



MINUTES
CITY COMMISSION MEETING
TUESDAY, OCTOBER 1, 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, Jerred McKee, and Linda Morse were present. 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, 8 staff, and approximately 30 interested citizens.

PLEDGE OF ALLEGIANCE

Mayor Dodson led the Commission in the Pledge of Allegiance.

PRESENTATION

Mayor Dodson presented Kim Medvid, the artist who designed the new City flag “Little Apple on the Prairie”, who joined the meeting via Facetime from Pennsylvania, a certificate and a full-sized flag. The new City flag will be flown at City Hall and at City Park beginning Wednesday, October 2, 2019.

PROCLAMATIONS

Mayor Dodson proclaimed October 6-12, 2019, ***Fire Prevention Week***. Jacob Powell, Captain, Risk Reduction and Code Services; and Drew Taylor, Captain; Scott Helberg, Fire Driver; Jake Reifschneider, Firefighter; and Mike Simmons, Firefighter, Manhattan Fire Department Quint 2 Crew, were present to receive the proclamation.

Mayor Dodson proclaimed October 6-12, 2019, ***Physician Assistant Week***. Candice Tucker, Physician Assistants Clinical Director; Bradley Dirks, Academic Director; Sujatha Prakash, Program Coordinator; David Brosa, Clinical Adjunct Faculty; and John Buckwalter, Dean of the College of Health and Human Sciences, Kansas State University, were present to receive the proclamation.

PROCLAMATIONS (CONTINUED)

Mayor Dodson proclaimed October 7, 2019, ***World Habitat Day***, on behalf of Manhattan Area Habitat for Humanity.

Mayor Dodson proclaimed October 2019, ***National Community Planning Month***. Eric Cattell, Director, and Chad Bunger, Assistant Director, City of Manhattan Community Development Department, were present to receive the proclamation.

PUBLIC COMMENTS

Mayor Dodson opened the public comments and highlighted the policy for those wishing to speak during public comments.

Hearing no comments, Mayor Dodson closed the public comments.

COMMISSIONER COMMENTS

Commissioner Morse referenced a recent article in *The Topeka Capital-Journal* regarding the City of Topeka teaming up with a private consulting firm to conduct a citywide housing marketing strategy. She referenced other cities doing a similar study including Tulsa, Oklahoma, and Omaha, Nebraska.

Commissioner McKee informed the community that during the Discussion/Briefing Session the Commission discussed an upcoming rental housing forum that will be at the Kansas State University Union Ballroom. He said the rental housing forum will begin at 7:00 p.m. on Tuesday, October 29, 2019, and encouraged everyone to attend. He stated that hearing from public feedback, there needs to be a discussion on affordability and housing quality. He encouraged those interested in a discussion on rental inspections to contact the City Commission, as he hoped to discuss the topic of rental inspections before his term expires.

Commissioner Butler stated that he was not in support of rental inspections. He said that the City already has a program and if a renter has a concern, they can call the Code Office and an inspector will inspect the property. He stated that if there is such a big problem with a condition of rental housing, the City Manager should get more calls and would need to hire more Code Inspectors. He said he would attend the rental housing forum and said that there are tweaks that need to be made with the existing rental registration program to make it better. He also encouraged citizens to license their dog and cats, which supports the T. Russell Reitz Animal Shelter operations and Animal Control Officers. He said the Animal Shelter is doing a great job highlighting animals available for adoption and encouraged everyone to license their pets with their local veterinarians or with the City.

COMMISSIONER COMMENTS (CONTINUED)

Commissioner Reddi also highlighted the rental housing forum and encouraged those interested to attend the forum on October 29, 2019. She highlighted a recent economic symposium that she attended and discussed efforts with community members to address workforce issues.

Mayor Dodson stated that he provided opening remarks at a recent event at the Flint Hills Discovery Center with a group of legislators from Topeka. He commented that the feedback received was universally positive. He said that he also discussed the importance of STAR Bonds for the redevelopment project as well as the commitment from the community.

CONSENT AGENDA (* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, September 17, 2019.

CLAIMS REGISTER NO. 2922

The Commission approved Claims Register No. 2922 authorizing and approving the payment of claims from September 11, 2019 – September 24, 2019, in the amount of \$2,167,930.12.

ORDINANCE NO. 7448 – ADOPT – 2019 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES

The Commission approved Ordinance No. 7448 incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2019, with amendments as set forth in the ordinance.

ORDINANCE NO. 7449 – AMEND ARTICLE V, CHAPTER 31 – BICYCLES, MICROMOBILITY DEVICES, AND SKATEBOARDS ON CITY PROPERTY; MICROMOBILITY NETWORK COMPANIES

The Commission approved Ordinance No. 7449 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; and authorized City Administration to create a Request for Proposals and selection process for a Micromobility Network Company.

CONSENT AGENDA (CONTINUED)

FIRST READING – SPECIAL EVENT WITH ALCOHOL PERMIT – MANHATTAN CHILI COOK-OFF

The Commission approved first reading of an ordinance authorizing a special event with alcohol permit for the application submitted by the Young Trustees for the Manhattan Chili Cook-Off to occur in Blue Earth Plaza and the adjacent sidewalks and streets along South Third Street and Blue Earth Place as defined in the submitted site plan, following all requirements of the ordinance relating to their special event with alcohol to be held on November 9, 2019, from 7:00 a.m. - 5:00 p.m.

