



***MINUTES
CITY COMMISSION MEETING
TUESDAY, SEPTEMBER 17, 2019
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Michael L. Dodson and Commissioners Usha Reddi, Wynn Butler, and Linda Morse were present. Commissioner Jerred McKee was absent. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, City Attorney Katharine Jackson, City Clerk Gary S. Fees, 9 staff, and approximately 60 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Dodson led the Commission in the Pledge of Allegiance.

PRESENTATION/RECOGNITION

Dan Watkins, Post Commander, Lee Pierson Veterans of Foreign Wars Post 1786, and Stephanie Roesslein and Pat Kessler, Board Members, Jefferson Barracks National Prisoner of War (POW)-Missing in Action (MIA) Museum, presented Mayor Dodson and the Manhattan City Commission with a proclamation and sign recognizing Manhattan as a POW-MIA City.

PROCLAMATIONS

Mayor Dodson proclaimed September 17-23, 2019, ***Constitution Week***. Laura Renfro, Regent, and Gayle Heitman, Constitution Week Chair, Daughters of the American Revolution, Polly Ogden Chapter, were present to receive the proclamation.

Mayor Dodson proclaimed September 2019, ***Recovery Month***. Robbin Cole, Executive Director; Deanna Hall, Marketing Manager; and Anne Browne and Stan Wilson, Board Members, Pawnee Mental Health Services, were present to receive the proclamation.

COMMISSIONER COMMENTS

Commissioner Morse welcomed several planning students from Kansas State University who attended the meeting.

Commissioner Butler invited the public to attend the Johnny Kaw Plaza dedication on Friday, September 20, 2019, in City Park, starting at 4:30 p.m. He stated there will be fun activities for everyone and said the entire project was completed with donations from local businesses and individuals.

Mayor Dodson thanked Lori Bishop, Executive Director, Flint Hills Volunteer Center, and the many volunteers for organizing the 9/11: A Day of Remembrance at Bishop Stadium. He said this was an opportunity for the public to honor and recognize those that serve and protect. He highlighted the dignitaries that spoke at the ceremony, including Governor Laura Kelly, and expressed his appreciation for a great event.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 3, 2019.

CLAIMS REGISTER NO. 2921

The Commission approved Claims Register No. 2921 authorizing and approving the payment of claims from August 28, 2019 – September 10, 2019, in the amount of \$5,170,769.09.

FINAL PLAT – COLBERT HILLS, UNIT FIVE

The Commission accepted the easements and rights-of-way, as shown on the Final Plat of Colbert Hills, Unit Five, generally located along the south side of Colbert Hills Drive and generally between Grand Mere Parkway and Vanesta Drive, based on conformance with the Manhattan Urban Area Subdivision Regulations.

FINAL PLAT – SCENIC CROSSING, UNIT FOUR

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

CONSENT AGENDA (CONTINUED)

ORDINANCE NO. 7447 - FIRST AMENDMENT - KDHE LOAN - WASTEWATER TREATMENT PLANT MECHANICAL, ELECTRICAL AND PLUMBING IMPROVEMENTS (SS1712, CIP #WW179E) AND HEADWORKS PUMP STATION IMPROVEMENTS (SS1713, CIP #WW178E)

The Commission approved Ordinance No. 7447 authorizing the execution of a First Amendment to the Loan Agreement 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 increasing the funding amount by \$400,000.00 to \$3,750,000.00 for the Wastewater Treatment Plant Mechanical, Electrical and Plumbing Improvements (SS1712, CIP #WW179E) and Headworks Pump Station Improvements (SS1713, CIP #WW178E), through the Kansas Water Pollution Control Revolving Loan Fund the KWPCRF Project No. C20 2064 01.

RESOLUTION NO. 091719-A - DISPOSE OF CITY SURPLUS

The Commission approved Resolution No. 091719-A authorizing the disposal of City surplus property.

RESOLUTION NO. 091719-B - POLICY - CONTINUING DISCLOSURE

The Commission approved Resolution No. 091719-B establishing a continuing disclosure policy for the City.

