

## CITY COMMISSION MINUTES

June 2, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, June 2, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson Mike Rhodes, and Jack Taylor. Staff present was: Assistant City Manager, Mike Guinn, City Engineer Christina Cook, and City Clerk Tricia Gowen.

### PLEDGE OF ALLEGIANCE

### GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person.)*

**Ernie Hoas, Junction City High School, Junction City, Kansas** stated that he is a career counselor at Junction City High School and that the Senior Awards Night was held at the C.L. Hoover Opera House this year. Mr. Hoas stated that the facility is beautiful and it was a great event and they plan to return next year for the Senior Awards Night. Mr. Hoas thanked the Commission and the Opera House staff (Tony Ballard, Jill Nelson, and David McLaughlin); it was an absolutely superb event. The inside operations worked wonderfully and it was money well spent. Mr. Hoas stated that out of all of the communities he has lived in, this is the most fun he has had in any community.

**John Stewart, 1026 W. Spruce Street, Junction City, Kansas** inquired about the status of the 2009 road improvement project. City Engineer, Christina Cook, stated that the City is waiting on funding for the project through the KDOT revolving loan fund. The City's application was submitted in September 2008 and the City has been very proactive in this project; however, KDOT has been slow to release the funds. Mr. Stewart also inquired about the additional stormwater fee for having an irrigation system. Assistant City Manager, Mike Guinn, stated that if a resident has two separate meters, the resident will be charged an additional fee. This is only if you have more than one meter.

### CONSENT AGENDA

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

- a. Approval of the **May 19, 2009**, City Commission meeting minutes.
- b. The consideration of Appropriation Ordinance dated May 14-27, 2009 **in the amount of \$2,950,262.28**.
- c. The consideration and approval of **Pay Estimate #8** in the amount of \$85,285.79 by Larkin Excavating, Inc. for Construction services through May 21, 2009 for the Spring Valley Rd. – McFarland Rd. to Wildcat Lane project. This project is 92.7% complete as of this pay estimate.
- d. The consideration and approval for **Pay Estimate #5** by Ebert Construction Co., Inc. in the amount of \$124,005.94 for the Spring Valley Rd – Fox Sparrow Court to Sutter Woods Road project for construction services through May 31, 2009. This project is 91.29% complete as of this Pay Estimate.
- e. The consideration and approval of a **New Cereal Malt Beverage License for Panda Inn** located at 1111N. Washington St.
- f. The consideration and approval of **Pay Estimate #10** by Konza Construction Co., Inc. in the amount of \$184,516.90 for Construction Services through May 31, 2009 on the Rucker Rd – Whitney to US-77 project. This project is 70.3% complete as of this Pay Estimate.

- g. The consideration and approval for **payment to International Electric, Inc. in the amount of \$237,400.00** for electrical work done on the Southwest Water Treatment Plant.
- h. The consideration and approval of **Payroll #10 and #11** for the Month of May 2009.
- i. The consideration and approval of a request to make application for the **FY 2009 Bulletproof Vest Partnership grant**.

#### **APPOINTMENTS**

- a. The consideration and approval of the appointment of **Lucy Gonzales to the Board of Health** for a term of one year ending April 1, 2010. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve the appointment of Lucy Gonzales to the Board of Health for a term of one year ending April 1, 2010. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Motion carried.

#### **SPECIAL PRESENTATIONS**

- a. Presentation by Leon Osbourn of Kaw Valley Engineering on the **solution to the leaking problem at the Riverwalk Landing Lake on East Ash**. Mr. Osbourn stated that his staff shoots the elevation of the water everyday at the lake except for weekends and holidays. Weather conditions, inflow of water, and the evaporation rate are taken into consideration. This has taken place since August 2008. They will continue to gather data for the next few months. The ground will be probed to see if there is a layer of at least twelve inches of bentonite. Mr. Osbourn plans to issue a final report in two to three weeks and will present alternatives. Mr. Osbourn stated that the sides of the lake will need to be repaired. Commissioner Johnson stated that if the boat ramp is determined to be problem, who is responsible for the repairs. Mr. Osbourn stated that he can't answer that question at this time. Mr. Osbourn feels this issue can be resolved this summer.
- b. Mayor Heldstab read the proclamation that **on June 13, 2009, Juneteenth** will be celebrated in Junction City, Kansas. Joniece Pitts accepted the proclamation. Mrs. Pitts thanked the community for their thoughts during her recent hospitalization. Mrs. Pitts stated that the celebration will include the parade, opening ceremony, and many other activities and events for the community to participate. Mrs. Pitt's invited and encouraged the community to join in the celebration. Mrs. Pitt's proudly announced that the Marching Cobra's will be in attendance again this year!