* **FIRST READING – AUTHORIZE PROJECT/FINANCING – BLUEMONT DRIVE/HAYES DRIVE SANITARY SEWER INTERCEPTOR EMERGENCY SINKHOLE REPAIR (SS1920) AND LEVEE DRIVE/HAYES DRIVE SANITARY SEWER INTERCEPTOR EMERGENCY SINKHOLE REPAIR (SS1921)**

Commissioner Reddi highlighted the item.

Ron Fehr, City Manager, provided additional information on the item regarding emergency sanitary sewer repairs needed for Bluemont Drive and Hayes Drive as well as Levee Drive and Hayes Drive. He responded to questions from the Commission regarding financing considerations for the two projects.

The Commission approved first reading of ordinances authorizing the 2019 Emergency Sanitary Sewer Repairs for Bluemont Drive and Hayes Drive (SS1920) and Levee Drive and Hayes Drive (SS1921), and further authorizing the issuance of general obligation bonds to finance said projects.

* **RESOLUTION NO. 100119-A – SET PUBLIC HEARING DATE – RAISE MANHATTAN LEVEE (SM1813)**

Commissioner Morse stated that she was pleased to see the Manhattan Levee rehabilitation project and assistance with federal funds.

The Commission approved Resolution No. 100119-A establishing October 15, 2019, as a date for a public hearing for the Raise Manhattan Levee (SM1813) project.

* **FIRST READING - ACCEPT APPRAISERS REPORT/AUTHORIZE FINANCING - RAISE MANHATTAN LEVEE (SM1813)**

Commissioner Morse stated that she was pleased to see the Manhattan Levee rehabilitation project and assistance with federal funds.

CONSENT AGENDA (CONTINUED)

* **FIRST READING - ACCEPT APPRAISERS REPORT/AUTHORIZE FINANCING - RAISE MANHATTAN LEVEE (SM1813) (CONTINUED)**

The Commission approved first reading of an ordinance accepting the Appraiser's Reports and issuing general obligation bonds to pay for the City's share of the Raise Manhattan Levee (SM1813) project.

AGREEMENT - PROFESSIONAL ENGINEERING SERVICES - SCENIC DRIVE/WILDCAT CREEK BRIDGE SCOUR REPAIRS (SW1911)

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services with Schwab-Eaton, of Manhattan, Kansas, in an amount not to exceed \$14,800.00, for the Scenic Drive/Wildcat Creek Bridge Scour Repairs (SW1911).

AUTHORITY TO AWARD – KDOT - SAFE ROUTES TO SCHOOL, PHASE IIB (ST1802)

The Commission authorized the Mayor and City Clerk to execute an Authority to Award Contract and Commitment of City Funds with the Kansas Department of Transportation in the amount of \$144,000.00, for the Safe Routes to School, Phase IIB project (ST1802).

* **AUTHORIZE – DEMOLITION – 1001-1023 GARDEN WAY (SM1708, CIP #SW073P)**

Commissioner Morse highlighted the item and said that she was supportive of the progress being made in the community.

The Commission accepted the lowest bid in the amount of \$31,700.00 submitted by Double J Construction, LLC, of St. George, Kansas, and authorized the demolition and removal of the three (3) residential buildings, most of the parking lots, and sidewalks, for the properties generally located at 1001-1023 Garden Way (SM1708, CIP #SW073P).

* **AGREEMENT – JOINT FUNDING – RIVER GAUGES**

Commissioner Butler commented on the importance of the stream gauges along Wildcat Creek and the Kansas River as well as highlighted items related to the recent flood events.

The Commission approved and authorized the Mayor to execute a Joint Funding Agreement with the United States Geological Survey for the costs pertaining to maintenance and operation of four (4) stream gauges along Wildcat Creek and the Kansas River from October 1, 2019 - September 30, 2020.

CONSENT AGENDA (CONTINUED)

AUTHORIZE - WASTEWATER TREATMENT PLANT BIOSOLIDS FARM ELECTRIC SERVICE UPGRADE PROJECT (CIP#WW167P)

The Commission approved a sole source purchase; and authorized the issuance of a one-time payment and acceptance of the Analysis of Contribution In Aid of Construction Agreement with Bluestem Electric Cooperative, Inc., of Wamego, Kansas, in the amount of \$131,632.32, for the Wastewater Treatment Plant Biosolids Farm Electric Service Upgrade Project (CIP#WW167P) to be funded through KWPCRF Project No. C20 2460 01, in conjunction with the Wastewater Treatment Plant Mechanical, Electrical and Plumbing Improvements (SS1712, CIP #WW179E).

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner McKee moved to approve the consent agenda. Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

PUBLIC HEARING

PUBLIC HEARING - MUNICIPAL FACILITY REVIEW - PROPOSED USD 383 KEITH NOLL MAINTENANCE CENTER AT 2031 CASEMENT ROAD

Chad Bunger, Assistant Director of Community Development, presented an overview of the item. He highlighted a map of the vicinity, discussed zoning, and provided the process for a Municipal Facility Review. He presented an overview of the civil site plan, floor plan, landscape plan, exterior elevations, and recommendation from City Administration and the Manhattan Urban Area Planning Board. He then responded to questions from the Commission and provided clarification on the screening fence, exterior of the building, and the property line.

Mayor Dodson opened the public hearing.

Hearing no comments, Mayor Dodson closed the public hearing.