CONTRACT AMENDMENT NO. 2 - PROFESSIONAL SERVICES - NORTH MANHATTAN AVENUE, FROM CLAFLIN ROAD TO KEEN DRIVE, PHASE IIIB, PROJECT (ST1719)

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 2, in an amount not to exceed \$27,721.00, with Schwab-Eaton, of Manhattan, Kansas, for additional design services for the North Manhattan Avenue, from Claflin Road to Keen Drive, Phase IIIB, project (ST1719).

AGREEMENT - PROFESSIONAL SERVICES - BROWNING AVENUE AND KIMBALL AVENUE STORM SEWER MAINTENANCE (SM1812)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed, \$21,409.00, with Schwab-Eaton, of Manhattan, Kansas, for the Browning Avenue and Kimball Avenue Storm Sewer Maintenance (SM1812).

CONSENT AGENDA (CONTINUED)

* **AGREEMENT - RIGHTS-OF-WAY AND EASEMENT ACQUISITION SERVICES - MANHATTAN LEVEE (SP1908)**

Commissioner Butler highlighted the Manhattan Levee project. He discussed the importance of the levee for the entire community and the significance to protect the water treatment facility. He mentioned potential ways to fund the project and highlighted flooding events that occurred in the community in the early 1950s.

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services, in an amount not to exceed \$352,500.00, with SMH Consultants, of Manhattan, Kansas, for Manhattan Levee Rights-of-Way and Easement Acquisition Services (SP1908).

* **CONTRACT AMENDMENT NO. 1 – LEGAL SERVICES - MANHATTAN LEVEE (SP1908)**

The Commission authorized the Mayor and City Clerk to execute Contract Amendment No. 1 to the City's agreement for professional services with Morrison, Frost, Olsen, Irvine & Schartz, LLP, for legal services related to the Manhattan Levee Rights-of-Way and Easement Acquisition Services (SP1908).

* **SERVICES AGREEMENT – CODE INSPECTIONS/PLANS REVIEW – BLUE TOWNSHIP**

Commissioner Morse highlighted the item. She extended her appreciation to Brad Claussen, Assistant Chief, Risk Reduction and Code Services, and to both governmental groups for their work on the Agreement.

Ron Fehr, City Manager, echoed Commissioner Morse's comments on the Services Agreement between Pottawatomie County and the City of Manhattan. He recognized those individuals that worked on the Agreement. He stated that Brad Claussen, Assistant Chief, Risk Reduction and Code Services, will be retiring from the City and thanked him for his service to the City.

The Commission authorized the Mayor and City Clerk to execute a Services Agreement between Pottawatomie County and the City of Manhattan, Kansas, relating to Building Codes and inspections along with associated plan review and construction inspections for a portion of Blue Township.

AUTHORIZE – ASBESTOS REMOVAL – 1001-1023 GARDEN WAY

The Commission approved the sole-source proposal in the amount of \$34,095.00 with Associated Insulation, Inc., of Manhattan, Kansas, to abate asbestos from three residential buildings generally located at 1001-1023 Garden Way in conjunction with the Hazard Mitigation Grant requirements.

CONSENT AGENDA (CONTINUED)

AGREEMENTS - OUTSIDE CITY WATER AND SEWER SERVICES - 4610 SKYWAY DRIVE (REDLINE AUTO CONSULTING, LLC)

The Commission authorized the Mayor and City Clerk to execute Agreements with Matthew Butler of Redline Auto Consulting, LLC, for outside city limits sanitary sewer service connection and water service connection for the property located at 4610 Skyway Drive, Manhattan, Kansas, Riley County.

