



***MINUTES
CITY COMMISSION MEETING
TUESDAY, NOVEMBER 6, 2018
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, Usha Reddi, Wynn Butler, and Jerred McKee 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 28 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Morse led the Commission in the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Morse opened the public comments and highlighted the public comment policy.

Chuck Henry, 714 Fairman Drive, reminded the Commission of their responsibility for the more than \$20 million in damage done in the city as a result of the flood on September 4, 2018. He stated that he has lived in their home for almost eight years and this flood was the worst that he has experienced. He highlighted projects and construction that has taken place that was once vacant land, which has forced more rainwater to run to the creeks and rivers. He stated that to his knowledge, only three things have been done to avert flood damage including the purchase of three homes, the addition of gauges along Wildcat Creek, and the creation of a report by a committee. He discussed the importance of the Federal Emergency Management Agency (FEMA) designation, but voiced concerns about future flood prevention efforts as well as the closure of businesses and loss of jobs due to flooding. He requested that the current and future City Commissioners voted into office take their responsibility to protect the property of citizens more seriously.

PUBLIC COMMENTS (CONTINUED)

Mark Hatesohl, 1206 Stacy Lane, representing St. Luke's Lutheran Church, informed the Commission that the Church purchased property west of Blueville Nursery to build a new facility and are having a difficult time with Pavers, Inc. He stated they are continuing to use their property as a staging area and are not honoring their promise with the Church. He requested the Commission assist them with Pavers, Inc., to honor their obligation with the Church or have someone in the Public Works Department contact them on their behalf. He thanked the Commission for their consideration.

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

COMMISSIONER COMMENTS

Commissioner Butler stated that it will soon be the Christmas season and the annual Festival of Lights event will take place at the Blue Earth Plaza. He highlighted Whoville and the generous donors that make this event possible. He encouraged those interested in helping this privately funded event, to contact the Greater Manhattan Community Foundation. Also, he stated that if you have pets, the veterinarians in the community have partnered with the City on a new ordinance, so when you get your animal's rabies shots, you can also buy the city's pet tag at the veterinarian. He encouraged pet owners to take advantage of doing both at the same time and informed the community that when you purchase a pet tag, it helps finance the T. Russell Reitz Animal Shelter and personnel at the Shelter.

Commissioner Reddi informed the community that the annual Veterans Day Parade will be held on Monday, November 12, 2018. She said the parade is being coordinated by the Flint Hills Veterans Coalition, followed with a ceremony at Peace Memorial Auditorium. She stated that the art and essay writing contest for Martin Luther King, Jr., is coming up and if you are interested in participating, the deadline is December 1, 2018, and will be held at the Manhattan Public Library.

Commissioner Dodson stated that across the nation last week, there were four separate tragic accidents with children and, in some cases adults, being hit by vehicles near bus stops. He asked parents to make sure your children know how to get to the bus stop safely and encouraged drivers to exercise caution when approaching a bus stop or school cross walk.

Mayor Morse said that she had the privilege to attend the local Jewish Synagogue memorial service on Friday, November 2, 2018, to bring people together following the tragic deaths of 11 individuals at a synagogue in Pittsburg, Pennsylvania. She said that pastors from many churches in the community attended and encouraged others to take part in these memorial-type events.

REORGANIZATION

Mayor Linda Morse provided highlights during her term as Mayor. She stated that it has been interesting having three women on the City Commission and looked forward to more women in the future. She said that a point of emphasis during her time as mayor has been focused on infrastructure. She highlighted work completed on the streets, the Wastewater Treatment Plant, the Water Treatment Plant, and other projects throughout the community. She also highlighted economic development activities and major items including the Unified Development Ordinance, the Aggieville Master Plan, the City Park Master Plan, the new Roger Schultz Community Park, and the latest initiative to develop licensure for massage therapy. She thanked her fellow Commissioners and citizens of Manhattan as well as recognized her son in attendance and thanked City Manager Ron Fehr and City staff that were present.

City Clerk Gary S. Fees called for the election of the new Mayor. Commissioner Usha Reddi moved that Commissioner Michael L. Dodson be appointed to serve as Mayor until January 13, 2020. Commissioner Wynn Butler seconded the motion. On vote, motion carried 5-0.

Newly elected Mayor Michael L. Dodson called for the election of the new Mayor Pro-Tem. Commissioner Wynn Butler moved that Commissioner Usha Reddi be appointed to serve as Mayor Pro Tem until January 13, 2020. Commissioner McKee seconded. On vote, motion carried 5-0.

