

## CITY COMMISSION MINUTES

January 6, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, January 6, 2009 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager, Rod Barnes, Assistant City Manager Mike Guinn, City Clerk Tricia Gowen, City Engineer Christina Cook, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Item 3e was requested to be pulled from the Consent Agenda for separate action.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **December 16, 2008**, City Commission meeting minutes.
- b. Approval of the **December 22, 2008**, Special City Commission meeting minutes.
- c. The consideration of **Appropriation Ordinance** dated December 13, 2008, through January 2, 2009, in the amount of \$2,900,324.74.
- d. The consideration and approval of **Ordinance G-1046** amending Section 105.010 of the Code of the City entitled "Membership of Commission" (**Final Reading**).
- e. The consideration and approval of **Payroll Requests #25, #26, Longevity and Vacation Buy Back**, in the amounts of \$221,531.26 (Payroll #25, December 5, 2008); \$254,316.04 (Payroll #26, December 19, 2008); \$35,607.15 (Longevity); and \$24,525.26 (Vacation Buy Back).
- f. The consideration and approval of **Pay Request #18** by HNTB for the US-77 and K-18 corridor study, in the amount of \$7,832.90. (KDOT will reimburse 60% and Geary County 20%, leaving the City to pay \$1,566.58 which is 20%.)
- g. The consideration and approval to **Extend the Junction City Housing Board Appointments** to 4-year terms (instead of current 3-year terms) according to Kansas Statute 17-2341.
- h. The consideration and approval of **Submission of Meacham Foundation Memorial Grant** for the Animal Shelter, in the amount of \$4,000.00. (There are no matching funds required by this grant.)
- i. The consideration and approval of **Pay Request #14** by Walters-Morgan Construction for services completed through December 20, 2008, on the K-57 Channel and Pedestrian Trail Improvements project, in the amount of \$148,842.68. (Project is 98.7% complete.)

- j. The consideration and approval of **Pay Request #5** by Konza Construction for services through December 19, 2008, on the Rucker Road – US 77 to Whitney project, in the amount of \$101,115.18. (Project is 35.6% complete.)
- k. The consideration and approval of **Pay Request #3** by HWS Consulting for professional services through November 29, 2008, on the Freeman Filed Taxilane Reconstruction Construction Management Phase, in the amount of \$25,041.11. (FAA will reimburse \$23,789.05.)
- l. The consideration and approval of **Grant of Right-of-Way Offer** to Mrs. DeJesus, in the amount of \$2,698.54, for the Rucker Road – US 77 to Whitney project.
- m. The consideration and approval of Pay Request #1 by Ebert Construction for construction services for the Spring Valley Road – Fox Sparrow Court to Sutter Woods Road project, in the amount of \$111,901.50 (Reimbursement will be submitted to the Transportation Revolving Loan Fund #0067)(Project is 7.29% complete.)
- n. The consideration and approval of **Grant of Construction Easement Offer** to Randy and Diana Dean for the Spring Valley Road – McFarland Road to Wildcat Lane project, in the amount of \$97.00.
- o. The consideration and approval of **Pay Request #3** by Middlecreek Corporation for construction services through December 18, 2008, for the K-18 and Karns project, in the amount of \$12,398.45 and the **request for 30 additional calendar days** due to inclement weather. (Project is 68% complete.)