LEASE PURCHASE - CITY PARKS DIVISION - COMPACT EXCAVATOR (PR1912, CIP #CP188E)

The Commission accepted the low bid and authorized the purchase of a John Deere 26G Compact Excavator (PR1912, CIP #CP188E) for the City Parks Division from Murphy Tractor and Equipment, of Topeka, Kansas, in the amount of \$30,650.00, less trade-in of the backhoe skid loader attachment in the amount of \$4,500.00, for a net amount of \$26,150.00; and authorized City Administration to finalize and the Mayor and/or City Clerk to execute a Lease Purchase Agreement and all documents necessary with Commerce Bank/Clayton Holdings, Inc.

LEASE PURCHASE - UNIT 712 - CITY PARKS DIVISION - SKID STEER LOADER (PR1911)

The Commission accepted the low bid and authorized the purchase of a skid steer loader (PR1911), Unit 712, for the City Parks Division from Whitestar Machinery, of Manhattan, Kansas, in the amount of \$39,743.46, less trade-in of the current 2016 Bobcat S630 skid steer loader in the amount of \$21,000.00, for a net amount of \$18,743.46; and authorized City Administration to finalize and the Mayor and/or City Clerk to execute a Lease Purchase Agreement and all documents necessary with Commerce Bank/Clayton Holdings, Inc.

BOARD APPOINTMENTS

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

Bicycle and Pedestrian Advisory Committee

Re-appointment of Ed Kalas, 2030 Tecumseh Road, to a three-year Riley County Health Department term. Mr. Kalas' term will begin November 1, 2019, and will expire October 31, 2022.

City/University Special Projects Fund Committee

Appointment of Emily Koenig, 103 South 4th Street, to a two-year At-Large term. Ms. Koenig's term begins immediately, and will expire June 30, 2021.

CONSENT AGENDA (*CONTINUED*)

BOARD APPOINTMENTS (*CONTINUED*)

Social Services Advisory Board

Appointment of Melissa Richards, 8601 Eagles Landing Drive, to the unexpired term of Katelyn Voorhees. Ms. Richards' term begins immediately, and will expire June 30, 2020.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner Butler moved to approve the consent agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0.

Mayor Dodson announced that Commissioner McKee was absent from the meeting and out-of-town on business.

GENERAL AGENDA

FIRST READING - ADOPT - STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2019

Wes Garrison, Assistant City Attorney, presented an overview of the item. He highlighted the definition of the Standard Traffic Ordinance (STO), discussed the definition of electric-assisted scooters, presented the proposed e-scooter regulations, and provided the Commission with the recommendation from City Administration. He then responded to questions from the Commission regarding the differences between All-Terrain Vehicles (ATVs) and Utility Task Vehicle (UTVs).

Jared Wasinger, Assistant to the City Manager, responded to questions from the Commission regarding how e-scooters would be treated in Triangle Park. He provided additional information on the item and discussed the proposed micromobility ordinance.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

GENERAL AGENDA (CONTINUED)

FIRST READING - ADOPT - STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2019 (CONTINUED)

After discussion and comments from the Commission, Commissioner Reddi moved to approve first reading of an ordinance incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2019, with amendments as set forth in the ordinance. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-0.

FIRST READING - RIDING AND PARKING BICYCLES, MICROMOBILITY DEVICES AND SIMILAR DEVICES ON CITY PROPERTY AND REGULATION OF MICROMOBILITY NETWORK COMPANIES UPON CITY PROPERTY

Wes Garrison, Assistant City Attorney, presented an overview of the item. He highlighted the proposed micromobility ordinance; addressed key concerns with use/operation, parking, and rideshare companies; highlighted Section 31-181 currently; provided a new definition for micromobility devices; and provided photographs of electric-assisted scooters, electric-assisted bicycles, and self-balancing boards/hoverboards. He then responded to questions from the Commission regarding the current ordinance and proposed ordinance.

