



***MINUTES***  
***CITY COMMISSION MEETING***  
***TUESDAY, APRIL 19, 2022***  
***7:00 P.M.***

The Regular Meeting of the City Commission was held at 7:00 p.m. in the City Commission Room. Mayor Linda Morse and Commissioners Mark J. Hatesohl, Usha Reddi, Wynn Butler and John E. Matta were present. Also present were City Manager Ron R. Fehr, Deputy City Manager Jason Hilgers, Assistant to the City Manager Kristen Dolf, City Attorney Katharine Jackson, City Clerk Brenda K. Wolf, 24 staff, and approximately 60 interested citizens.

Attending virtually were Garth Herrmann and Dominic Eck, Gilmore & Bell, and Carrie Cox, Senior Consultant, Allen Gibbs Houlik, L.C. (AGH).

**PLEDGE OF ALLEGIANCE**

Mayor Morse led the Commission in the Pledge of Allegiance.

**PROCLAMATION**

Mayor Morse proclaimed April 2022, ***Child Abuse Prevention Month***. Carson Kober, Executive Director, Sunflower Court Appointed Special Advocates (CASA), Stepping Stones Child Advocacy Center (CAC) & Sunflower Bridge Child Exchange and Visitation Center (CEVC); and Meagan Cramer, Board President, Sunflower CASA, were present to receive the proclamation.

**COMMISSIONER COMMENTS**

Commissioner Reddi mentioned April 22, 2022, was Grow Green Match Day and encouraged the public to consider donating to one of the many non-profit agencies in the community shown on the Greater Manhattan Community Foundation website. She highlighted that all three swimming pools would be open this summer, with opening day scheduled for May 28, 2022, and encouraged the public to get their season passes. She stated there have been a lot of recent celebrations which included the opening of Expedition Asia at the Sunset Zoo and the 10-year Anniversary of the Flint Hills Discovery Center and

## COMMISSIONER COMMENTS (CONTINUED)

the recognition of Bruce Snead for his commitment to the Discovery Center. She also stated she was President of the Rotary Club of Community Action Against Human Trafficking and encouraged the public to attend their second annual human trafficking summit titled “What Can Financial Institutions Do to Stop Human Trafficking?” on April 28, 2022, from 9:00 a.m. – 10:30 a.m. via Zoom.

Mayor Morse thought it was important, due to the number of Fort Riley families which are impacted, to express empathy and understanding regarding the seriousness of the situation in Ukraine since Russia’s invasion within the last month.

## CONSENT AGENDA (\* denotes those items discussed)

### MINUTES

The Commission approved the minutes of the Regular City Commission Meeting held Tuesday, April 5, 2022.

### CLAIMS REGISTER NO. 3002

The Commission approved Claims Register No. 3002 authorizing and approving the payment of claims from March 30, 2022 – April 12, 2022, in the amount of \$5,628,748.14.

### LICENSES

The Commission approved an annual Cereal Malt Beverage Off-Premises License for Hy-Vee #1398, 601 3rd Place.

### ORDINANCE NO. 7569 - ADOPT - AMENDED REDEVELOPMENT PLAN - ART & LIGHT MUSEUM

The Commission approved Ordinance No. 7569 adopting an amended redevelopment plan for the Art & Light Museum.

### ORDINANCE NO. 7570 - VACATE UTILITY EASEMENT - MEADOWLARK WATERLINE RELOCATION (VA2201), MEADOWLARK HILLS MONARCH INDEPENDENT LIVING CENTER WATERLINE IMPROVEMENTS PROJECT (WA2206)

The Commission approved Ordinance No. 7570 vacating a utility easement for the Meadowlark Waterline Relocation (VA2201) as part of the Meadowlark Hills Monarch Independent Living Center Waterline Improvements Project (WA2206).

## CONSENT AGENDA (CONTINUED)

### ORDINANCE NO. 7571 - AMEND - NO PARKING, PARKING LOTS, AND 15-MINUTE PARKING

The Commission approved Ordinance No. 7571 amending Section 31-51, 31-52, and 31-54 of the Code of Ordinances, City of Manhattan, Kansas relating to the parking, standing, and stopping of vehicles in the city.

### CHARTER ORDINANCE NO. 63 - REPEAL - CHARTER ORDINANCE NOS. 7, 33 AND 41 - GOVERNING BODY

The Commission approved Charter Ordinance No. 63 repealing Charter Ordinances No. 7, 33 and 41 relating to the governing body.

### CHARTER ORDINANCE NO. 64 - PROCESS FOR FILLING GOVERNING BODY VACANCIES

The Commission approved Charter Ordinance No. 64 exempting the City from K.S.A. 12-104a which establishes a process for filling governing body vacancies in municipalities.

### RESOLUTION NO. 041922-A - AUTHORIZE THE SALE - GENERAL OBLIGATION BOND SERIES 2022-A

The Commission approved Resolution No. 041922-A authorizing the offering for sale not to exceed \$2,350,000.00 of General Obligation Bonds Series 2022-A to finance the following nine (9) public improvement districts: *1100 Block Alley between Ratone Street and Bertrand Street – Street (ST1712); Cumberland Road – Street (ST1710); The Hartford Addition/The Hartford Addition, Unit Two – Design Only – Sanitary Sewer (SS1622), Street (ST1609) and Water (WA1618); 17<sup>th</sup> Street and Houston Street – Sanitary Sewer (SS1204); and The Ames Addition – Sanitary Sewer (SS1804), Street (ST1805), and Water (WA1805); and South Delaware Storm Drainage Improvements Project – (SM1706).*

### FIRST READING - ISSUE - GENERAL OBLIGATION BOND SERIES 2022-A

The Commission approved first reading of an ordinance issuing \$2,295,000.00 of General Obligation Bonds Series 2022-A to finance the following nine (9) public improvement districts: *1100 Block Alley between Ratone Street and Bertrand Street – Street (ST1712); Cumberland Road – Street (ST1710); The Hartford Addition/The Hartford Addition, Unit Two – Design Only – Sanitary Sewer (SS1622), Street (ST1609) and Water (WA1618); 17<sup>th</sup> Street and Houston Street – Sanitary Sewer (SS1204); and The Ames Addition – Sanitary Sewer (SS1804), Street (ST1805), and Water (WA1805); and South Delaware Storm Drainage Improvements Project – (SM1706).*

## CONSENT AGENDA (CONTINUED)

### **RESOLUTION NO. 041922-B - AUTHORIZE THE SALE - TEMPORARY NOTE SERIES 2022-02**

The Commission approved Resolution No. 041922-B authorizing the offering for sale of General Obligation Temporary Notes Series 2022-02 to finance the following eight (8) capital projects: *Airport Parking Lot Construction, Phase 1 and Phases 1-4 Design (AP1201, AP1502, AP1801)*; *2019 Emergency Sanitary Sewer Repairs for Bluemont Avenue & Hayes Drive (SS1920)*; *2019 Emergency Sanitary Sewer Repairs for Levee Drive & Hayes Drive (SS1921)*; *Little Kitten Avenue and Plymouth Road Stormwater Improvements (SW2006)*; *STAR A Biosolids Land Acquisition (SP2004)*; *2020 Waterline Improvements (WA2001)*; and six (6) special assessment projects: *Elijah Addition Sanitary Sewer (SS1916)*, *Street (ST1906)*, *and Water Improvements (WA1916)*; *and Henry Addition Sanitary Sewer (SS2107)*, *Street (ST2104)*, *and Water Improvements (WA2106)*.

### **RESOLUTION NO. 041922-C - AUTHORIZE THE SALE - STAR BONDS - CONSTRUCT ART & LIGHT MUSEUM**

The Commission approved Resolution No. 041922-C authorizing the offering for sale for the STAR bonds to construct the Art and Light Museum.

### **AGREEMENT - PROFESSIONAL ENGINEERING SERVICES - NORTH CAMPUS CORRIDOR DETENTION PONDS (SW2207)**

The Commission authorized the Mayor and City Clerk to execute an Agreement for Professional Engineering Services in the amount of \$144,576.00 with BG Consultants Inc., of Manhattan, Kansas, for the North Campus Corridor Detention Ponds (SW2207) project.

### **MEMORANDUM OF UNDERSTANDING - NORTH CAMPUS CORRIDOR DETENTION PONDS (SW2207)**

The Commission authorized City Administration to finalize, and the Mayor to execute, a Memorandum of Understanding between the City, Kansas State University, Kansas State University Athletics and the Kansas State University Foundation for design and construction of the North Campus Corridor Detention Ponds (SW2207) project.

\* **AWARD CONTRACT - DISHMAN LAKE SEDIMENT REMOVAL AND SITE RESTORATION OF PARK LAND AROUND DISHMAN LAKE IN ANNEBERG PARK (FM1909)**

The Commission found that Mammoth Sports Construction, of Meriden, Kansas, was the lowest and best responsible bidder, based on the staff's recommendation; and awarded and authorized the Mayor and City Clerk to execute a construction

## CONSENT AGENDA (CONTINUED)

\* **AWARD CONTRACT - DISHMAN LAKE SEDIMENT REMOVAL AND SITE RESTORATION OF PARK LAND AROUND DISHMAN LAKE IN ANNEBERG PARK (FM1909) (CONTINUED)**

contract in the total amount of \$84,516.59 to Mammoth Sports Construction, of Meriden, Kansas, for the Dishman Lake Sediment Removal and Site Restoration of park land around Dishman Lake located in Anneberg Park (FM1909).

**AGREEMENT - FLINT HILLS REGIONAL AREA TRANSPORTATION AGENCY BOARD - 600 BLOCK OF POYNTZ AVENUE STREET IMPROVEMENTS (ST2008)**

The Commission authorized the Mayor and City Clerk to execute an Agreement for the Implementation of a Transit Capital Project Between the Flint Hills Area Transportation Agency Board and City of Manhattan, Kansas, for the 600 Block of Poyntz Avenue Street Improvements Project (ST2008).

**AGREEMENT - DOWNTOWN FARMER'S MARKET, INC.**

The Commission authorized the Mayor and City Clerk to execute an Agreement with the Downtown Farmer's Market, Inc., for use of the City's public parking lot at the southeast quadrant of North Fourth Street and Leavenworth Street, in Lot 3, Manhattan Town Center 5 for Wednesdays from May 4, 2022 - September 28, 2022, and Saturdays from May 1, 2022 - April 30, 2023.

\* **BOARD APPOINTMENTS**

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

*Arts and Humanities Advisory Board*

Re-appointment of Doug Barrett Jr., 3902 Golden Eagle Drive, to a three-year term which begins immediately, and will expire March 31, 2025.

Appointment of A. Taylor McFall, 1630 Houston Street, to a three-year term which begins immediately, and will expire March 31, 2025.

Appointment of Luke Townsend, 1218 Pierre Street, to a three-year term which begins immediately, and will expire March 31, 2025.

*Downtown Business Improvement District Advisory Board*

Appointment of Donna Scheele, 5020 Shadowridge Drive, to a two-year term which begins immediately, and will expire December 31, 2023. [NOTE: There was a clerical error in the memo in packet which reflected the term to expire December 31, 2024. The Minutes reflect the actual term.]

## CONSENT AGENDA (CONTINUED)

\* **BOARD APPOINTMENTS (CONTINUED)**

**Downtown Business Improvement District Advisory Board (CONTINUED)**

Appointment of Aly Limbocker-Swanson, 2201 Hillview Drive, to fill the unexpired term of Angela Stokes, which begins immediately, and will expire December 31, 2022. [NOTE: There was a clerical error in the memo in packet which reflected a two-year term which would expire December 31, 2024. The Minutes reflect the actual term.]

\* **Historic Resources Board**

Item was moved to the end of the General Agenda at the request of Commissioner Matta.

\* **Human Rights and Services Board**

Item was moved to the end of the General Agenda at the request of Commissioner Matta.

**Manhattan Urban Area Planning Board**

Re-appointment of Ken Ebert, 1218 Leone Ridge Drive, to a three-year City term which will begin May 1, 2022, and will expire April 30, 2025.

Mayor Morse opened the public comments.

Hearing no comments, Mayor Morse closed the public comments.

Commissioner Hatesohl moved to approve the consent agenda with the BOARD APPOINTMENTS Item J1d (*re-appointment of Thomas Hanson to the Historic Resources Board*); J1e (*appointment of Mick Charney and Bryant Macfarlane to the Historic Resources Board*); and J1f (*re-appointment of Annie Cook and Lakesha James to Human Rights and Services Board*), moved to the end of the General Agenda. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA

**RESOLUTION NO. 041922-D - DECLARING THE INTENT OF THE CITY TO SUPPORT THE LOCATION OF SCORPION BIOLOGICAL SERVICES, INC. TO MANHATTAN, KANSAS - INDUSTRIAL REVENUE BONDS AND ECONOMIC DEVELOPMENT INCENTIVES**

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, introduced the item and thanked the City Manager's Office and City staff for

## GENERAL AGENDA (CONTINUED)

### **RESOLUTION NO. 041922-D - DECLARING THE INTENT OF THE CITY TO SUPPORT THE LOCATION OF SCORPION BIOLOGICAL SERVICES, INC. TO MANHATTAN, KANSAS - INDUSTRIAL REVENUE BONDS AND ECONOMIC DEVELOPMENT INCENTIVES (CONTINUED)**

their work on the project. He stated that the Board of Directors asked the City Commission to approve Resolution of Support.

Daryn Soldan, Director of Economic Development, Manhattan Area Chamber of Commerce, gave an overview of the project.

Jeff Wolf, Chairman, Scorpion Biological Services, shared that the company was excited to be part of the community and saw right away a natural fit between not only the objectives of what Manhattan was looking to achieve and what the company was looking to achieve but also the cultural fit. He asked the Commission to consider their request.

Jason Hilgers, Deputy City Manager, highlighted the resolution and what would be considered in the future for industrial revenue bonds and economic development incentives.

Mayor Morse opened the public comments.

Linda Weis, Broker/Owner, Realty Executives Weis Real Estate, 215 Pine Drive, spoke in support of the project and relayed questions the community have asked of her.

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

David Halverson, President, Scorpion Biological Services, answered questions raised by Ms. Weis and provided additional information. He then answered questions from the Commission.

After discussion, Commissioner Hatesohl moved to approve Resolution No. 041922-D declaring the intent of the City of Manhattan, Kansas, to support the location of Scorpion Biological Services, Inc., to Manhattan, Kansas, in the form of Industrial Revenue Bonds and Economic Development Incentives conditioned upon successful negotiation and future action by the governing body. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### AGREEMENTS - DEVELOPMENT AND TRANSFER REAL ESTATE - AGGIEVILLE PARKING LOT (12<sup>TH</sup> STREET AND LARAMIE STREET) (FUZE PROJECT-AG2101); AGREEMENTS – PROFESSIONAL SERVICES AND CONSTRUCTION MANAGER AT RISK - 12<sup>TH</sup> AND LARAMIE STREETS IMPROVEMENTS (AG2202)

Jason Hilgers, Deputy City Manager, presented the item. He then answered questions from the Commission.

TJ Vilkanskas, representative of Back 9 Development, 3417 Vanesta Drive, introduced his team made up of all local companies and provided information regarding the project and parking. He then answered questions from the Commission.

Mayor Morse opened the public comments.

Cam Ward, Aggieville Business Owner, 1929 Bluestem Terrace, spoke in support of the project. He said this project was an incredible opportunity for the business district, for the local companies that are involved with the project, and for more people to work and patronize other businesses in Aggieville; would increase sales taxes; and provide property taxes. He asked the Commission to support the project.

Dennis Cook, Director, Aggieville Business Association, stated that the Board was unanimous in support of the project and asked the Commission to support the project.

Jason Smith, President and Chief Executive Officer, Manhattan Area Chamber of Commerce, spoke in support of the project and encouraged the Commission to approve. He mentioned the Chamber Board of Directors voted unanimously in support of the project.

Ernie Beaudet, 2808 Tobacco Road, retired banker, encouraged the City to provide the parking for Aggieville by using the two City parking lots as planned for what is being developed and complemented the City on the new Aggieville parking garage. He asked the Commission to take every consideration of solving the parking issue.

Gary Olds, 3308 Frontier Circle, spoke of his concern with parking.

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

Jason Hilgers, Deputy City Manager, answered questions from the Commission.



## GENERAL AGENDA (CONTINUED)

### AGREEMENTS - DEVELOPMENT AND TRANSFER REAL ESTATE - AGGIEVILLE PARKING LOT (12<sup>TH</sup> STREET AND LARAMIE STREET) (FUZE PROJECT-AG2101); AGREEMENTS – PROFESSIONAL SERVICES AND CONSTRUCTION MANAGER AT RISK - 12<sup>TH</sup> AND LARAMIE STREETS IMPROVEMENTS (AG2202) (CONTINUED)

After discussion, Commissioner Butler moved to approve the Development Agreement and Real Estate Transfer Agreement with Back 9 Development for the redevelopment of the City's parking lot (AG2101); approve the 12<sup>th</sup> Street and Laramie Street (AG2202) design contract with Olsson, of Manhattan, Kansas, in the amount of \$567,776; and approve the Construction Manager at Risk contract with BHS Construction, of Manhattan, Kansas, for the 12<sup>th</sup> Street and Laramie Street construction (AG2202). Commissioner Hatesohl seconded the motion. On a roll call vote, motion carried 5-0.

### FIRST READING – AMEND – ASSISTED LIVING BY AMERICARE PUD

Chad Bunger, Assistant Director of Community Development, presented the item.

Mayor Morse asked each member of the City Commission who had engaged in ex parte communication with any individual either in favor of, or against, the matter being considered, to state what communication occurred and indicate that even in light of having engaged in the communication whether they were able to fairly, objectively, and impartially consider the measure based only upon the evidence provided on the record.

No ex parte communication was declared by the Commission.

Neal Slattery, Staff Engineer, Americare Senior Living, provided information regarding the updated project.

Mayor Morse opened the public hearing.

Gary Olds, 3308 Frontier Circle, asked whether this project qualified for tax exempt status. He stated that projects like these should have payment in lieu of taxes if possible as there is with public housing.

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

After discussion, Commissioner Hatesohl moved to find that the proposed amendment meets the review criteria of Subsection 26-9E-7E, Major Modification; and approve the first reading of an ordinance amending Ordinance No. 7377 and the Final Development Plan of the Assisted Living by Americare PUD. Commissioner Reddi seconded the motion. On a roll call vote, motion carried 5-0.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - 2022 REVISED SALARY ORDINANCE - IMPLEMENT UPDATED CLASSIFICATION AND COMPENSATION SYSTEM

Jason Hilgers, Deputy City Manager, presented the item. He then answered questions from the Commission.

Mayor Morse opened the public comments.

Monica Macfarlane, 213 Parker Drive, stated she had worked for the City as a City Intern. She mentioned that pay had been an issue for a long time and that the City has lost a mass amount of talent since the pay has not kept up. She said that concern of salaries for 15 employees should not stop for what needs to happen for the rest of 400+ employees.

Stacy Kohlmeier, 3446 Vanesta Drive, commended the Commission and City Administration for doing a comprehensive analysis. She said that there was nothing more important than figuring out how to keep talent in the organization. She recommended being careful of second guessing the experts in the field that have done the work.

John Ball, 3107 Harahey Ridge, asked the Commission to think carefully about adding almost \$3 million to the citizens of Manhattan. He cautioned that the study was based on false assumptions. He stated that salaries at mid-range and down needed to be looked at as that is where the City is losing staff.

Gary Olds, 3308 Frontier Circle, stated that the Commission has before it a tough issue regarding the pay compensation and the revenue neutral issue that would be coming up.

Mellissa Rundus, Chief City Prosecutor/Assistant City Attorney, stated that she loved Manhattan and working for the City. She mentioned that staff work late hours and answer questions while on vacation. She highlighted that City employees work together as a team and are effective and efficient, and when the City leaders start to be devalued, they will be the next to leave the City.

Ben Chmiel, Long Range Planner, read his job description and thanked City Administration for doing the pay study. He highlighted issues and fears that employees faced during COVID and the struggles over the years in filling and keeping positions filled due to the low pay. He mentioned that since March 2021 the consumer price index had increased 11.1% but employees may have received between 4%-6% increase in pay, that the pay structure in Community Development is constraining, and that employees are doing their job as well as the work of the vacant positions. He asked the Commission to value the City employees for the employees that they are.

## GENERAL AGENDA (CONTINUED)

### FIRST READING - 2022 REVISED SALARY ORDINANCE - IMPLEMENT UPDATED CLASSIFICATION AND COMPENSATION SYSTEM (CONTINUED)

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

Commissioner Reddi moved to approve first reading of a revised 2022 Salary Ordinance implementing the updated classification and compensation system as recommended by the AGH Consulting Group. Commissioner Hatesohl seconded the motion.

Ron Fehr, City Manager, stated the classification system set the framework to operate within and what he understood the Commission wanted was a lower ultimate budget impact on the implementation and the concern was at the higher end positions. He thought City Administration could come back with a recommendation that would meet the Commission's expectations.

After discussion, on a roll call vote, motion carried 3-2 with Commissioner Matta and Commissioner Butler voting against.

### ITEM REMOVED FROM CONSENT AGENDA

#### BOARD APPOINTMENTS (J1d, J1e, J1f) [See Attachment No. 1]

After discussion, Commissioner Matta moved to deny appointment 1d [*re-appointment of Thomas Hanson to the Historic Resources Board*]. Commissioner Butler seconded the motion. On a roll call vote, motion carried 3-2 with Mayor Morse and Commissioner Reddi voting against.

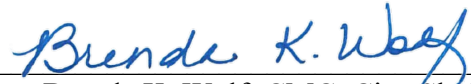
After discussion, Commissioner Matta moved to approve the appointments of 1e [*appointment of Mick Charney and Bryant Macfarlane to the Historic Resources Board*]. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

After discussion, Commissioner Reddi moved to accept Annie Cook and Lakesha James to the Human Rights and Services Board. Mayor Morse seconded the motion. On a roll call vote, motion failed 2-3 with Commissioner Hatesohl, Commissioner Butler, and Commissioner Matta voting against.

Commissioner Hatesohl moved to approve the reappointment of Lakesha James to the Human Rights and Services Board. Commissioner Butler seconded the motion. On a roll call vote, motion carried 5-0.

**ADJOURNMENT**

At 10:35 p.m., the Commission adjourned.



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Brenda K. Wolf, CMC, City Clerk

## Board Appointments (J1d, J1e, J1f)

### Historic Resources Board

- 1d. ~~Re-appointment of Thomas Hanson, 247 Ridge Drive, to a three-year History term which begins immediately, and will expire April 30, 2025. [Based on action by Commission, Thomas Hanson was not re-appointed.]~~
- 1e. Appointment of Mick Charney, 1420 Waterford Place, Apt 8, to fill the unexpired term of Karen Cole, as an Art and Architectural Historian term, which begins immediately, and will expire April 30, 2024. *[NOTE: There was a clerical error in the memo in packet that reflected the term was to begin immediately. The Minutes reflect the actual term.]*
- 1e. Appointment of Bryant Macfarlane, 213 Parker Drive, to a three-year History term which will begin May 1, 2022, and will expire April 30, 2025. *[NOTE: There was a clerical error in the memo in packet that reflected the term was to begin immediately. The Minutes reflect the actual term.]*

### Human Rights and Services Board

- 1f. ~~Re-appointment of Annie Cook, 2834 Oregon Lane, to a three-year term which begins immediately, and will expire March 9, 2025. [Based on action by Commission, Annie Cook was not re-appointed.]~~
- 1f. Re-appointment of Lakesha James, 1044 Burton Place, to a three-year term which begins immediately, and will expire March 9, 2025.