Newly elected Mayor Michael L. Dodson and City Manager Ron Fehr recognized Mayor Linda Morse and presented her with a plaque and framed collage of photos commemorating her term as Mayor for the City of Manhattan.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The City Commission approved the minutes of the Special City Commission Meeting held Tuesday, October 23, 2018.

CLAIMS REGISTER NO. 2894

The City Commission approved Claims Register No. 2894 authorizing and approving the payment of claims from October 17, 2018 - October 30, 2018, in the amount of \$1,296,518.22.

CONSENT AGENDA (CONTINUED)

LICENSES

The City Commission approved a Tree Maintenance License for calendar year 2019 for Gudenkauf Tree Service, Inc., 102 North Street, Seneca, Kansas; Hummel Tree Service, 601 Pottawatomie Avenue; Done Right, LLC, 116 South Iowa Street, Riley, Kansas; KCAT Tree Service, 22420 Overland Road, Onaga, Kansas; and Asplundh Tree Expert, LLC, 10575 Widmer Road, Lenexa, Kansas; and an annual Cereal Malt Beverages On-Premises License for Happy Valley, LLC, 2307 Tuttle Creek Boulevard.

ORDINANCE NO. 7381 - KDHE LOAN AGREEMENT - WASTEWATER TREATMENT PLANT MECHANICAL, ELECTRICAL AND PLUMBING IMPROVEMENTS (SS1712, CIP #WW179E) AND HEADWORKS PUMP STATION IMPROVEMENTS (SS1713, CIP #WW178E)

The City Commission approved Ordinance No. 7381 authorizing the execution of a new loan agreement (C20 2064 01) between the City of Manhattan, Kansas, and the State of Kansas, acting by and through the Kansas Department of Health and Environment, for the purpose of obtaining a loan from the Kansas Water Pollution Control Revolving Loan Fund in order to finance water pollution control projects; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement for Wastewater Treatment Plant Mechanical, Electrical and Plumbing Improvements (SS1712, CIP #WW179E) and Headworks Pump Station Improvements (SS1713, CIP #WW178E).

ORDINANCE NO. 7382 – CREATE – MANHATTAN TOWN CENTER COMMUNITY IMPROVEMENT DISTRICT (CID)

The City Commission found the creation of the proposed CID advisable and approved Ordinance No. 7382 establishing a Community Improvement District (CID) at Manhattan Town Center levying .75% CID sales tax and authorizing the Mayor to execute the proposed Development Agreement.

ORDINANCE NO. 7383 – LEVY 2019 SERVICE FEES – AGGIEVILLE BUSINESS IMPROVEMENT DISTRICT

The City Commission approved Ordinance No. 7383 levying business improvement service fees for 2019 on businesses located within the Aggieville Business Improvement District.

ORDINANCE NO. 7384 – LEVY 2019 SERVICE FEES – DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

The City Commission approved Ordinance No. 7384 levying business improvement service fees for 2019 on businesses located within the Downtown Business Improvement District.

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7385 – VACATE ROADWAY EASEMENT – SOUTH OF ANDERSON AVENUE, BETWEEN SCENIC DRIVE AND STONECREEK

The City Commission, having found that no private rights will be injured or endangered by such vacation and that the public will suffer no loss or inconvenience thereby, approved Ordinance No. 7385 vacating a portion of an existing Roadway Easement south of Anderson Avenue, between Scenic Drive and Stonecreek.

ORDINANCE NO. 7386 – FRANCHISE – EXTENET SYSTEMS, INC.

The City Commission approved Ordinance No. 7386 amending Article XI of Chapter 15 of the Code of Ordinances authorizing a competitive infrastructure provider franchise for ExteNet Systems, Inc.

FRANCHISE AGREEMENT – EXTENET SYSTEMS, INC.

The City Commission authorized the Mayor and City Clerk to execute the Franchise Agreement with ExteNet Systems, Inc.

AGREEMENT - DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES - JOHNNY KAW VIEWING PLAZA PROJECT (PR1703)

The City Commission accepted the proposal of the Johnny Kaw Committee to provide funds and in-kind services for the construction of an accessible viewing platform on City property in City Park around the Johnny Kaw Statue and authorized the Mayor and City Clerk to execute an Agreement for Professional Architectural Services with Bruce McMillan AIA Architects, P.A., of Manhattan, Kansas, who is donating design and construction administration services Johnny Kaw Viewing Plaza Project (PR1703).

AGREEMENT - CONSTRUCTION MANAGEMENT SERVICES - JOHNNY KAW VIEWING PLAZA PROJECT (PR1703)

The City Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Services with McCownGordon Construction, of Manhattan, Kansas, who is donating construction management services for the Johnny Kaw Viewing Plaza Project (PR1703).

SELECTION COMMITTEE RECOMMENDATION/NEGOTIATE CONTRACT - NEW CRISIS CENTER CONCEPT DESIGN PROJECT (CD1805)

The City Commission accepted the recommendation of the Selection Committee and authorized City Administration to negotiate a professional services agreement with Bruce McMillan AIA Architects, PA, of Manhattan, Kansas, for the New Crisis Center Concept Design Project (CD1805).

CONSENT AGENDA (CONTINUED)

* **REJECT BID – CDBG HOUSING REHABILITATION – 2220 GREEN AVENUE**

Commissioner Butler stated that he would not participate on this item because his brother-in-law is the owner of Economy Carpentry.

The City Commission rejected the bid in the total amount of \$35,975.00 from Economy Carpentry, Painting and Concrete, of Manhattan, Kansas, for the Community Development Block Grant Housing Rehabilitation project for 2220 Green Avenue due to being over the maximum allowed budget.

* **REJECT BID – CDBG HOUSING REHABILITATION – 2005 JUDSON STREET**

Commissioner Butler stated that he would not participate on this item because his brother-in-law is the owner of Economy Carpentry.

The City Commission rejected the bid in the total amount of \$29,875.00 from Economy Carpentry, Painting and Concrete, of Manhattan, Kansas, for the Community Development Block Grant Housing Rehabilitation project for 2005 Judson Street due to being over the maximum allowed budget.

AGREEMENT – FHDC EXHIBIT – AMERICAN ADVENTURE

The City Commission authorized the Mayor and City Clerk to execute a Traveling Exhibition Lease Agreement in the amount of \$36,250.00 with Minotaur Mazes, of Seattle, Washington, for the exhibition of American Adventure at the Flint Hills Discovery Center for the period of January 24, 2020 – May 10, 2020.

PURCHASE – THERMAL IMAGING CAMERAS (CIP #FR050E)

The City Commission authorized the purchase of six (6) Bullard thermal imaging cameras for the Fire Department (CIP #FR050E), from Weis Fire and Safety Equipment, of Salina, Kansas, in the amount of \$51,553.68, to be paid from the Fire Equipment Reserve.

LEASE PURCHASE AGREEMENT - THERMAL IMAGING CAMERAS (CIP #FR050E)

The City Commission authorized the Mayor and/or City Clerk to execute a lease purchase agreement for six (6) Bullard thermal imaging cameras for the Fire Department (CIP #FR050E), from Weis Fire and Safety Equipment.

CONSENT AGENDA (CONTINUED)

OUTSIDE CITY WATER AGREEMENT – 3611 ROCKY FORD AVENUE (WAYNE AND RITA J. KILNER)

The City Commission authorized City Administration to finalize and the Mayor and City Clerk to execute an outside city limits water service connection agreement with Wayne Kilner and Rita J. Kilner, for the property located at 3611 Rocky Ford Avenue, Riley County, Kansas.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner Reddi moved to approve the consent agenda. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0, with the exception of Items K, REJECT BID – CDBG HOUSING REHABILITATION – 2220 GREEN AVENUE, and L, REJECT BID – CDBG HOUSING REHABILITATION – 2005 JUDSON STREET, which carried 4-0-1, with Commissioner Butler abstaining on the items due to a conflict of interest.

PUBLIC HEARING

PUBLIC HEARING - EXPAND - SALES TAX REVENUE (STAR) DISTRICT

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the STAR history and background information as well as highlighted a map of the Tax Increment Finance District and a map of the proposed STAR District expansion. He provided a timeline and process of the North Campus Corridor (NCC) for STAR, discussed the Redevelopment Plan, and the future STAR bond. He also highlighted the NCC proposed budget and identified sources of revenues and expenses. He then responded to questions from the Commission on the purpose of STAR bonds and the attraction component.

After comments from the Commission, Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission regarding the attraction piece. He stated that Kansas State University is aware the City does not have an interest in maintaining or operating the attraction facility. He then provided additional information on the funding sources identified for the project and discussions continuing with the University and with the State of Kansas. He also highlighted the sequencing of funds and considerations in opening of the Flint Hills Discovery Center facility.

PUBLIC HEARING (*CONTINUED*)

PUBLIC HEARING - EXPAND - SALES TAX REVENUE (STAR) DISTRICT (*CONTINUED*)

Commissioner McKee provided his perspectives on the item and asked if the University is under the same assumption that the attraction facility would be maintained by the University. He stated that if the City needs to take on more of the attraction, then we should have more of a say of what it ends up being.

Jason Hilgers, Deputy City Manager, responded to questions from the Commission and provided clarification on the attraction facility and timeline of the project.

Commissioner Butler stated that he was fine with approving the boundaries and wanted flexibility with the specifics of the attraction. He wanted to include in the motion that it is not the Bill Snyder experience center, but an attraction center. He stated that it sends the message that we are approving what has been discussed with the Department of Commerce and said this can morph into something else. He said he has received suggestions that you can put Bill Snyder's name on it and call it the Kansas Hall of excellent coaches and include high school coaches and everything else. He said the community probably has a thousand ideas on how to do this and he did not want to make it sound like we are pointing in a certain direction without leaving that flexibility.

Jason Hilgers, Deputy City Manager, responded to comments from the Commission, provided additional information on the item, and discussed similar references to the Flint Hills Discovery Center. He stated the Commission will be intimately involved and is the arm issuing the debt and will be involved in facility design and construction. However, he stated that does not mean that the City will be involved in the maintenance and operation of the attraction facility and that more details will come.

Commissioner Reddi discussed the City/University Funds being dedicated for the NCC project and other grant funds being sought for the project. She stated that she did not want transient guest tax funds or economic development funds to be allocated for the attraction facility. She also voiced concern with the actions and potential changes with future Commissions as well as wanted to know if there would be property taxes paid on this facility.

Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission regarding future Commissioners and provided clarification on funding considerations of Build and STAR.

Mayor Dodson stated the sequence of events are important, as is the timing. He said if the expansion of the District is not approved, then the window will be shut in getting STAR bonds approved from the state. He stated the obligation of future Commissioners does not occur until we obligate against the project by issuing temporary notes or bonding the project.

PUBLIC HEARING (*CONTINUED*)

PUBLIC HEARING - EXPAND - SALES TAX REVENUE (STAR) DISTRICT (*CONTINUED*)

Mayor Dodson opened the public hearing.

Hearing no comments, Mayor Dodson closed the public hearing.

Commissioner Morse stated that she understands this action is just the beginning and that it is important to have a vision for this area. She said that being able to obtain grant funds will be important as well as working with the Kansas Department of Commerce.

After discussion and comments from the Commission, Commissioner Butler moved to find the expansion of the STAR District in Manhattan, Kansas, advisable and approved first reading of an ordinance establishing the new boundary of the STAR District to include the North Campus Corridor area and the site for the attraction center. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

ARTS AND HUMANITIES ADVISORY BOARD UPDATE

Randi Clifford, Recreation Director, Parks and Recreation Department, introduced the item and provided background information on the Arts and Humanities Advisory Board.

Aaron Oleen, Chair, Arts and Humanities Advisory Board, informed the Commission they have secured funding sources and are ready to go. He presented information about the proposed juried art competition and grant secured from the Greater Manhattan Community Foundation for \$10,000.00. He provided examples of other cities that have successful juried art competitions and photos of public art in other communities. He also highlighted a tentative timeline for the juried art competition and discussed coordination with City staff and Downtown Manhattan, Inc. (DMI), to address site considerations.

Randi Clifford, Recreation Director, Parks and Recreation Department, responded to questions from the Commission regarding the locations identified in the Downtown core area. He also addressed considerations for potential sites.

GENERAL AGENDA (*CONTINUED*)

ARTS AND HUMANITIES ADVISORY BOARD UPDATE (*CONTINUED*)

Aaron Oleen, Chair, Arts and Humanities Advisory Board, informed the Commission that they would like to have eight art pieces, but that may be on the high side. He stated that the Blue Earth Plaza and City Park may also be possible locations for public art. He discussed the Tal Streeter Sculpture and the history of Tal Streeter as well as a grant received from the Greater Manhattan Community Foundation (GMCF) to conduct a feasibility study for this concept. He also provided a conceptual sculpture, envisioned to be 60 feet in height and an iconic image for the community, intended for Triangle Park in Aggieville. He informed the Commission that engineering issues will need to be considered and Bruce McMillan Architects are planning to conduct a technical engineering study to see if this can be done at the scale and materials that Tal Streeter envisioned.

Randi Clifford, Recreation Director, City of Manhattan Parks and Recreation Department, provided an overview of other public art projects. He highlighted a public art policy related to the selection and placement of public art, including a percentage for public art policy that would apply to major capital improvements or infrastructure projects. He then responded to questions from the Commission.