After comments from the Commission, Wes Garrison, Assistant City Attorney, explained the new Section 31-182: Bikes, micromobility devices, skateboards, roller skates, roller blades, and similar devices. He presented a table indicating locations permitted to ride in the city of Manhattan, by device; discussed Section 31-182 regarding riding in city sidewalks, parking lots, and garages as well as parking of bicycles, e-scooters, e-bicycles, and similar devices. He presented the definition of a Micromobility Network Company and highlighted the Micromobility Company Agreement that would require a Micromobility Network Company to enter into an agreement with the City prior to operation on any city streets, sidewalks, or right-of-way. He discussed Section 23-89 of the City Code that prohibits the use of all unlicensed vehicles, including motor scooters, motorcycles, mini-bikes, and go-cart. He said this was last amended in 1989 and the terms are outdated and unclear and, that City Administration will provide an ordinance updating Section 23-89 in the future. He then highlighted the recommendation from City Administration

Jared Wasinger, Assistant to the City Manager, responded to questions from the Commission and clarified the action for the Commission's consideration. He highlighted next steps to work with Kansas State University, Downtown, Aggieville, Manhattan Area Chamber of Commerce, and to research peer communities to determine what would be the most beneficial for the City as well as to ensure safety and compliance.

Wes Garrison, Assistant City Attorney, responded to questions from the Commission. He stated that additional research would be needed as well as further investigation on geofencing and enforcement provisions.

GENERAL AGENDA (CONTINUED)

FIRST READING - RIDING AND PARKING BICYCLES, MICROMOBILITY DEVICES AND SIMILAR DEVICES ON CITY PROPERTY AND REGULATION OF MICROMOBILITY NETWORK COMPANIES UPON CITY PROPERTY (CONTINUED)

Jared Wasinger, Assistant to the City Manager, informed the Commission that they would work with the stakeholders and bring the item back to the Commission as part of the selection process to select the best company for the City.

Wes Garrison, Assistant City Attorney, and Jared Wasinger, Assistant to the City Manager, responded to additional questions from the Commission on the item regarding micromobility devices on private property and on campus. They stated that Kansas State University would need to create its own rules and restrictions on campus.

Mayor Dodson opened the public comments.

Linda Cook, Chief of Staff, Kansas State University, stated that she has already seen e-scooters and e-skateboards on campus, so she knows they are here and more are coming. She said that this is an attraction for young people and there are some KSU faculty that want this as well. She stated this is an environmentally efficient type of device and the University wants to ensure that regulations are worked out on campus as well as a focus on pedestrian and rider safety, particularly to prevent head injuries. She informed the Commission that the University wants to get behind this and work with the City to allow them, but wanted to work out the ordinances required to have them on campus. She stated the University does not want electronic devices in congested areas of campus, wants to ensure that speeds are regulated, and said they do not plan to enter into any contracts with any of the device companies. She indicated that geofencing will be important and reiterated that enforcement on campus is a major concern. She said that the educational process will be critical to its success and will require self-policing too. She highlighted Oklahoma State University as an example that banned e-scooters and then brought them back, with restrictions.

Jansen Penny, Student Body President, Kansas State University, informed the Commission that a survey was recently sent to students and highlighted the results of that survey. He indicated that 75 percent of the 400 respondents said they would support e-scooters on campus. He provided a breakdown of associated costs and ridership interest of the students surveyed. He stated that regulation is key for the University and for the community. He encouraged the City to look at other models and to reach an optimal solution. He then responded to questions from the Commission about the costs associated with e-scooters.

GENERAL AGENDA (CONTINUED)

FIRST READING - RIDING AND PARKING BICYCLES, MICROMOBILITY DEVICES AND SIMILAR DEVICES ON CITY PROPERTY AND REGULATION OF MICROMOBILITY NETWORK COMPANIES UPON CITY PROPERTY (CONTINUED)

Gina Scroggs, Executive Director, Downtown Manhattan, Inc., updated the Commission on discussions with Downtown businesses, especially those brick and mortar businesses where their customers crosses a sidewalk and have experienced a bike colliding with a pedestrian. She informed the Commission that there are signs posted, but people continue to use their bikes on the sidewalks and accidents are occurring. She stated that businesses can self-police; however, they rely on ordinances and enforcement. She voiced concerns in how this would be regulated and enforced. She stated that nobody is totally against this, but wanted the District to remain a walkable and safe area for everyone.