FIRST READING - MUNICIPAL FACILITY REVIEW - PROPOSED USD 383 KEITH NOLL MAINTENANCE CENTER AT 2031 CASEMENT ROAD

After discussion, Commissioner McKee moved to find that the public interests to be served by the proposed improvements to the Keith Noll Maintenance Center outweigh the impacts upon legitimate community interests; and, approve first reading of an ordinance authorizing

PUBLIC HEARING (CONTINUED)

FIRST READING - MUNICIPAL FACILITY REVIEW - PROPOSED USD 383 KEITH NOLL MAINTENANCE CENTER AT 2031 CASEMENT ROAD (CONTINUED)

the proposed Municipal Facility of the proposed improvements to the Keith Noll Maintenance Center, located at 2301 Casement Road, based on the recommendation by the Planning Board and findings in the Staff Report (*See Attachment No. 1*) with four conditions of approval, modifying condition four by lowering the eight-foot-tall chain-link fence with screening slats to a six-foot tall chain link fence with screening slats shall be provided around the perimeter of the rear parking, storage, loading area, by December 31, 2021, if not before. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted the City/Chamber Agreement, discussed the proposed amendment request of an additional \$350,000 annually for a five-year period. He presented the Economic Development Fund and program budgets for the Manhattan Economic Development Opportunity Fund (MEDOFAB), Riley County Sales ½-cent Sales Tax for 2002-2012, and Riley County Sales ½-cent Sales Tax for 2013-2022.

Wayne Sloan, Chair, Manhattan Area Chamber of Commerce Board of Directors, introduced the item. He provided background information regarding his business and informed the Commission that he was convinced now more than ever, the need to be aggressive in competing for new jobs and to expand economic development efforts as well as Region Reimagined efforts. He voiced concern in job growth and the talent of people necessary to sustain quality of life. He stated that Advantage Manhattan investors continue to make a financial commitment to economic growth and support the efforts of the Manhattan Area Chamber of Commerce.

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, presented an overview of the Chamber's request. He highlighted economic development results achieved since 2002, provided economic return and annual impacts, discussed the previous funding request in 2019, and highlighted economic development

GENERAL AGENDA (CONTINUED)

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES (CONTINUED)

funding sources from the private and public sectors in 2019, with over 70 percent of the revenue received from private sources. He highlighted economic development funding trends from 1998-2019 and provided regional comparisons for city investments. He then responded to questions from the Commission regarding total employment and job growth.

After comments and questions from the Commission, Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, responded to questions from the Commission and discussed the Greater Manhattan Project and Region Reimagined. He highlighted the economic challenges, provided a chart showing total employment versus total private employment index, discussed a chart showing community metrics, and presented new/expanded economic development programs for the Greater Manhattan Project including economic diversification and entrepreneurship, talent, general initiatives, and economic development staff. He clarified the costs associated with the new/expanded programs and goals that would include a minimum of 500 new jobs above Metropolitan Statistical Area (MSA) average and \$50 million in private investment by the end of 2023. He stated the annual impact on the city of Manhattan would be a direct impact of \$590,000.00 and a total impact of \$1 million. He also highlighted a stretch goal of 1,000 new jobs above MSA average and \$50 million in private investment by the end of 2023. He stated the annual impact on the city of Manhattan would be a direct impact of \$878,625.00 and a total impact of \$1.3 million. He presented a list of metrics that would be reported annually and monthly. He then responded to questions from the Commission.

Larie Schoap, Chair Elect, Manhattan Area Chamber of Commerce Board of Directors, informed the Commission that she would be Chair of the Board next year and stated that she is convinced that Manhattan is positioned better than most communities in the state. She stated the Chamber has an incredible relationship with the City, businesses in the community, and educational partners. She said the economic development initiatives being proposed will require accountability and more information on activities and results will be seen. She asked the Commission to support the additional request for economic development initiatives and services.

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, responded to questions from the Commission regarding a new position being proposed, discussed workforce development initiatives and issues, and provided an update on Region Reimagined.

Commissioner Butler voiced concern with the lack of specifics on what the program will accomplish and what is the actual return on investment.

GENERAL AGENDA (CONTINUED)

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES (CONTINUED)

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, responded to questions from the Commission and provided additional information on the economic impact to the city. He stated the private sector is contributing significantly to economic development initiatives and the City of Manhattan has not contributed to the level of other communities.

Commissioner Butler said the private investment is outstanding. He voiced concern with the length of the proposed agreement until we can translate this into sales tax receipts and actual jobs. He stated his preference would be to see what can be done in one year and to think about getting the sales tax renewed and also apply the new sales tax to the Pottawatomie County portion of the city too. He stated that he understood that money is needed to jumpstart this; however, he wanted the Chamber to report back with their results in one year. He provided his experience with an online program at Barton Community College and discussed a potential program that would attract retired military people to come to Manhattan.

Commissioner Morse said the City and the community have put a lot of effort into Region Reimagined. She said it has been a year in the making and the Chamber is continuing to assemble the staff and resources necessary.

Wayne Sloan, Chair, Manhattan Area Chamber of Commerce Board of Directors, stated that the City of Topeka has provided \$2.5 million for economic development. He voiced his support of the request from the Chamber and stated that investors in Advantage Manhattan also want to see a positive return on their investment and growth in the community.

Commissioner Reddi stated the importance of partnerships and voiced concern with the current sales tax revenue and major projects coming up that need to be done. She asked for more clear metrics than shown and asked about the number of new jobs being projected.

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, responded to questions from the Commission regarding the projected number of new jobs, metrics and performance measures, and specific projects for Manhattan that may have a regional benefit.

Mayor Dodson stated that with or without the sales tax, this investment needs to happen. He said the City of Topeka invests \$2.5 million in their economic development initiatives.

GENERAL AGENDA (CONTINUED)

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES (CONTINUED)

He commented that Advantage Manhattan has received significant private investment for economic development initiatives and said that local businesses would not commit funds at that level for no benefit. He highlighted economic development successes in the community and said that if we do not do this, we are going to sit right where we are right now. He stated that as either a private citizen or a company, if you do not make an investment you are not going to do well in the long run. He said this does not mean there is not any risk, but that is why we do these kind of things. He voiced his support for the proposal and stated this is an investment in our future.

Commissioner Morse stated that she supports the proposal and need to move the item forward. She reiterated that the City and community has spent a lot of time on Region Reimagined and was enthusiastic about our future.

Commissioner McKee stated that he does not oppose funding economic development, but felt the process has gone too slow and wanted the Chamber to be more aggressive. He said that as an elected official, he was frustrated that plans seem to get dusty and that after two years; we still do not have much to show from Region Reimagined. He stated that if you came to the Commission to fund a start-up center and provided information on why it would be a great idea and here is why, those are things that I want to do and get excited about. He reiterated that he was not against funding economic development, but was hesitant in funding plans that are created and then not much coming from them.

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, agreed the Chamber should be more aggressive. He commented that the Chamber went through a major change with the retirement of the former president and CEO and his short tenure in the position. He informed the Commission that his history in other communities have accomplished these things, but stated it is hard to move forward with uncertainty about resources.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner Butler stated that he wanted to see more metrics on how the City's investment would improve sales tax receipts and property tax revenue. He reiterated that funding for five years is too long and advocated funding for a one-year period. He said then the Chamber can come back to the Commission and demonstrate that you actually did what you said you were going to do.

GENERAL AGENDA (CONTINUED)

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES (CONTINUED)

Commissioner Morse voiced approval in accepting the proposal from the Manhattan Area Chamber of Commerce. She stated that she was supportive to commit resources for five years and wanted this group to plan and market resources in order to see results.

Ron Fehr, City Manager, responded to questions from the Commission regarding the five-year commitment being requested. He stated that funding would be subject to annual appropriations by the City Commission.

Commissioner Reddi stated that she is supportive of the Chamber; however, she wanted to wait until after the November election to vote on this item. She discussed other significant projects that would require substantial funds including the North Campus Corridor, Aggieville development, and the levee system. She stated that she is in support of being proactive for the region, but wanted to pause for maybe a month and revisit the item.

Commissioner Morse said we are fortunate to be in a situation where we can move forward with this project. She said this would provide a big benefit for Manhattan and its future.

Mayor Dodson stated that he was not sure how we could tolerate a one-year plan. He asked to consider the benefit to the community and the need to build the city so the reliance on individuals is reduced.

After additional discussion and comments from the Commission, Commissioner Morse moved to approve the request from the Manhattan Area Chamber of Commerce for additional economic development funding and authorize City Administration to finalize and the Mayor and City Clerk to execute the expansion of the Economic Development Agreement with the Chamber of Commerce. Mayor Dodson seconded the motion. On a roll call vote, motion failed 3-2, with Commissioners Butler, McKee, and Reddi voting against the motion.

Ron Fehr, City Manager, responded to questions from the Commission. He stated the proposed Agreement could be modified and come back with the other Chamber and CVB agreements for final consideration and approval.

Commissioner Reddi stated that she wanted to revisit the same proposal.

Commissioner Morse requested that the same item come back to the City Commission in November after the election.

GENERAL AGENDA (CONTINUED)

REQUEST/AGREEMENT - MANHATTAN AREA CHAMBER OF COMMERCE - INCREASE AMOUNT OF ECONOMIC DEVELOPMENT FUNDING FOR EXPANDED ECONOMIC DEVELOPMENT INITIATIVES AND SERVICES (CONTINUED)

Commissioner McKee also wanted to bring the item back to the Commission in November.

Mayor Dodson clarified the desire of a majority of Commissioners to bring back the same proposal as soon as possible following the election.

After further discussion, Commissioner Morse moved that this proposal return to the Commission for consideration at the first legislative meeting after the election on November 5. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

RELEASE - MANHATTAN AREA TECHNICAL COLLEGE ECONOMIC DEVELOPMENT AGREEMENT

Jason Hilgers, Deputy City Manager, presented an overview of the item. He highlighted past loans and grants provided from the City of Manhattan to the Manhattan Area Technical College (MATC), discussed the status of the conventional loan and forgivable loan, and informed the Commission that MATC is requesting a release from the City to redirect funds being held for accountability purposes to help finance a new roof at MATC.

Mayor Dodson opened the public comments.

James Genandt, President/Chief Executive Officer, Manhattan Area Technical College (MATC), thanked the Commission for their partnership and collaboration. He provided information on the importance to drive workforce initiatives in the community. He highlighted the work of MATC and stated the College was recently recognized as a top 25 technical college in the nation. He thanked the Commission for their support and consideration of their request.

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

After discussion and comments from the Commission, Commissioner Butler moved to authorize the Mayor and City Clerk to execute a Release for Manhattan Area Technical College (MATC) from their existing Economic Development Agreement. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

FIRST READING - MODIFY - WATER AND SEWER RATES AND CHARGES, EFFECTIVE JANUARY 1, 2020

Randy DeWitt, Assistant Director of Public Works, presented an overview of the item. He provided an update on the Water and Wastewater Utility and presented the proposed

GENERAL AGENDA (*CONTINUED*)

FIRST READING - MODIFY - WATER AND SEWER RATES AND CHARGES, EFFECTIVE JANUARY 1, 2020 (*CONTINUED*)

wastewater rates scenarios with Scenario A, Scenario B, and Scenario C. He presented charts showing customer impacts for residential and business customers as well as scenario comparisons with pros and cons of each scenario. He discussed the annual General Fund transfer over an eight year period; presented charts showing the average monthly sewer bill and water bill comparisons with other cities; provided charts showing the Wastewater Fund balance, Wastewater Fund revenues versus expenses, and Wastewater Fund adjustments; and average monthly sewer bill comparisons with other cities. He then responded to questions from the Commission regarding the recommended increases in rates and consumptions.

