



***MINUTES
CITY COMMISSION MEETING
TUESDAY, DECEMBER 1, 2020
7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Commissioners Wynn Butler, Mark J. Hatesohl, and Aaron Estabrook were present. Also present were City Manager Ron Fehr, Deputy City Manager Jason Hilgers, Assistant City Manager Dennis Marstall, Assistant to the City Manager Jared Wasinger, City Attorney Katharine Jackson, City Clerk Brenda K. Wolf, 2 City staff, and approximately 12 interested citizens.

Participating remotely were Mayor Usha Reddi, Commissioner Linda Morse, Director of Community Development Eric Cattell, Flint Hills Regional Council Executive Director Christy Rodriguez, and Manhattan Emergency Shelter Executive Director Emily Wagner.

NOTE: The City Commission Meeting was open to the public. The public was able to make in-person comments but due to precautions associated with the COVID-19 pandemic, seating for the public was limited. In lieu of coming to City Hall, written public comments for any item on the agenda were able to be submitted through the City's website at <https://cityofmhk.com/> and were distributed to all members of the City Commission before the meeting, or by emailing or calling the Commissioners directly.

PLEDGE OF ALLEGIANCE

Mayor Reddi led the Commission in the Pledge of Allegiance.

PRESENTATION

Flint Hills Veteran's Coalition members Mike Kearns, Janet Nichols, and Christine Benne presented a Certificate of Thanks to the City Commission to express their appreciation for all the support of the Veteran's Day activities.

PUBLIC COMMENTS

Mayor Reddi opened the public comments and highlighted the process.

PUBLIC COMMENTS (CONTINUED)

Hearing no comments, Mayor Reddi closed the public comments. There was one (1) written public comment submitted.

COMMISSIONER COMMENTS

Commissioner Butler reminded everyone about the Mayor's Spirit of the Holidays Lighted Parade on Friday, December 4, 2020, at 5:30 p.m., and the City of Manhattan Parks and Recreation Department Red Cedar Harvest event at the Roger Schultz Community Park on Saturday, December 5, 2020, from 8:30 a.m. – 11:00 a.m.

Commissioner Morse mentioned that the Riley County Commission has designated the Native Stone Scenic Byway, which completed a loop through the Flint Hills and will add to the tourism appeal for bicycling and races. She stated that there were 145 new cases of COVID-19 from Friday, November 27, 2020, to Monday, November 30, 2020, and that the Riley County Health Director projected that the local health care workers would receive a vaccine by Christmas. She also mentioned that USD 383 was scheduled to discuss moving to online classes until end of the semester and that other surrounding communities had already done so. She stated that many of the small communities around Manhattan have a high number of COVID-19 cases and that the number of obituaries right now in area newspapers are higher than normal due to the pandemic.

Mayor Reddi mentioned that shop Small Business Saturday was November 28, 2020, and encouraged everyone to continue to shop as much as possible locally. She stated that there would be free COVID-19 testing done on Thursdays, at CiCo Park, on December 3, 10, 17, 21, and 28, 2020, and January 7, 2021, at 11:00 a.m. – 1:00 p.m. and 5:00 p.m. – 7:00 p.m.

CONSENT AGENDA

(* denotes those items discussed)

MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, November 17, 2020.

CLAIMS REGISTER NO. 2957

The Commission approved Claims Register No. 2957 authorizing and approving the payment of claims from November 11, 2020 – November 24, 2020, in the amount of \$2,319,121.34.

CONSENT AGENDA (CONTINUED)

LICENSES

The Commission approved a **Merchant Guard Agency License** for calendar year 2021 for American Guard Services, Inc., 505 South Broadway Avenue, Suite 209, Wichita, Kansas; Securitas Security Services USA, Inc., 9 Campus Drive, Parsippany, New Jersey; and VendTech-SGI, LLC, 250 North Rock Road, Suite 360, Wichita, Kansas; a **Tree Maintenance License** for calendar year 2021 for Gier Tree Service, 3507 Musil Drive; TreeMan-MHK, 2104 Fox Meadows; and Two Big Feet Tree Pruning & Removal, 1734 Kings Road; and an annual **Cereal Malt Beverages Off-Premises License** for Dara's #1, 1816 Claflin Road; Dara's #2, 3270 Kimball Avenue; Dara's #10, 2323 Tuttle Creek Boulevard; and Walgreens #12814, 2719 Anderson Avenue.

ORDINANCE NO. 7513 – 2021 ANNUAL SALARY ORDINANCE

The Commission approved Salary Ordinance No. 7513 keeping the range of salaries for 2021 for City employees.

ORDINANCE NO. 7514 – AMEND CITY MUNICIPAL PARKING REGULATIONS

The Commission approved Ordinance No. 7514 amending Chapter 31 of the Code of Ordinances related to municipal parking regulations within City Park, the Aggieville Business District and surrounding areas including creating a new resident permit zone, "Fuchsia Aggieville Resident Zone," in certain areas surrounding the Aggieville District, and on Yuma Street between 9th and 10th Streets, as well as the public parking lot on the south side of Humboldt Street between 3rd and 4th Streets.

* MEMORANDUM OF UNDERSTANDING – BROWNFIELD GRANT AGREEMENT

Christy Rodriguez, Executive Director, Flint Hills Regional Council, provided background information regarding the item.

The Commission authorized City Administration to finalize and the City Manager to execute a Memorandum of Understanding between the Flint Hills Regional Council, Stantec Consulting Services, of Bismarck, North Dakota, and the City of Manhattan, to develop an Area-Wide Planning Study for Plaza West and the McCall Road Extension area.

APPLICATION - SUPPLEMENTAL 2020 EMERGENCY SOLUTIONS GRANT CARES ACT FUNDS

The Commission authorized the Mayor and City Clerk to sign an application for Supplemental 2020 Kansas Housing Emergency Solutions Grant CARES ACT funds in the amount of \$100,000.00 and execute any grant-related contracts.

CONSENT AGENDA (CONTINUED)

EASEMENT ACQUISITIONS - LEVEE IMPROVEMENT PROJECT (SM1813, SP1908)

The Commission approved acquisition of Tracts 56 and 62, as set forth in the recommendations of the City's acquisition agent and the attorney for the City; and authorized the Mayor and City Clerk to execute the finalized agreements on behalf of the City.

* BOARD APPOINTMENTS

Commissioner Butler requested the Riley County Law Enforcement appointments be moved to the end of the General Agenda.

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

Aggieville Business Improvement District Advisory Board

Re-appointment of Krista Bramhall, 4408 Leone Circle, to a three-year term, which will begin on January 1, 2021, and will expire on December 31, 2023.

Bicycle and Pedestrian Advisory Committee

Re-appointment of Seth Scobee, 1001 South Seth Child Road, to a three-year Riley County Police Department term, which begins immediately, and will expire on October 31, 2023.

Board of Zoning Appeals

Re-appointment of Connie Hamilton, 120 Longview Drive, to a three-year term, which will begin on January 1, 2021, and will expire on December 31, 2023.

Cemetery Board

Re-appointment of Mike Carlson, 116 North Dartmouth Drive, to a three-year term, which will begin on January 1, 2021, and will expire on December 31, 2023.

Downtown Business Improvement District Advisory Board

Re-appointment of Scott Augustine, 1400 Waterford Place Apt. #7, to a two-year term, which will begin on January 1, 2021, and will expire on December 31, 2022.

Historic Resources Board

Appointment of Troy Henningson, 2000 Bluehills Road, to a three-year Landscape Architect term, which begins immediately, and will expire on April 30, 2023.

CONSENT AGENDA (CONTINUED)

* **BOARD APPOINTMENTS (CONTINUED)**

* **Riley County Law Enforcement Board**

~~Re-Appointment of Commissioner Linda Morse, 2118 Spain Drive, to a two-year City Commissioner term, which will begin on January 1, 2021, and will expire on December 31, 2022.~~

~~Re-Appointment of BeEtta Stoney, 805 Gillespie Drive, to a two-year City At Large term, which will begin on January 1, 2021, and will expire on December 31, 2022.~~

~~Appointment of Patricia Hudgins, 3416 Westbaker Street, to a two-year City At Large term, which will begin on January 1, 2021, and will expire on December 31, 2022.~~

Special Alcohol Funds Advisory Committee

Appointment of Kevin Bryant, 7850 Lookout Drive, to a three-year term, which begins immediately, and will expire on June 30, 2023.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments. There was one (1) written public comment submitted for the Riley County Law Board appointment item.

Commissioner Hatesohl moved to approve the consent agenda with the exception of Item I-7 and 8, Board Appointments, Riley County Law Enforcement Board, which was moved to the end of the General Agenda. Commissioner Estabrook seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA

FIRST READING – EXTEND REQUIREMENTS - MASK OR OTHER FACE COVERINGS

Katie Jackson, City Attorney, presented the item. She then answered questions from the Commission.

Mayor Reddi opened the public comments.

Linda Cook, Chief of Staff and Director of Community Relations, Kansas State University, spoke in support of extending the ordinance and reiterated how important face masks were in flattening the curve and stopping the spread of the virus.

GENERAL AGENDA (CONTINUED)

FIRST READING – EXTEND REQUIREMENTS - MASK OR OTHER FACE COVERINGS (CONTINUED)

Dennis Cook, 6854 Chinkapin Circle, asked if an individual is in a business not wearing a mask, would the person or the business be cited for the violation.

Hearing no other comments, Mayor Reddi closed the public comments. There were two (2) written public comments submitted for this item

Katie Jackson, City Attorney, addressed the question regarding enforcement of the ordinance.

After discussion, Commissioner Morse moved to approve the reading of an ordinance amending Section 22-73 of the City Code extending the term of the face mask ordinance requirements to 11:59 p.m. on May 21, 2021.

After further discussion, Commissioner Morse withdrew her motion.

Commissioner Estabrook moved to approve the reading of an ordinance amending Section 22-73 of the City Code extending the term of the face mask ordinance requirements to 11:59 p.m. on April 1, 2021. Commissioner Morse seconded the motion. On a roll call vote, motion carried 3-2 with Commissioner Butler and Commissioner Hatesohl voting against.

GUARANTEED MAXIMUM PRICE (GMP)/FINANCING - AGGIEVILLE PARKING GARAGE (AG1903) AND LARAMIE STREET/14TH STREET AND ANDERSON AVENUE (AG1902)

Jason Hilgers, Deputy City Manager, presented this item.

Brian Johnson, City Engineer; Patrick Schaub, BBN Architects; Jason Hilgers, Deputy City Manager; Kelly Thompson, Olsson Studio; Mark Bachamp, Olsson; Ben Flowers, McCown Gordon Construction; and Ron Fehr, City Manager, answered questions from the Commission.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments. There was one (1) written public comment submitted for this item.

GENERAL AGENDA (CONTINUED)

GUARANTEED MAXIMUM PRICE (GMP)/FINANCING - AGGIEVILLE PARKING GARAGE (AG1903) AND LARAMIE STREET/14TH STREET AND ANDERSON AVENUE (AG1902) (CONTINUED)

After discussion, Commissioner Estabrook moved to authorize the Guaranteed Maximum Price with McCown Gordon, of Manhattan, Kansas, in the amount of \$13,814,121.00 for the construction of the Aggieville Parking Garage (AG1903) and \$2,278,275.00 for the Laramie Street improvements (AG1902); authorize the Mayor and City Clerk to execute all documents associated with the GMP for the projects; and approve Resolution Nos. 120120-A and 120120-B authorizing the projects for construction and financing. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ORDINANCE NO. 7515 – STORMWATER RATE INCREASE; ORDINANCE NO. 7516 – WATER RATE INCREASE; ORDINANCE NO. 7517 – WASTEWATER RATE INCREASE

Rob Ott, Director of Public Works, provided an update on the levee improvements project and the betterments, the current cost estimates and funding sources and the rate structure adjustments necessary in the utility funds. He then answered questions from the Commission.

Brian Johnson, City Engineer, presented the stormwater fund update and 2021 fee adjustment item. He then answered questions from the Commission.

Ron Fehr, City Manager, provided additional information regarding the surcharge.

Randy DeWitt, Assistant Director of Public Works, presented the water and wastewater 2021 rates and charges item. He then answered questions from the Commission.

Rob Ott, Director of Public Works, answered questions from the Commission.

Ron Fehr, City Manager, and Katie Jackson, City Attorney, recommended the Commission could include in the motion that the intent of the \$1.66 surcharge was to be used to fund the levee project.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments. There were no written public comments submitted for this item.

GENERAL AGENDA (CONTINUED)

ORDINANCE NO. 7515 – STORMWATER RATE INCREASE; ORDINANCE NO. 7516 – WATER RATE INCREASE; ORDINANCE NO. 7517 – WASTEWATER RATE INCREASE (CONTINUED)

After discussion, Commissioner Hatesohl moved to approve Ordinance No. 7515 amending Section 32-185 of the Code of Ordinances setting the commercial Stormwater rate at \$8.08 per month, per Equivalent Unit and the residential Stormwater rate at \$8.58 per month, effective January 1, 2021, which includes \$1.66 per unit surcharge, intended to be used for levee bond repayment. Commissioner Estabrook seconded the motion.

Ron Fehr, City Manager, answered additional questions from the Commission.

On a roll call vote, motion carried 5-0.

Commissioner Hatesohl moved to approve Ordinance No. 7516 and Ordinance No. 7517 amending applicable sections of Chapter 32 of the Code of Ordinances to modify water and sewer rates and charges as recommended, effective January 1, 2021, which is 3%. (*For clarification, the total increase of water and wastewater is 6%, 3% of water and wastewater is for the levee*). Commissioner Estabrook seconded the motion. On a roll call vote, motion carried 5-0.

At 10:25 p.m., the City Commission took a short break.

RESOLUTION NO. 120120-C – PROCUREMENT AND PURCHASING POLICY; RESOLUTION NO. 120120-D – ENGINEERING ON-CALL POLICY; AND RESOLUTION NO. 120120-E – DISPOSAL OF OBSOLETE OR SURPLUS CITY PROPERTY AND ASSETS

Dennis Marstall, Assistant City Manager, presented this item.

Dennis Marstall, Assistant City Manager; Ron Fehr, City Manager; and Rob Ott, Director of Public Works, answered questions from the Commission.

Mayor Reddi opened the public comments.

Hearing no comments, Mayor Reddi closed the public comments. There were no written public comments submitted for this item.

Katie Jackson, City Attorney, provided options for possible motions.

After discussion, Commissioner Estabrook moved to approve Resolution No. 120120-C pertaining to the Procurement and Purchasing Policy for goods and services. Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

GENERAL AGENDA (CONTINUED)

RESOLUTION NO. 120120-C – PROCUREMENT AND PURCHASING POLICY; RESOLUTION NO. 120120-D – ENGINEERING ON-CALL POLICY; AND RESOLUTION NO. 120120-E – DISPOSAL OF OBSOLETE OR SURPLUS CITY PROPERTY AND ASSETS (CONTINUED)

Commissioner Estabrook moved to approve Resolution No. 120120-D pertaining to the Selection of Engineering Consultants for Engineer On-Call Policy. Commissioner Butler seconded the motion. On a roll call vote, motion carried 4-1 with Mayor Reddi voting against.

Commissioner Estabrook moved to approve Resolution No. 120120-E pertaining to the Disposal of Obsolete or Surplus City Property and Assets. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

ITEM REMOVED FROM CONSENT AGENDA

BOARD APPOINTMENTS – RILEY COUNTY LAW ENFORCEMENT BOARD

Commissioner Butler provided comments regarding appointments to the Riley County Law Enforcement Board.

The Commission discussed the current appointment process to the Riley County Law Enforcement Board and the comments provided through the City's website by Dr. Lorenza Lockett, representing the Manhattan Coalition for Equal Justice, recommending a more transparent and community-involved process by the City Commission for nominating and appointing the Riley County Law Board At-Large positions. Several Commissioners commented about the City Commission having future conversation, and possibly with the Riley County Commission, regarding terms limits and the appointment process.

After discussion, Commissioner Butler moved to appoint Kaleb James to the Riley County Law Board in the Citizen At-Large position currently held by BeEtta Stoney. Commissioner Hatesohl seconded the motion. On a roll call vote, motion failed 3-2 with Commissioner Estabrook, Mayor Reddi, and Commissioner Morse voting against.

Commissioner Butler moved to reappoint Commissioner Morse and BeAtta Stoney to the Riley County Law Enforcement Board and appoint Patricia Hudgins to the Riley County Law Enforcement Board (*See Attachment No. 1*). Commissioner Morse seconded the motion. On a roll call vote, motion carried 5-0.

ADJOURNMENT

At 11:09 p.m., the Commission adjourned.



Brenda K. Wolf, CMC, City Clerk

Attachment No. 1

Riley County Law Enforcement Board

Re-Appointment of Commissioner Linda Morse, 2118 Spain Drive, to a two-year City Commissioner term, which will begin on January 1, 2021, and will expire on December 31, 2022.

Re-Appointment of BeEtta Stoney, 805 Gillespie Drive, to a two-year City At-Large term, which will begin on January 1, 2021, and will expire on December 31, 2022.

Appointment of Patricia Hudgins, 3416 Westbaker Street, to a two-year City At-Large term, which will begin on January 1, 2021, and will expire on December 31, 2022.