#### **ITEM FOR SEPARATE ACTION**

- e. The consideration and approval of **Payroll Requests #25, #26, Longevity and Vacation Buy Back**, in the amounts of \$221,531.26 (Payroll #25, December 5, 2008); \$254,316.04 (Payroll #26, December 19, 2008); \$35,607.15 (Longevity); and \$24,525.26 (Vacation Buy Back). Administrative Services Director/City Clerk Tricia Gowen, informed the Commission that the Vacation Buy Back program began in 2004; the program is budgeted each year from the Salary & Wages line items for each department; the City Commission approved this expenditure when they approved the 2008 budget, and employees who have accrued more than 240 hours of vacation as of December 1<sup>st</sup> each year can elect to have up to 40 hours of vacation bought back by the City and accept either a cash payment or put the amount into their voluntary retirement fund. The program began after a serious reduction of force prior to 2004 and it was discovered that many long time employees were not able to utilize all of their vacation before they lost it due to assuming the tasks of the employees who were laid off. This program has been eliminated from the 2009 budget. Ms. Gowen also explained that the Longevity program began in 2005 and is budgeted each year from the Salary & Wages line items for each department; the City Commission approved this expenditure when they approve the 2008 and 2009 budgets. This program is designed to reward long term employees and is an incentive for staff to remain with the City reducing recruitment and training costs. Eligible employees must be full time and have five years of continuous service with the City to receive the longevity pay. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Payroll Requests #25, #26, Longevity, and Vacation Buy Back in the amounts of \$221,531.26 (Payroll #25, December 5, 2008); \$254,316.04 (Payroll #26, December 19, 2008); \$35,607.15 (Longevity); and \$24,525.26 (Vacation Buy Back). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## SPECIAL PRESENTATIONS

- a. A presentation by HNTB on the US 77/K-18 Corridor Management Plan. Brian Comer with HNTB reviewed the US 77/K-18 Corridor Management Plan with the Commission. The plan will be added to the City's web site and available to the public. Mr. Comer stated that the group is currently working with KDOT for funding resources for the plan.

## NEW BUSINESS

- a. The consideration and approval of **Ordinance S-3044** requesting annexation by consent for property generally known as 2300 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; Pepsi Addition) (**First Reading**). City Engineer, Christina Cook, stated that Ms. Smail has agreed to that annexation with consent. Commissioner Talley moved, seconded by Commissioner Heldstab to approve Ordinance S-3044 requesting annexation by consent for property generally known as 2300 Elmdale Avenue (East of Elmdale Road, South of HwyK-57, Pepsi Addition (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of **Ordinance S-3038** to rezone property at 2300 Elmdale Avenue (East of Elmdale Road; South of Hwy K-57; Pepsi Addition) from County Light Industrial (IL) District to City Heavy Industrial (IH) District (**First Reading**). City Engineer, Christina Cook, stated that the MPC has approved the rezoning request. The rezoning is necessary due to the nature of the business located at this address (Waste Management). Their equipment meets the criteria of Industrial Heavy guidelines. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance S-3038 to rezone property at 2300 Elmdale Avenue (East of Elmdale Road, South of Hwy K-57, Pepsi Addition) from County Light Industrial (IL) District to City Heavy Industrial (IH) District (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **Ordinance G-1047** proposing a change in the monthly sanitation rates and fees for dumpsters (**First Reading**). City Manager, Rod Barnes, informed the Commission that the sanitation rates will increase from the current rate of \$12.50 per month per residential customer to \$15.50 per month per residential customer. There are currently 6,287 residential customers. The City will receive \$1.00 per month per customer (residential and commercial). The last increase in rates occurred in 2002. The dumpster rates will also increase. The rates for once a week pick up will be: 2-Yard increases from \$55 per month to \$125 per month; 4-Yard increases from \$110 per month to \$225 per month; 6-Yard increases from \$165 per month to \$330.00 per month. Twice a week pick up rates will be: 2-Yard increases from \$70 per month to \$140 per month; 4-Yard increases from \$140 per month to \$280 per month; 6-Yard increases from \$210 per month to \$420 per month. Mr. Barnes stated that the staff is currently working on some of the language and definitions. Those changes will be presented to the Commission on the Final Reading at the January 20, 2009 meeting. Commissioner Talley asked the staff to review the responsibility of Departments and who will actually be performing the duties; he doesn't want to see this become a City Manager duty. Mr. Barnes stated there are no franchise fees being charged. Veolia does not charge for City buildings for their sanitation collection. Commissioner Rhodes asked that when we have changes such as this, to ensure that the media is well notified to get the information out to the public. Commissioner Talley stated that he has had quite a few comments about the color of the trash carts stating that the carts really stand out. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance G-1047 proposing a change