Aaron Oleen, Chair, Arts and Humanities Advisory Board, stated that GMCF has funds available and provided information on the work done by the Arts and Humanities Advisory Board. He responded to questions from the Commission and provided additional information on the item and next steps.

Mayor Dodson opened the public comments.

Blade Mages, President, Downtown Manhattan, Inc. (DMI), informed the Commission that DMI would like additional inclusion in the process and clarification on implications to the Downtown district and with DMI representation. He stated that DMI is interested in the whole being greater than the sum of the parts and said the formal development of a public art policy needs to be the next step. He said that Downtown is changing and the opinion of stakeholders matter in the process. He stated that conceptually, DMI is in favor of the concept of public art; however, they wanted specifics on the juried art selection process before fully endorsing what was presented by the Arts and Humanities Advisory Board (AHAB).

Karen McCulloh, 1516 Leavenworth Street, Arts and Humanities Advisory Board member, informed the Commission that the Board has done their homework. She discussed downtown public sites identified for public art and stated that they have checked with legal, engineering, and Parks and Recreation. She said that DMI was invited to several meetings, but were not able to attend. She asked the Commission to please give the AHAB Board its blessing so that they can provide public art.

GENERAL AGENDA (*CONTINUED*)

ARTS AND HUMANITIES ADVISORY BOARD UPDATE (*CONTINUED*)

She stated the Board will certainly include everyone we can in the future. She provided additional information on the Arts and Humanities Advisory Board's efforts and work.

Alyn West, 321 North 16th Street, owner of SNW Gallery, stated their business is required to pay fees to the Downtown Business Improvement District. She said that she fully supports public art downtown, but voiced concerns with the proposed juried art competition and lack of notification and information provided to the stakeholders in the Downtown district. She stated the proposed call for art lacked specifics with no stated theme, no guidelines for size and weight, and no mention how the City would recoup the first portion of the fee paid to the artist should the art not be delivered or is substantially different from the approved design. She informed the Commission that she wanted to see the project brought to fruition, but wanted the item reworked and all concerned parties included in the process.

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

Commissioner McKee stated that he was excited and supportive about the potential for both projects and looked forward to hearing more. He said that City staff and the AHAB could work out the details and also work with DMI members to bring them into the process and to address concerns. He stated that he looked forward to the second presentation to the Commission.

Commissioner Reddi stated these are wonderful concepts and was excited that Manhattan is talking about public art. She said the Arts and Humanities Advisory Board meetings are public meetings and encouraged those interested to attend and to consider sending invites to DMI members and others too. She said other sites could be explored too, such as the Blue Earth Plaza and City Park. She wanted to ensure that the process and juried art competition is right the first time, rather than the sense of urgency to rush it through.

Commissioner Morse stated that it is disappointing when the Capital Improvements Program is entered as part of the City budget and committees make recommendations for projects that are not able to be funded. She said the funding source from the Greater Manhattan Community Foundation is very encouraging and stated the Tal Streeter piece may be consideration for Triangle Park as the City is looking at redoing infrastructure in Aggieville. She voiced encouragement to move forward with development of a policy and appreciated the feedback received on the juried art process and considerations for public art moving forward.

Mayor Dodson provided additional information on the item and thanked those that spoke. He stated that we will learn to understand art better as we go ahead and highlighted the importance of financial support from the Greater Manhattan Community Foundation.

GENERAL AGENDA (CONTINUED)

ARTS AND HUMANITIES ADVISORY BOARD UPDATE (CONTINUED)

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

OTHER BUSINESS

Mayor Dodson provided remarks for the upcoming year. He thanked Mayor Morse for her leadership, thanked his fellow Commissioners, and stated that he is proud to serve as Mayor for the city of Manhattan. He said this next year is probably going to be a little bit flat with enrollment levels at Kansas State University and deployments at Fort Riley, as that is what determines to a large extent how the City gets its revenue. He informed the community that there is also really exciting projects happening at the same time and stated we will have to work on laying out the funding mechanisms and plans for a variety of projects to achieve an overall balance. He said that he is an optimist and has great faith in the future, but is also a realist. He stated that he wanted to chart a course to the future, but wants to know in specific detail how fast we can get there and the revenues we have to get us there. He said that what attracted him back to Manhattan was the intellectual energy of the community, the involvement of the citizens, and the great team of elected officials and dedicated and hardworking City staff. He stated that he has great faith in our ability to get us to the future and to serve all of our citizens.

ADJOURNMENT

At 8:55 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk