



AGENDA
TUESDAY, SEPTEMBER 5, 2023
CITY COMMISSION ROOM
CITY HALL
1101 POYNTZ AVENUE
MANHATTAN, KS 66502

City Commission Meeting
6:00 P.M.

NOTE: Agenda items are available on the City's website at <https://www.cityofmhk.com/Archive.aspx?ADID=8860>. If you would like to provide public comment at the meeting for an item on the agenda, you may sign up-in person at the meeting. The guidelines for public comments can be found in Resolution No. 062122-B, <https://cityofmhk.com/meetingspolicy>. If you would like to provide written comment for an item on the agenda in lieu of coming to City Hall, comments may be submitted through the City's website at <https://cityofmhk.com/contactcommissioners> or by emailing or calling the Commissioners directly. Contact information for each Commissioner is located on the City's website at <https://cityofmhk.com/202/City-Commission>.

The City Commission Meeting will be televised live on local Cox Cable Channel 3, on the City's website at <http://cityofmhk.com/tv>, and also on Facebook at <https://www.facebook.com/Cityofmanhattan>. A recording will be made available on the City's website after the meeting.

1. CALL TO ORDER

2. ROLL CALL AND ANNOUNCEMENT OF A QUORUM

3. PLEDGE OF ALLEGIANCE



This meeting is being held in the City Commission Room at City Hall, 1101 Poyntz Avenue. In accordance with provisions of the ADA, every attempt will be made to accommodate the needs of persons with disabilities. Please contact the Human Resources Department (587-2443) for assistance.

4. PROCLAMATIONS

- A. September 10, 2023, [9/11 Day of Remembrance](#). (Lori Bishop, Executive Director, Flint Hills Volunteer Center; and Sue Simmons, Board President; Ronnie Grice, Board Vice-President; and Missy Tener and Lucy Straily, Board Members, The Flint Hills Volunteer Center Board of Directors, will be present to receive the proclamation.)
- B. September 17-23, 2023, [Constitution Week](#). (Sara Larson, Chapter Regent; Donna VanGlider, Chapter Vice Regent; and B. Gayle Heitman, Chairwoman, Constitution Week, Polly Ogden Daughters of the American Revolution, will be present to receive the proclamation.)

5. PUBLIC COMMENTS

[Public Comment is for [comments from the public](#) to the City Commission, which is not related to an item on the agenda. As a general practice, the City Commission will not discuss or debate these items, nor will the City Commission make decisions on items presented during this time. Individuals should address all comments and questions to the Commission. Each person will be limited to one speaking opportunity for up to five (5) minutes for this section.]

6. COMMISSIONER COMMENTS

7. CONSENT AGENDA

[Items on the Consent Agenda are those of a routine and housekeeping nature or those items which have previously been reviewed by the City Commission and may be approved in one motion. A Commissioner may request an item be removed for separate discussion and considered immediately following the Consent Agenda. [Comment from the public](#) related to any item on the Consent Agenda to the City Commission is allowed. Each person will be limited to one speaking opportunity for up to five (5) minutes for this section.]

- A. **MINUTES**
 - 1. Approve the [minutes](#) of the Regular City Commission Meeting held Tuesday, August 15, 2023.
- B. **CLAIMS/PAYMENTS**
 - 1. Approve [Claims Register No. 3042](#) authorizing and approving the payment of claims from July 26, 2023 - August 8, 2023, in the amount of \$4,940,097.41.
 - 2. Authorize payment of eligible utility relocation expenses in the amount of \$288,020.88 claimed by Kansas Gas Services in association with the [Manhattan Levee Improvements Project \(SM1813\)](#).

C. **LICENSES**

1. Approve an annual [Cereal Malt Beverage Off-Premises License](#) for Target Store T-1821, 800 Commons Place.

D. **FINAL PLATS**

1. Accept the easements and rights-of-way, as shown, on the [Final Plat of Living Word Addition, Unit 2](#), based on conformance with the Manhattan Development Code and approval by the Manhattan Urban Area Planning Board.

E. **SECOND AND FINAL READING**

1. Approve [Ordinance No. 7658](#) amending Ordinance No. 4581 of Greenbriar PUD, to allow for non-owner-occupied short-term rentals, based on the findings in the Staff Report and the recommendation of the Manhattan Urban Area Planning Board.
2. Having found that no private rights will be injured or endangered by such vacation, and that the public will suffer no loss or inconvenience thereby, approve [Ordinance No. 7659](#) vacating a portion of a utility easement located at Lot 2 of Campus View Addition (also known as 1200 Centennial Drive) Manhattan, Riley County, Kansas (VA2301).
3. Approve [Ordinance No. 7660](#) amending Chapter 19, Article III, Division 1, Sec. 19-61 of the [Code of Ordinances](#) regarding licensing of massage therapy establishments and massage therapist by amending the definition of “Crime Involving Moral Turpitude.”

F. **RESOLUTIONS**

1. Approve [Resolution No. 090523-A](#) authorizing a Special Event with Alcohol Permit for Oktoberfest in the Alley to occur on September 21, 2023.

G. **PROFESSIONAL SERVICES**

1. Authorize the Mayor and City Clerk to execute an Agreement for Professional Consultant Services, in an amount not to exceed \$499,885.00, with Stantec Consulting Services Inc., of Overland Park, Kansas, for the [East Manhattan Gateway Plan \(SP2304\)](#), and authorize City Administration to initiate solicitation of interest forms for the East Manhattan Gateway Community Advisory Committee composition.
2. Accept the Selection Committee's recommendation and authorize City Administration to negotiate a design contract with Anderson Knight Architects, of Manhattan, Kansas, for the [African Plains and the America's Habitat project \(PR2322\)](#).
3. Accept the selection committee's recommendation and authorize staff to enter into negotiations with Vireo, LLC, of Kansas City, Missouri, for completion of the [Move MHK! Comprehensive Parks and Recreation Master Plan \(PR2323, CIP #CP406P\)](#).

H. ***BID AND AWARD***

1. Authorize an alternative selection process of direct negotiations, pursuant to Section 3 of Charter Ordinance No. 62, to award and authorize the Mayor and City Clerk to execute a construction contract in the amount of \$210,672.00 with Bayer Construction Co., Inc., of Manhattan, Kansas, for installation of [trail and park improvements at Stonehaven Park \(PR2306\)](#).

I. ***GRANTS***

1. Authorize the Mayor and City Clerk to execute an [Agreement for the Sale of Real Estate with the property owners of 925 Village Drive](#) in the amount of \$133,308.00 (SW2305) as part of the Kansas Emergency Management Mitigation Program and to finalize and execute all documents relative to the closing of the property.

J. ***MISCELLANEOUS AGREEMENTS***

1. Authorize Mayor and City Clerk to execute the [Memorandum of Understanding](#) with Frontier Development Group, LLC, of Manhattan, Kansas, to jointly cooperate in developing design scenarios for Lots 1-10 of Lee Mill Village.

K. ***MISCELLANEOUS***

1. Authorize the Mayor and City Clerk to execute a First Amendment to the Loan Agreement between the City of Manhattan and the Kansas Department of Health and Environment (KDHE) to modify the repayment schedule for the [Water Treatment Plant Lime Sludge Lagoon Improvements Project \(WA1907\)](#).

L. ***PURCHASES***

1. Approve an alternative procurement process utilizing a Cooperative Contract through the National Association of State Procurement Officers (NASPO) and [authorize the purchase of a John Deere 1600 Terrain Cut Wide Area Mower](#), in the amount of \$80,359.33, from Prairieland Partners, LLC, of Wamego, Kansas, and authorize the disposal or future sale of the 2006 unit once the replacement mower has arrived.

M. ***APPOINTMENTS***

1. Approve the following [appointments by Mayor Hatesohl](#) to various boards and committees of the City.
 - a. Appointment of Carol Sevin to the Food and Farm Council.
 - b. Appointment of Cheryl Arthur to the Food and Farm Council.
 - c. Appointment of Karla Hagemeister to the Frederick Douglass Recreation Complex Advisory Board.

6. ITEM REMOVED FROM CONSENT AGENDA

7. PUBLIC HEARING

[The hearing procedure and public participation will be based upon the legal requirements for the required hearing.]

- A. **CONSIDER 2024 CITY BUDGET AND REVENUE NEUTRAL RATE**
1. Conduct a public hearing on the Revenue Neutral Rate; and
 2. Approve Resolution No. 090523-B levying a property tax rate exceeding the revenue neutral rate.
 3. Conduct a public hearing on the proposed 2024 City Budget; and
 4. Approve first reading of an ordinance adopting the 2024 City Budget.

8. GENERAL AGENDA

[[Comment from the public](#) related to any item on the General agenda to the City Commission is allowed. Each person will be limited to one speaking opportunity for up to five (5) minutes for each item in this section.]

- A. **CONSIDER ESTABLISHING A COMMON CONSUMPTION AREA DOWNTOWN FOR THIRD THURSDAY STREET FAIRE AND MAKER'S MARKET EVENT**

REQUESTED ACTION BY APPLICANT:

1. Approve first reading of an ordinance establishing a common consumption area for the possession and consumption of alcohol on Poyntz Avenue, from 3rd Street to 5th Street, on Thursday, October 19, 2023, from 5:00 p.m. to 8:00 p.m., for a Third Thursday Street Faire & Maker's Market event.
- B. **CONSIDER PURCHASING REAL ESTATE FOR FUTURE FIRE STATION 6 IN THE GREEN VALLEY AREA**
1. Authorize City Administration to finalize and the Mayor and City Clerk to execute an Agreement for Purchase of Real Estate at 3830 Excel Road and finalize and execute all documents relative to the closing of the property.

9. ADJOURNMENT

- A. Move to adjourn the September 5, 2023, City Commission Meeting.