Jan. 19, 1999:	City Commission approved 1 <sup>st</sup> reading ordinance to amend Land Use Plan
Feb. 1, 1999:	MUAPB recommended approval of annexation
Feb. 2, 1999:	City Commission approved 2 <sup>nd</sup> reading ordinance to amend Land Use Plan
Feb. 16, 1999:	City Commission adopted Resolution asking consent from Riley Co., as owner, to annex South Airport Road & to make certain findings on annexing business park/airport.
March 22, 1999:	Riley Co. Commission makes findings and adopts Resolution to annex
April 6, 1999:	City Commission approved 1st reading annexation

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- May 3, 1999: MUAPB recommended approval of rezoning Tracts II and III, and approved Preliminary Plat Corp. Tech Park, Unit 3, Lots 6-9, and 11-29
- May 17, 1999: MUAPB considers Final Plat Corp. Tech Park, Unit 3
- May 18, 1999: City Commission considers 1<sup>st</sup> reading rezonings
- May 19, 1999: City Commission approves 2<sup>nd</sup> reading annexation & rezoning of the southern 2/3rds of the Technology Park, and acceptance of easements and r-o-w on Final Plat of Unit 3.
- June 7, 1999: Manhattan Urban Area Planning Board recommends rezoning the northern portion of the Technology Park : MCTP, Unit 1; Lot 4, MCTP, Unit 2; and proposed Lot 10 MCTP, Unit 4, to I-5/AO, and approves the concurrent Preliminary and Final Plats of MCTP, Unit 4.
- July 6, 1999: City Commission approves first reading of rezoning of the northern portion of the Technology Park, to I-5/AO.
- July 20, 1999: City Commission considers second reading to annex and rezone the northern portion of the Technology Park.
- May 2, 2005: MUAPB recommends approval of rezoning to add the Corporate Technology Park Overlay District.
- June 7, 2005: City Commission approves first reading of an ordinance rezoning the Corporate Technology Park to add the CTPO District, and amends the Covenants, Conditions and Restrictions.
- June 21, 2005: City Commission approves Ordinance No. 6480 rezoning to add the CTPO District.
- March 3, 2014: Manhattan Urban Area Planning Board recommends approval of rezoning of Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

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- March 25, 2014 City Commission approves first reading of an ordinance rezoning of Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.
- May 6, 2014 City Commission approves Ordinance No. 7068 rezoning Lot 28, Manhattan Corporate Technology Park, Unit 3, from I-5/CTPO/AO, Business Park District with Corporate Technology Park Overlay District and Airport Overlay District, to I-3/CTPO/AO, Light Industrial District with Corporate Technology Park Overlay District and Airport Overlay District.

**Staff Findings**

The subject properties have been zoned for industrial/business park uses, and the subject properties have remained vacant since their annexation into the City limits.

**9. Whether the Proposed District would be Consistent with the Intent and Purpose of the Zoning Ordinance**

The intent and purpose of the Zoning Regulations is to protect the public health, safety, and general welfare; regulate the use of land and buildings within zoning districts to assure compatibility; and to protect property values.

Rezoning these parcels to the I-3, Light Industrial District, will not harm the public health, safety, and general welfare. As previously mentioned, the majority of the parcels in this Tech Park are already zoned I-3. Therefore rezoning these four parcels to I-3 will be compatible and should protect the values of the surrounding properties.

**Staff Findings**

The proposed zoning district is consistent with the intent and purpose of the zoning ordinance.

**10. Relative Gain to the Public Health, Safety and Welfare that Denial of the Request Would Accomplish, Compared with the Hardship Imposed upon the Applicant that would result from Denial**

There would be no gain to public health, safety and welfare if this request is denied, the properties are vacant and surrounded by zoning districts and uses of similar character to the proposed zoning. If the proposed zoning is denied, the applicant could

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develop the property in accordance with the current zoning. However, the market for this area is for industrial uses, and it is possible that they would remain undeveloped if this request is denied. There could, however, be a hardship imposed upon the applicant if this request is denied, in that these properties might remain undeveloped and therefore would not contribute to the economic vitality of this community. The proposed zoning does broaden the potential use and marketability of the property beyond the current zoning

**Staff Findings**

There would be no relative gain to the public if this request is denied, and possible hardship to the applicant if it is denied.