Commissioner Butler stated that he appreciated the data presented. He discussed the use of General Fund transfers and requested that in the future, the transfers be broken down precisely for the services being provided. He stated that his preference would be to go with Scenario B to ensure that users are paying for the units being used.

Mayor Dodson discussed the options provided and the different scenarios for residential and businesses. He said that he preferred Scenario A.

Commissioner Reddi stated that the proposal presented is acceptable to her, with Scenario A. She said the proposed rates are reasonable and provided additional considerations.

Randy DeWitt, Assistant Director of Public Works, responded to questions from the Commission. He provided additional information on the impacts proposed to a residential customer and considerations with winter quarter average comparisons.

Commissioner McKee stated that overall; he was okay with Scenario A. He voiced considerations for those being impacted more significantly.

Commissioner Morse said that she would support Scenario A.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

Commissioner Butler reiterated that he preferred Scenario B. He stated that water customers should be charged with the amount being consumed.

GENERAL AGENDA (CONTINUED)

FIRST READING - MODIFY - WATER AND SEWER RATES AND CHARGES, EFFECTIVE JANUARY 1, 2020 (CONTINUED)

After additional discussion and comments from the Commission, Commissioner McKee moved to approve first reading of ordinances amending applicable sections of Chapter 32 of the Code of Ordinances to modify water and sewer rates and charges by 5% and sewer minimum charges and usage rates as recommended in Scenario A (*See Attachment No. 2*), effective January 1, 2020. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 4-1, with Commissioner Butler voting against the motion.

FIRST READING - INCREASE - COMMERCIAL STORMWATER RATES, EFFECTIVE JANUARY 1, 2020

Brian Johnson, City Engineer, presented an overview and background information on the item. He highlighted the future stormwater rate adjustments, presented a chart showing the Fund balance, discussed peer cities monthly stormwater fees, reviewed 2019 non-budgeted expenses, and presented future Capital Improvement Projects. He provided options for stabilizing the Fund in out years and responded to questions from the Commission.

Ron Fehr, City Manager, provided additional information on the item. He informed the Commission on expenses related to flood repairs and options for stabilizing the Fund in the future.

Mayor Dodson opened the public comments.

Hearing no comments, Mayor Dodson closed the public comments.

After discussion, Commissioner Butler moved to approve first reading of an Ordinance amending Section 32-185 of the Code of Ordinances setting the commercial Stormwater rate at \$5.47 per month, per Equivalent Unit and the residential Stormwater rate at \$6.34 per month, effective January 1, 2020. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION

At 9:55 p.m., Commissioner Reddi moved to recess into Executive Session to discuss potential litigation pursuant to the exception for consultation with the City Attorney which would be deemed privileged in an attorney-client relationship, pursuant to K.S.A. 75-4319(b)(2), and to resume the open meeting at 10:15 p.m. in the City Commission Room. Commissioner McKee seconded the motion. On a roll call vote, motion carried 5-0.

EXECUTIVE SESSION (CONTINUED)

At 10:15 p.m., the Commission reconvened with Mayor Dodson and Commissioners Reddi, Butler, McKee, and Morse in attendance. Mayor Dodson stated that no binding action was taken during Executive Session, therefore no vote in the open meeting is needed.

ADJOURNMENT

At 10:15 p.m., the Commission adjourned.



Gary S. Fees, MMC, City Clerk

Staff Report

Community Development Department

Municipal Facility Review	Keith Noll Maintenance Center
Case No:	file no. MFC-19-059
To:	Manhattan Urban Area Planning Board
From:	Barry Beagle, AICP, Senior Planner
Applicant:	Gould Evans (Jonathan Jay Holley)
Owner:	Unified School District 383
Property Location:	2031 Casement Road
Total Area:	2.85 acres
Date Neighborhood Meeting:	August 9 and 15, 2019
Date Public Notice Published:	August 23, 2019
Date of Public Hearing:	Planning Board: September 16, 2019 City Commission: October 1, 2019
Current Zoning:	R-1, Single-Family Residential District



Figure 1. Vicinity Map

MUNICIPAL FACILITY PROCESS:

The Municipal Facility Review process is outlined in Section 3-412 of the Manhattan Zoning Regulations (attached), which indicates, in part, that: “Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.”

If a utility or facility is specifically listed in a zoning district as a permitted or conditional use, the municipality can follow the requirements set out in Article IV, District Regulations, or follow the provisions of Section 3-412. If the utility or facility is not set out in a zoning district in which it is proposed, the utility or facility must follow the provisions of Section 3-412.

The process requires that both the Manhattan Urban Area Planning Board and the City Commission hold public hearings on the proposal. This process is not a rezoning action, but a process whereby the Planning Board and the City Commission consider the proposal by **balancing the public interests to be served by a proposed Municipal Utility or Facility, as opposed to the impact upon public interests intended to be protected by the Zoning Regulations**. In performing this balancing test and evaluating a proposed facility or use, the Planning Board and City Commission must consider the factors listed under the Staff Report headings.

The City Commission is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board for reconsideration, unless the City Commission chooses to do so. If the City Commission approves the request, it does so by adoption of an ordinance, following a public hearing.

EXISTING USE:

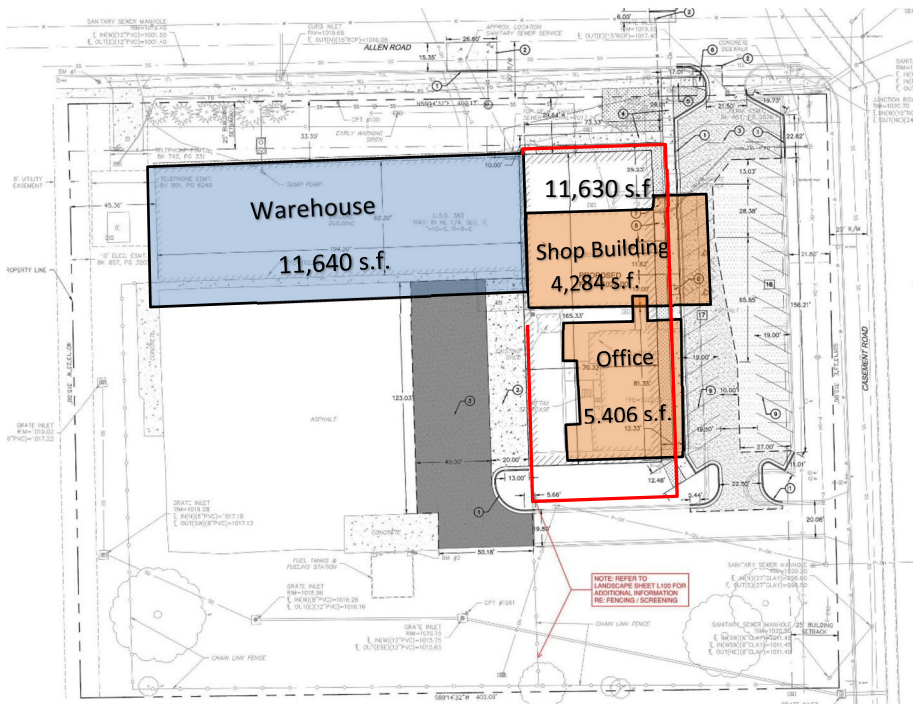
The subject property comprises 2.85-acres and the site of the USD 383 Keith Noll Maintenance Center. The maintenance center provides grounds and building maintenance for all district facilities. In a document produced by the Maintenance Department titled *2019 Manhattan-Ogden USD 383 Maintenance and Facilities Procedures*, it indicates “our team supports and maintains approximately 1.3 million square feet of building spaces and just under 300-acres of grounds at the District’s 21 locations. The Maintenance Department supports 102 full- and part-time employees including a custodial team 86 employees and a maintenance team of 16 employees. The bulk of the custodial staff are believed to be distributed among the district’s 21 sites around the community and not stationed at the maintenance center.

Attachment No. 1

As presently improved, the site includes three (3) building sections constructed at different times. "Strong School" initially constructed in 1920 consists of two-stories has been converted to an office use for the Maintenance Department that includes a total square footage of 5,406 square feet. A maintenance shop of 4,284 square feet was constructed in 1962 immediately north of and ultimately connected to the former school building. In 1974, a 11,640 square foot warehouse was constructed along Allen Road and connected to the shop building. Access is limited to a single point each on Allen Road and Casement Road. The access on Allen Road is located near the intersection with Casement Road, and, in the southern one-quarter of the property on Casement Road. A fence enclosed storage yard is located behind the existing buildings and used for general storage, loading and unloading of materials/supplies and a fueling station.

PROPOSED USE:

The Manhattan-Ogden Unified School District (USD 383) is proposing to make improvements to the Keith Noll Maintenance Center at 2031 Casement Road. The proposed project provides for the demolition of the two-story school building (5,406 square feet) and shop building (4,284 square feet) and build in their place a new 11,630 square foot, single-story structure that combines administrative office space (6,347 square feet) with warehouse/workshop space (5,292 square feet). This modernization project also includes a partial restoration of paving and curb and gutter in the parking area along Casement Road and within the storage area behind the building.



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Exterior Appearance.

The new structure will be a one-story, metal skin building that will be structurally attached to the existing 11,640 square foot warehouse building along Allen Road. The accompanying Exterior Elevations drawing (A201) supplied by the applicant indicates the metal façade will be of a light colored, light gray or off-white with a medium blue accent color at window and door trim, gutters and downspouts. The exterior design will also include a three (3) foot metal panel wainscoting, of a complimentary medium gray color that will extend around the base of the new building.

Parking and Circulation.

In conjunction with the partial repaving of the existing parking lot, the parking configuration and traffic flow will change. Currently, the parking lot along Casement Road consists of 24 perpendicular (90 degree) parking stalls accessible by a central drive aisle affording two-way traffic between the access points on Allen Road and Casement Road. With the construction of the new building, the parking lot will be reconfigured with 60-degree angled parking facilitating a one-way traffic flow with vehicles entering through the Allen Road access drive and exiting through the Casement Road access drive. The access drive on Casement Road will continue to be the point of access to the storage yard behind the building. The new parking lot design will increase the amount of on-site parking from 24 to 35 spaces. If the off-street parking requirements were applied to the interior spaces within the new combined buildings (i.e. business and professional office; and, warehouse, storage and wholesale establishments) a total of 29 parking spaces would be required.

Landscaping and Screening.

In accordance with the Zoning Regulations, five percent (5%) of the parking area is required to be landscaped. The calculated area of parking and driveways is 11,480 square feet of which five percent (5%) is 574 square feet. In addition, one (1) tree of 2½" caliper shall be provided for each 5,000 square feet of parking area. Based on the size of the parking area, at least two (2) trees are required.