in the monthly sanitation rates and fees for dumpsters (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- d. The consideration and approval of the **Mayor to Sign a Quit Claim Deed** for two (2) acres of land in the I-70 Industrial Park, owned by the City, to Penny Concrete for their use in storage of supplies. City Manager, Rod Barnes, informed the Commission that the original agreement included deeding this piece of land to Penny Concrete and had been overlooked. Penny Concrete plans to use the area to store supplies. Deeding the land to Penny Concrete would put the land on the tax rolls. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the Mayor to sign a Quit Claim Deed for two (2) acres of land in the I-70 Industrial Park, owned by the City, to Penny Concrete for their use in storage of supplies. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one. Commissioner Taylor stated that he was opposed to this action as he sees the land as an asset to the company and they can pay for the value of the land.
  
- e. The consideration and approval of **R-2531** to set a Public Hearing date of March 17, 2009, for annexation of the tract of property owned by Martin and Richard Schmedemann and located east of Dakota Lane and south of Liberty Hall Road. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2531 to set a Public Hearing date of March 17, 2009 for annexation of the tract of property owned by Martin and Richard Schmedemann and located east of Dakota Lane and south of Liberty Hall Road. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- f. The consideration and approval of **Suspension of Work** by Walters-Morgan Construction for the K-57 Ditch Improvement and Pedestrian Trail project due to prescribed time periods for landscaping. (Specified performance time for landscaping is from March 20, 2009, to May 20, 2009.) City Engineer, Christina Cook, stated that the project is 98.7% complete. The landscape work will take approximately two weeks to complete. Ms. Cook stated she will contact Walter Morgan about what it would cost to extend the rail. Commissioner Talley inquired about the concrete and non-concrete areas. Ms. Cook stated she would also research this. Commissioner Talley also inquired about steep inclines in the driveways that intersect the trail and if the incline would be leveled for people who utilize the trail. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the suspension of work by Walters Morgan Construction for the K-57 Ditch Improvement and Pedestrian Trail project due to prescribed time periods for landscaping (specified performance time for landscaping is from March 20, 2009 to May 20, 2009). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- g. The consideration and approval of **Ordinance S-3050** approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of York Addition to Junction City, KS (**First Reading**). Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance S-3050 approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of York Addition to Junction City, KS (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  - 1. The Mayor **requested a Declaration of Emergency for Ordinance S-3050**, approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of York Addition to Junction City, KS.

2. The consideration and approval of **Ordinance S-3050** approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of York Addition to Junction City, KS (**Final Reading**). Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance S-3050 approving and accepting the Final (Re-plot) Plat of land; public dedications, streets, building limit lines, and utility easements of York Addition to Junction City, KS (Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- h. The consideration and approval of **Ordinance S-3051** approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of Rea Addition to Junction City, KS (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3051 approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of Rea Addition to Junction City, KS (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  1. The **Request for Declaration of Emergency for Ordinance S-3051**, approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of Rea Addition to Junction City, KS.
  2. The consideration and approval of **Ordinance S-3051** approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of Rea Addition to Junction City, KS (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3051 approving and accepting the Final (Re-plot) Plat of land, public dedications, streets, building limit lines and utility easements of Rea Addition to Junction City, KS (Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- i. The consideration and approval of **Southwest Wastewater Treatment Plant Electrical Repairs** by International Electric, in the amount of \$237,400.00. Steve Hoambrecker with Veolia informed the Commission that funding for this project will come from the KDHE revolving loan fund. It will take approximately three to four months to complete. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the Southwest Wastewater Treatment Plant Electrical Repairs by International Electric in the amount of \$237,400.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- j. The consideration and approval of **Change Order #6** by Konza Construction for construction services on the Rucker Road – US 77 to Whitney project, in the amount of \$58,450.48. City Engineer, Christina Cook, informed the Commission that this change order included the following: grinding 33 tree stumps to prevent damage to a water line; hydraulic potholing; removal of existing concrete pavement to include demolition and disposal; raise the grade and move sidewalk south of electrical substation; and one entrance and remove one entrance; attach existing 12" storm pipe to storm sewer inlet; bridge piling. Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Change Order #6 by Konza Construction for construction services on Rucker Road – US 77 to Whitney project in the amount of \$58,450.48. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  
- k. Then consideration and approval of **R-2532** endorsing and supporting the enactment of a new Comprehensive Transportation Program for the Greater Fort Riley Communities and

Counties. (This will include cities of Ft. Riley; Manhattan; Junction City; and the counties of Géary, Pottawatomie and Riley.) Commissioner Talley moved, seconded by Commissioner Rhodes to approve R-2532 endorsing and supporting the enactment of a new Comprehensive Transportation Program for the Greater Fort Riley Communities and Counties. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- I. The consideration and approval of **Communications Contract Revision** with the City of Grandview Plaza for full police, fire and other emergency service communications. Police Chief, Bob Story, informed the Commission that the City of Grandview Plaza approached the City with a proposal to increase their communications contract budget to \$35,000 for 2009 and included a five percent increase annually. This contract renews automatically each year at five percent and will continue to do so until either the City of Junction City or the City of Grandview Plaza requests to revise the contract. The Commission stated that they appreciate the City of Grandview Plaza taking this initiative. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the Communications Contract Revision with the City of Grandview Plaza for full police, fire and other emergency service communications. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **COMMISSIONER COMMENTS**

**Commissioner Taylor** stated he had looked at the gully behind Rucker Road and it is full of debris and asked if the staff could look into getting it cleaned up. Commissioner Taylor stated that at the County meeting on January 5<sup>th</sup>, it was stated that the City is behind in its fuel payments to the County and he requested the City Manager to look into this matter.

**Commissioner Rhodes** asked the Police Chief to talk about the new police vehicle (motorcycle). Chief Story stated that the motorcycle had been donated to the Junction City Police Department and that a formal presentation will be given to the Commission at a future Commission meeting.

**Mayor Wunder** thanked everyone who assisted with the Mayor's Christmas meals. We had 50 to 60 volunteers show up to help with the deliveries. The Mayor thanked the staff for all of their efforts to make it successful and for giving up their time on Christmas Day. Approximately 165 meals were delivered. Mayor Wunder also thanked the Nazarene Church for the meal and all they did.

### **STAFF COMMENTS**

**City Manager, Rod Barnes**, stated that the annual Commission Retreat will be held on January 9<sup>th</sup> at noon at the Opera House. There is a Special Commission meeting on Tuesday, January 13, 2009 at noon to discuss the amended assessment petition for Olivia Farms.

### **EXECUTIVE SESSION**

- a. Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn into executive session at 8:25 p.m. to reconvene by 8:45 p.m. to discuss confidential data relating to financial affairs or trade secrets of second parties. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, the Economic Development Director, the City Manager, the

Assistant City Manager, the City Attorney, and Alicia Hutchings with the Kansas Department of Commerce.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to reconvene into regular session at 8:45 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Heldstab moved, seconded by Commissioner Rhodes to direct the City Attorney to draft a development agreement between the City of Junction City, Spirit of '76, and Amarillo Bio Science spelling out the terms of relocating the company to Junction City, Kansas and the guarantees of the Kansas Bio Science Authority and the Kansas Department of Commerce. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two. Commissioner Taylor stated that he was opposed to this action because we have too much invested in the bio science industry at this time to be bringing another company to our community. Mayor Wunder stated that he was opposed because he didn't feel everyone had their "ducks in a row" and he was not comfortable with the presentation.

- b. Commissioner Talley moved, seconded by Commissioner Taylor to adjourn into executive session at 8:50 p.m. to reconvene at 9:05 p.m. to discuss the acquisition of real estate. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the Assistant City Manager, the City Attorney and the City Engineer. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Rhodes moved, seconded by Commissioner Talley to reconvene into regular session at 9:05 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn at 9:06 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 20<sup>th</sup> DAY OF JANUARY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JANUARY 6, 2009.



Tricia Gowen, City Clerk



Mick Wunder, Mayor