**11. Whether Adequate Sewer and Water Facilities, Streets and other Needed Public Services Exist, or can be Provided, to Serve the Uses that would be Permitted by the Proposed Zoning District**

The streets and other public services are in place for these sites and they are adequate to serve the permitted uses in the proposed zoning district. However, the size and location of these utilities may need to be addressed to accommodate new development when the time arises. The details for all utilities will be addressed during the building permit process.

**Staff Findings**

Adequate sewer and water facilities, streets and other needed public services currently exist to serve all permitted uses of the proposed zoning district.

**12. Other Applicable Factors**

The site is located in the Fort Riley Noise Impact Area, and as per the MOU, Fort Riley was notified of the rezoning. Because the rezoning is for Industrial uses that are compatible with the Critical Area, Fort Riley had no comments.

**13. Staff Recommendation**

For this rezoning request, staff finds the properties are suited for the proposed I-3 District based on several factors. First of all, the majority of the surrounding neighborhood is already of this designation. The topography is not unusual and is suitable for the I-3 zoning. This proposed district is compatible with nearby properties and the character of the neighborhood, and should not have any detrimental effects. And furthermore, while the Future Land Use map of the Comprehensive Plan indicates this to be an office/research facility, the general policies do fit with the proposed industrial rezone. And finally, staff finds that this proposed zoning district is consistent with the intent and purpose of the Zoning Ordinance.



**Staff's Conclusion**

Based on the findings found in this Staff Report, City Administration recommends approval of the proposed rezoning of Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay.

**ALTERNATIVES**

1. Recommend approval of the proposed rezoning of Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay, based upon the findings in the staff report. (If your approval is also based upon evidence presented at the hearing, or other evidence, that should be state as part of your vote.)
2. Recommend denial of the proposed rezoning, stating the specific reasons for denial based upon the factors set forth herein.
3. Table the proposed rezoning to a specific date, for specifically stated reasons.

**POSSIBLE MOTION**

The Manhattan Urban Area Planning Board recommends approval of the proposed rezoning of Lot 4, Manhattan Corporate Technology Park, Unit 2; Lot 10, Manhattan Corporate Technology Park, Unit 4; Lots 27 and 29, Manhattan Corporate Technology Park, Unit 3; from I-5/AO/MBPO, Business Park District with the Airport Overlay and the Manhattan Business Park Overlay to I-3/AO/MBPO, Light Industrial District with the Airport Overlay and the Manhattan Business Park Overlay based on the findings in the Staff Report.

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**Prepared by:** Carol Davidson, CFM, CPM, Senior Planner of the Community Development Department

**Date:** August 2, 2017

CD

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Enclosures:

## 2018 Social Services Advisory Board

<b>Organization</b>	<b>Requested</b>	<b>SSAB Recommendation</b>
<b>BBBS</b>	\$40,000	\$37,585
<b>Boys &amp; Girls</b>	30,605	30,605
<b>Thrive! Manhattan</b>	14,000	14,000
<b>Crisis Center</b>	48,800	48,800
<b>Homecare &amp; Hospice</b>	50,000	50,000
<b>Kansas Legal Services</b>	35,000	35,000
<b>KSU Child Dev</b>	50,000	43,432
<b>MESI</b>	66,768	66,768
<b>Morning Star Inc., CRO</b>	10,014	10,014
<b>Shepherd's Crossing</b>	50,000	48,632
<b>Sunflower CASA</b>	38,700	38,700
<b>UFM</b>	---	---
<b>TOTALS</b>	\$433,887	\$423,536

## 2018 Special Alcohol Funds Committee

	<b>Requested</b>	<b>Approved</b>
Big Brothers/Big Sisters	\$30,000	\$15,000
Boys & Girls Club	29,026	20,000
Thrive! (formerly Circles Manhattan)	15,000	10,000
Friends of Recovery Association	25,000	19,200
KSU - AODES	66,150	25,000
Manhattan Area Risk Prevention Coalition (MARPC)	-	-
Manhattan Emergency Shelter	22,194	18,000
Pawnee Mental Health	111,031	60,000
Pawnee Mental Health - <b>CRISIS SERVICES</b>	80,666	-
Riley County Youth Court	5,000	4,000
Riley County Comm. Corrections - Juvenile Services	5,000	4,000
Riley County Comm. Corrections - Adult	22,317	18,000
Riley County Court Services - Probation	7,000	3,000
Sunflower CASA	54,530	40,000
The Restoration Center	72,000	44,500
UFM Learning Center	25,500	20,000
Unified School Dist. #383	240,126	200,000
<b>Total</b>	<b>\$810,540</b>	<b>\$500,700</b>