Based on the accompanying Landscape Plan (L100), the applicant proposes to install foundation plantings within a six (6) foot wide landscape strip along the east side of the new building; and, a four (4) foot wide landscape strip along its north side. The combined area of both landscape strips is 1,112 square feet. Plant material within the foundation planting areas include Karl Foerster Grass, Lil Diddy Viburnum, Shenandoah Switch Grass, Daylilly, Buckthorn, Prarie Dropseed and Daffodil, Gray Guardian Juniper, Siberian Iris, and, Brandywine Viburnum. Given their proximity to the parking lot, the proposed foundation plantings meet and exceed the amount of parking lot landscaping required. Two (2) Swamp White Oak trees are to be installed within the parking area, one (2) at the north drive entrance off of Allen Road, and one (1) at the southwest corner of the parking area.

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All motor vehicle loading berths for loading and unloading of materials which abut or are adjacent to a residential district shall be screened by sight obscuring screening of not less than six (6) feet nor more than eight (8) feet in height. The existing loading and storage yard to the rear of the building is enclosed by a six (6) to eight (8) foot tall chain-link fence. To satisfy this requirement, the applicant proposes to install an eight (8) foot chain-link privacy fence, gray color, installed over existing poles. In the attached letter from Mr. Jonathan Jay Holley dated September 3, 2019, he indicates the districts willingness to convert the existing fence to a privacy fence, however, due to budgetary reasons they would like to delay its installation until no later than December 31, 2021.

PHYSICAL AND ENVIRONMENTAL CHARACTERISTICS:

The site is a relatively flat corner lot with approximately 402-feet of frontage along Allen Road to the north and 315-feet of frontage on Casement Road to the east. The site has long been established as a maintenance center in conjunction with the USD 383 school district. The 2.85-acre site is presently bounded by the Prairie Glen apartment complex (PUD), and, two (2), two-family dwellings (R-2) to the north; by the Countryside mobile home community (R-5) to the east; and, single-family residential development (R-1) to the south and west.

THE FOLLOWING SEVEN (7) FACTOR SHALL BE CONSIDERED WHEN BALANCING THE PUBLIC INTERESTS TO BE SERVED BY THE CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY, AS OPPOSED TO THE IMPACT UPON THE INTERESTS INTENDED TO BE PROTECTED BY THE ZONING REGULATIONS.

- 1. THE NATURE AND SCOPE OF THE MUNICIPALITY OR STATE AGENCY:** USD 383 is the Manhattan-Ogden Unified School District and is the public school system for the greater Manhattan and Ogden area. For the most recent 2018-2019 school year, USD 383 had a reported 6,363 students enrolled in preK-12 schools within the Cities of Manhattan and Ogden.
- 2. THE FUNCTION OF THE UTILITY OR FACILITY:** As noted, the USD 383 Maintenance Department housed at the Keith Noll Maintenance Center, provides district maintenance and custodial work to all school district facilities. As referenced on the USD 383 website, “the maintenance team [located at the maintenance center] work to keep building components and district equipment in functioning order to provide a safe comfortable place for students to learn.” The fence enclosed area behind the building is used as a storage area for vehicles, equipment and supplies and is also the location of a fuel station. Large overhead door openings on the back side of the building afford the loading and unloading of supplies. Outside of staff operating from the center, the center is not a location that the general public visits or accesses.

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- 3. THE EXTENT OF THE PUBLIC INTEREST TO BE SERVED BY THE UTILITY OR FACILITY:**
The Keith Noll Maintenance Center is the sole maintenance facility for the Manhattan-Ogden USD 383 School District. As previously noted, the maintenance center supports and maintains approximately 1.3 million square feet of building spaces and just under 300 acres of grounds at the School District's 21 locations. Maintaining the functionality of this center is essential to the operations of the School District. The proposed improvements are sought to modernize the maintenance center and make it more efficient and cost effective.
- 4. THE EFFECT THAT REGULATION OF THE CONSTRUCTION, OR EXPANSION, EITHER BY THE IMPOSITION OF REQUIREMENTS NECESSARY TO MITIGATE IMPACTS OR BY A COMPLETE DENIAL, WILL HAVE UPON THE MUNICIPALITY'S, OR STATE AGENCY'S, ABILITY TO EFFICIENTLY, ECONOMICALLY AND PRUDENTLY MEET THE PUBLIC INTERESTS THEY ARE SERVING:** The maintenance center and its operation is not currently listed as a permitted or conditional use in the R-1 District as presently zoned. To accommodate the proposed building improvement, it will be necessary for the School District to go through the Municipal Facility Review process. The change sought will replace two (2) aging, two-story structures with a new single-story metal skin building. The proposed building will present a lower profile on Casement Road to which it fronts and present a clean, updated exterior appearance. With an overall length of 165-feet along Casement Road, it would be preferable the front building façade incorporate other textural and color elements to break up the massing of the building wall. By contrast, however, the proposed building improvement will stand as a greater aesthetic benefit to the neighborhood compared to the two (2) existing structures to be replaced.

The applicant intends to install foundation plantings along the north and east sides of the proposed building addition that will more than satisfy the minimum parking lot landscaping requirements. This includes the planting of two (2) Oak trees, one at both ends of the parking lot.

The principal area of compromise with this proposal is with regard to screening the outdoor storage yard to the rear of the building in relation to neighboring residential properties. The School District requests to delay installation of screen fencing until December 2021 for budgetary reasons. In light of other improvements to be made to the property and for the length of time this facility has been in operation, City Administration believes this to be a reasonable request and would support a delay to installation of the screening fencing to no later than December 31, 2021.

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- 5. THE IMPACT THAT CONSTRUCTION OR EXPANSION OF THE UTILITY OR FACILITY WILL HAVE UPON THE LEGITIMATE INTERESTS OF THAT PORTION OF THE COMMUNITY IN WHICH IT IS PROPOSED TO BE LOCATED:** The principal change to the property sought with the Municipal Facility Review is the replacement of two (2) aging two-story structures with a new single-story structure. On-site operations will not change as a result of the proposed construction. The subject property has a long-standing history within the neighborhood as a maintenance facility in conjunction with the School District. It is not anticipated that proposed improvements will have any greater material impact on neighboring residential properties than the existing facility. Not only will a cleaner, metal skin building replace two (2) aging structures, but, the rear storage yard area that abuts residential property will ultimately be screened in the process.
- 6. IF THE OWNER OF THE UTILITY OR FACILITY IS THE CITY OF MANHATTAN, AND IF THE FACILITY OR UTILITY IS OF A TYPE EMBRACED WITHIN THE COMPREHENSIVE PLAN, WHETHER OR NOT IT IS IN CONFORMITY WITH THAT PLAN:** The City of Manhattan is not the owner of the proposed facility as the subject site is owned by the Unified School District 383. The Future Land Use Map shows the area encompassing site as predominantly Residential Low/Medium Density land uses except for the existing Prairie Glen apartment complex to the north and Countryside mobile park to the east that share the Residential Medium/High Density land use designation. As a long established municipal facility, the subject property is designated Public/Semi Public land use. The primary uses anticipated by this land use designation include schools, government offices, community centers, fire stations, airports, libraries, hospitals, cemeteries, churches and other places of worship. Also includes facilities needed for essential public services such as electrical substations, water and wastewater facilities, and other similar uses. The Public/Semi Public land use designation recognizes the subject property's long standing relationship with the community as a maintenance center for the USD 383 School District.
- 7. OTHER FACTORS AS THE PLANNING BOARD DEEMS APPROPRIATE AND RELEVANT:** In addition to the factors addressed above, the Manhattan Urban Area Planning Board may consider any other factors which it deems appropriate and relevant in its consideration regarding the proposed improvements to the Keith Noll Maintenance Center. City Administration finds the applicant has adequately demonstrated the need to modernize the existing maintenance center with the demolition and replacement of two (2) existing structures with a proposed 11,630 square foot addition to the existing warehouse structure extending along Allen Road. The proposed building is seen as an aesthetic improvement to the property and not anticipated to have any greater effect

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on neighboring residential property than the existing facility. Features not currently provided include the addition of landscaping, installation of two (2) parking lot trees, the addition of a landscaped 10-foot square concrete patio with picnic table for the community to use at the Allen Road drive entrance, and, the installation of a screen fence for the first time to encompass the outdoor storage area in behind the buildings. The addition of a screen fencing over the existing chain-link fence will provide a buffer to adjoining residential properties to the south and west.

STAFF RECOMMENDATION: City Administration recommends approval of the proposed Keith Noll Maintenance Center improvements with the following conditions of approval:

1. The Subject property shall be used and improved in accordance with the plans and materials submitted by the applicant:
2. Landscaping shall be installed and maintained as shown on the landscape plan.
3. Exterior lighting shall be installed as referenced on the submitted plans and in accordance with the lighting cut sheet specifications.
4. An eight foot tall chain-link fence with screening slats shall be provided around the perimeter of the rear parking, storage, loading area, by December 31, 2021, if not before.

The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.

If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.

ALTERNATIVES

It appears the Planning Board has the following alternatives concerning the issue at hand. The Board may:

1. Hold a public hearing on the proposal and, following the hearing, recommend approval of the proposed improvements, based on the findings in the staff report, with the three (3) conditions of approval recommended by City Administration.
2. Hold a public hearing on the proposal and, following the hearing, recommend denial of the proposed improvements for specifically stated reasons.
3. Hold a public hearing on the proposal and, following the hearing, modify the site plan and/or conditions of approval, to meet the needs as perceived by the Planning Board, and establish such conditions, if any, as deemed necessary to mitigate any impacts created by the proposed parking lot.
4. Table the public hearing on the proposed improvements, for specifically stated reasons and provide further direction to City Administration.

RECOMMENDATION

City Administration recommends that the Planning Board:

1. Hold a public hearing on the proposed improvements to the Keith Noll Maintenance Center;
2. Determine by a preponderance of the evidence, that the public interests to be served by the proposed improvements, outweigh the impacts upon the legitimate community interests, as mitigated by requirements of the Planning Board; and,
3. Recommend approval of the proposed improvements, with the three (3) conditions of approval recommended by City Administration. This recommendation is based on the findings in the Staff Report.

POSSIBLE MOTION

The Manhattan Urban Area Planning Board finds that the public interests to be served by the proposed Municipal Facility, outweigh the impacts upon the legitimate community interests and recommends approval of the proposed improvements to the Keith Noll Maintenance Center, based on the findings in the Staff Report, with the three (3) conditions of approval recommended by City Administration.

PREPARED BY: Barry Beagle, AICP, Senior Planner

DATE: September 10, 2019

Sanitary Sewer Rates and Charges

Scenario <i>Minimum/Unit</i>			2019 Minimum Charge	2019 Unit Rate	Minimum Charge Increase	Unit Rate Increase	2020 Minimum Charge	2020 Unit Rate
A	50%	50%	\$8.05	\$3.49	\$2.60	\$0.25	\$11.06	\$3.91
B	25%	75%	\$8.05	\$3.49	\$1.30	\$0.38	\$9.75	\$4.04
C	75%	25%	\$8.05	\$3.49	\$3.91	\$0.13	\$12.36	\$3.79