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

Commissioner Morse stated that she was pleased to find the word micromobility to define all these variables. She said the devil is in the details regarding a future agreement. She stated safety is paramount and voiced concerns with pedestrian safety also. She said that geofencing would be counted on to be used for more crowded and restricted areas.

Commissioner Butler stated that an ordinance is a good first step and the second step, will be to decide if the City wants to do an agreement with one of those companies or not. He also wanted something to be in place for the private individual buying an e-scooter.

Commissioner Reddi stated that safety is key and wanted to work with Kansas State University as well as incorporate information from the Student Government Association. She also wanted additional data and feedback on geofencing, speed restrictions, and safety experienced with other communities that have implemented micromobility device policies.

Wes Garrison, Assistant City Attorney, responded to additional questions from the Commission regarding pedestrian safety and the operation of micromobility devices.

Mayor Dodson stated that educating and informing citizens will be paramount as e-scooters become more prevalent in the community. He said as these devices are emerging, we need to reinforce the education aspect so that people are not surprised between pedestrians and those using e-scooters. He said there needs to be a balance and consideration to safety on the streets and sidewalks. He discussed the importance to achieve mobility and trying to get some people out of cars and using these devices to reduce traffic and parking issues as well as additional thought will be necessary on where e-scooters are parked and stored. He voiced appreciation with the work that has been done to-date and thanked Kansas State University and the community for providing input on the subject.

GENERAL AGENDA (CONTINUED)

FIRST READING - RIDING AND PARKING BICYCLES, MICROMOBILITY DEVICES AND SIMILAR DEVICES ON CITY PROPERTY AND REGULATION OF MICROMOBILITY NETWORK COMPANIES UPON CITY PROPERTY (CONTINUED)

After discussion and comments from the Commission, Commissioner Butler moved to approve first reading of an ordinance amending Article V of Chapter 31 of the Code of Ordinances, relating to the riding and parking of bicycles, micromobility devices, skateboards and similar devices upon certain City properties; and relating to the operation of micromobility network companies upon City property. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-0.

REQUEST FOR PROPOSALS/STATEMENT OF QUALIFICATIONS - CONSTRUCTION MANAGER AT-RISK - AGGIEVILLE PARKING GARAGE (AG1903) AND LARAMIE STREET IMPROVEMENTS (AG1902)

Mayor Dodson provided an overview of the item and why it was on the General Agenda.

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the Request for Proposals/Qualifications process, discussed the Construction Manager At-Risk (CMAR) and cost estimate of the parking garage, explained the process of a CMAR, and provided the CMAR timeline from issuing the RFP to the Commission considering an agreement. He highlighted the improvements proposed for Aggieville and stated there would be a City Commission Work Session on November 26, 2019, to provide an update on Aggieville. He reviewed the action being requested for consideration and asked that the Commission appoint a City Commissioner to serve on the Selection Committee. He then responded to questions from the Commission on the CMAR process.

After further discussion, Jason Hilgers, Deputy City Manager, responded to additional questions from the Commission and clarified the advantages in using the CMAR process for this project.

Ron Fehr, City Manager, provided additional clarification regarding the CMAR process and provisions.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

GENERAL AGENDA (CONTINUED)

**REQUEST FOR PROPOSALS/STATEMENT OF QUALIFICATIONS -
CONSTRUCTION MANAGER AT-RISK - AGGIEVILLE PARKING GARAGE
(AG1903) AND LARAMIE STREET IMPROVEMENTS (AG1902) (CONTINUED)**

After discussion and comments from the Commission, Commissioner Reddi moved to authorize the issuance of a Request for Qualifications/Request for Proposals for a Construction Manager At-Risk contract for the parking garage (AG1903) and Laramie Street (AG1902) improvements in Aggieville and appoint Commissioner Butler to serve on the Selection Committee. Commissioner Morse seconded the motion. On a roll call vote, motion carried 4-0.

ADJOURNMENT

At 8:50 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk