



REVISED AGENDA
TUESDAY, MAY 2, 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=8725>. 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. RECOGNITION/PRESENTATIONS

- A. Association of the United States Army (AUSA) Fort Riley Chapter to recognize the City of Manhattan for 36 years of Dedicated Support.
- B. Mayor Mark J. Hatesohl and City Manager Ron Fehr will recognize outgoing Commissioner Usha Reddi for her service as Commissioner of Manhattan.

5. PROCLAMATIONS

- A. May 5, 2023, [Arbor Day](#). (J. David Mattox, Forestry Supervisor, City of Manhattan, and Gabriela Means-Mendoza, President, Kappa Pi chapter of Alpha Kappa Alpha Sorority, will be present to receive the proclamation.)
- B. May 6, 2023, [Poppy Day](#). (Aria Dreiling, Poppy Princess, will be present to receive the proclamation.)
- C. May 2023, [Manhattan Bike/Walk Month](#). (Dave Colburn, Owner, Flint Hills Bike Repair, and Nick Saia, Bicycle and Pedestrian Coordinator, City of Manhattan, will be present to receive the proclamation.)

6. 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.]

7. COMMISSIONER COMMENTS

8. 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, April 18, 2023.

B. CLAIMS/PAYMENTS

1. Approve [Claims Register No. 3034](#) authorizing and approving the payment of claims from April 12, 2023 – April 25, 2023, in the amount of \$2,975,397.39.

C. LICENSES

1. Approve an annual [Cereal Malt Beverage Off-Premise License](#) for Hy-Vee #1398, 601 3rd Place, and a Tree Maintenance License for calendar year 2023 for B&B Tree Service, 1781 Meadowlark Road, Clay Center.

D. FINAL PLATS

1. Accept the easements and rights-of-way as shown on the [Final Plat of KSU Foundation Addition, Unit Three](#), based on conformance with the Manhattan Development Code and approval by the Manhattan Urban Area Planning Board; and authorize the Mayor and City Clerk to execute a travel easement for off-site access to the site.

E. SECOND AND FINAL READING

1. 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. 7638](#) vacating a portion of a utility easement located at Lot 22 of Grand Mere Unit 1 (also known as 2801 Heartland Valley) Manhattan, Riley County, Kansas (VA2302).
2. Approve [Ordinance No. 7639](#) amending Chapter 24 of the Code of Ordinances, removing regulations relating to canvassing within the corporate limits of the city of Manhattan, Kansas.)
3. Approve [Ordinance No. 7640](#) issuing up to \$8 million in Industrial Revenue Bonds for the acquisition, construction and equipping of up to three 12-bed senior “Home Plus” facilities to be leased to Foundation Park HomePlus, LLC and authorizing certain other related document and actions.

F. BID AND AWARD

1. Approve withdrawal of Kevin Rogosch’s bid and award and authorize the Mayor and City Clerk to execute a contract with Taussig Landscape Inc., of Manhattan, Kansas, in the base bid amount of \$46,542.25 and all the alternatives in the amount of \$27,528.40 for total amount of \$74,070.65 for the [Old Blue River Channel Vegetation Maintenance Project \(SP2301\)](#).
2. Award and authorize the Mayor and City Clerk to execute a construction contract with Shilling Construction Company, Inc., of Manhattan, Kansas, in the amount of \$736,286.10 for the [2023 Asphalt Mill and Overlay project \(ST2305\)](#).

G. GRANTS

1. Authorize the Mayor to sign an application for [2023 Emergency Solutions Grant funds](#) and the Mayor and City Clerk to execute a grant agreement with the Kansas Housing Resources Corporation (KHRC) and Agreements with the Manhattan Emergency Shelter, Inc. and The Crisis Center if funding is approved; and authorize the City Manager to execute reimbursement requests.

2. Authorize the Mayor to execute [Modification to Reimbursable Agreement \(AJW-FN-CSA-20-CE-003933\)](#) in the amount of \$38,964.24 for Runway 3/21 Reconstruction project (AP030P).
3. Approve the [Community Development Block Grant \(CDBG\) 2023 Annual Action Plan](#) and authorize the Mayor and City Clerk to execute the CDBG 2023 Grant Contract with the U.S. Department of Housing and Urban Development (HUD), upon its receipt, and all sub-recipient agreements.

H. **MISCELLANEOUS AGREEMENTS**

1. Authorize the Mayor and City Clerk to execute an Agreement for Construction of Public Infrastructure by Owner and Contractor, with Kansas State University Foundation Office Park, Phase III, [Public Water \(WA2309\) Improvements Project](#), with the Kansas State University Foundation, a not-for-profit Kansas corporation, Kansas State University Real Estate Fund, LLC, a limited liability company, and McCownGordon Construction, LLC, a Kansas corporation, for the KSU Foundation Office Park, Phase III, Public Water Improvements (WA2309) Project.

I. **PURCHASES**

1. Authorize City Administration to purchase for the [Parks Division seven \(7\) used 2022 Chevrolet Silverado 2500HD trucks](#) for the combined cost of \$367,955 from Cable Dahmer Automotive, of Topeka, Kansas, and authorize the disposal of vehicles 217,1063,1199,1137,1005 and 1185 as excess property once the replacement trucks arrive.

J. **APPOINTMENTS**

1. Approve the following [appointments by Mayor Hatesohl](#) to various boards and committees of the city.
 - a. Re-appointment of Daniel Barr to the Code Appeals Board.
 - b. Re-appointment of David Stevenson to the Code Appeals Board.
 - c. Appointment of Mary Beth Reese to the Community Funds Advisory Board.
 - d. Appointment of Lisa A. Sisley to the Community Funds Advisory Board.
 - e. Appointment of Vincent Tracey to the Community Funds Advisory Board.
 - f. Appointment of John Ball to the Community Funds Advisory Board.
 - g. Appointment of Julie Keenan to the Community Funds Advisory Board.
 - h. Appointment of Melissa Tener to the Community Funds Advisory Board.
 - i. Appointment of Julie Hatesohl to the Community Funds Advisory Board.
 - j. Appointment of Nancy Knopp to the Community Funds Advisory Board.
 - k. Appointment of Phil Mattox to the Community Funds Advisory Board.

- l. Appointment of Carrie Andrade to the Human Rights and Services Board.
- m. Appointment of James Fenton to the Human Rights and Services Board.
- n. Appointment of Aaron VonFeldt to the Municipal Audit Committee.

9. ITEM REMOVED FROM CONSENT AGENDA

10. PUBLIC HEARING

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

- A. CONSIDER VACATING A UTILITY EASEMENT AND A DRAINAGE EASEMENT FOR LOT 26, LEE MILL HEIGHTS, UNIT 4 (1037 LAUSSAC DRIVE)
1. Conduct a public hearing; and
 2. Find that no private rights will be injured or endangered by such vacation, and that the public will suffer no loss or inconvenience thereby; and approve first reading of an ordinance vacating a utility easement and drainage easement located at Lot 26 of the Final Plat of Lee Mill Heights, Unit Four (also known as 1037 Laussac Drive) Manhattan, Riley County, Kansas (VA2303).

11. 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 REZONING 407 POTTAWATOMIE AVENUE FROM RL, LOW DENSITY RESIDENTIAL DISTRICT, TO BC, BUSINESS COMMERCIAL DISTRICT
[Manhattan Urban Area Planning Board recommends denial]

~~REQUESTED ACTION BY APPLICANT:~~

~~Override the recommendation of the Manhattan Urban Area Planning Board and adopt first reading of an ordinance rezoning 407 Pottawatomie Avenue from RL, Low Density Residential District, to BC, Business Commercial District, based on findings in the Staff Report.~~

This item has been pulled from the agenda at the request of City Administration.

B. **CONSIDER AMENDING MCCALL LANDING PLANNED UNIT DEVELOPMENT FOR CULVER'S RESTAURANT**

[Manhattan Urban Area Planning Board recommends approval]

REQUESTED ACTION BY APPLICANT:

Approve the first reading on an ordinance amending Ordinance No. 6745, and the Final Development Plan of McCall Landing PUD, to establish a Culver's restaurant with a drive-through, based on the findings in the Staff Report and the recommendation of the Manhattan Urban Area Planning Board.

C. **CONSIDER REDUCING THE MANHATTAN DEVELOPMENT CODE ISLAND LANDSCAPING REQUIREMENT FOR THE BLUEMONT ELEMENTARY SCHOOL PARKING LOT**

[Manhattan Urban Area Planning Board recommends approval]

REQUESTED ACTION BY APPLICANT:

Find that the public interests to be served by the parking lot at Bluemont Elementary School outweigh the impacts upon legitimate community interests and approve first reading of an ordinance authorizing the reduction of landscaping requirements pursuant to Sec. 26-9D-4 of the Manhattan Development Code and K.S.A. 12-748 for Bluemont Elementary School based on the recommendation of the Manhattan Urban Area Planning Board and the findings in the Staff Report.

D. **CONSIDER ALLOWING RILEY COUNTY HEALTH DEPARTMENT TO INSTALL AT THE INTERSECTION OF CLAFLIN ROAD AND WHARTON MANOR ROAD A DIGITAL GRAPHIC SIGN THAT CURRENTLY IS NOT ALLOWED IN THE RH, HIGH-DENSITY RESIDENTIAL DISTRICT**

[Manhattan Urban Area Planning Board recommends approval]

REQUESTED ACTION BY APPLICANT:

Find that the public interests to be served by the digital graphic sign at the Riley County Health Department outweigh the impacts upon legitimate community interests; and approve first reading of an ordinance authorizing a digital graphic sign for the Riley County Health Department, based on the recommendation by the Manhattan Urban Area Planning Board and findings in the Staff Report.

12. EXECUTIVE SESSION

[Executive Sessions are closed meetings held in accordance with the provisions of the Kansas Open Meetings Act. Discussion is limited to topics listed in KSA 75-4319.]

- A. Recess into Executive Session to discuss the terms of the agreement between City Administration and Local 2275, International Association of Fire Fighters that presently need to remain confidential, pursuant to the exception set forth in K.S.A. 75-4319(b)(3) related to employer-employee negotiations, and to resume the open meeting at _____ p.m. in the City Commission Room.

13. ADJOURNMENT

- A. Move to adjourn the May 2, 2023, City Commission Meeting.