#### **PUBLIC HEARINGS**

- a. Police Chief, Bob Story, informed the Commission that this is an automatic award by the Federal government. The grant is in the amount of \$107,865. The City is eligible for 2/3 of the funds and Geary County is eligible for 1/3 of the funds. Chief Story stated that the funds will be used to enhance the Records Management System at the Junction City Police Department and the Geary County Jail. There are not any matching funds for this grant. The grant requires an Interlocal Agreement with Geary County. Mayor Heldstab opened the public hearing for the consideration of support of the Interlocal Agreement in the **BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program**. Upon hearing no comments, Mayor Heldstab closed the public hearing.

#### **UNFINISHED BUSINESS**

- a. The consideration and approval to give **Award of Contract to Harold Glessner** for his bid, in the amount of **\$23,364.00**, on the Deer Creek Drainage Improvement project. Jason Darling informed the Commission that the developer told him and his wife the area would be piped and filled and the cost would be split evenly between the 122 units of Deer Creek. Commissioner Johnson inquired if this action will fix the problem or will there be additional issues to fix. Commissioner Taylor was concerned about setting precedence by approving this item. He doesn't see this as a City problem; this should be addressed between the developer and the buyer. Commissioner Taylor stated that if the City yields on this issue, the City can be liable for future issues. Ms. Cook stated that she attempted to discuss this problem with the builder; however, he was not interested in discussing the issue. Ms. Cook stated that if she can attempt to make contact with him again. Ms. Cook stated that the Commission

has the option to table this item for further review. Mr. Darling stated that the house was already built before he bought the property. Mr. Darling stated that he has been working with City staff weekly for the past two to three months. He asked his neighbors for their assistance on this issue; however, they were not interested. Mayor Heldstab stated that he sympathizes with the property owners. Commissioner Taylor stated that the City should stay out of this issue and let the property owner follow through with their attorney. Commissioner Rhodes stated that he has the same concerns the other Commissioners listed. Mr. Darling stated that he just wants a confirmation from the Commission on which direction they were going to take. Mr. Darling asked for an answer a year ago. He stated that he could have gone to the developer and building a year ago and proceeded with his attorney at that time but has been waiting to see what direction the City would take. Commissioner Johnson moved, seconded by Commissioner Rhodes to table this item for further review. Ayes: Heldstab, Johnson, Rhodes. Nays: Taylor. Motion carried three to one. Commissioner Taylor stated that he was opposed to tabling the item; he feels the situation should be addressed and dragged out any further.

- b. The consideration and approval of **Ordinance S-3061** an ordinance to rezone property known as Sutter Highlands (approximately 8.70 Acres) from Duplex Residential to Multiple-Family Residential for the purpose to develop vacant property into needed multifamily residences (**Final Reading**). Commissioner Rhodes moved, seconded by Commissioner Johnson to approve Ordinance S-3061 to rezone property known as Sutter Highlands (approximately 8.70 Acres) from Duplex Residential to Multiple-Family Residential for the purpose to develop vacant property into needed multifamily residences (Final Reading). Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Motion carried.

## NEW BUSINESS

- a. The consideration and approval to **Provide Trenching for Underground Electrical Service for Street Lights along Rucker Road**. City Engineer, Christina Cook, stated that this project would require approximately 2,400 feet of underground trenching. This would be done to place the required conduit for the electrical service lines. Westar Energy would supply the required conduit for the service lines. Two bids were received with Eikholt being the low bidder. Commissioner Johnson moved, seconded by Commissioner Taylor to approve the low bid of \$20,000 from Eikholt for trenching and placement of the required conduit for underground electrical service for street lights along Rucker Road. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Motion carried.
- b. The consideration and approval to add **East Street to the Functional Classification System** of the Kansas Department of Transportation. City Engineer, Christina Cook, informed the Commission that there is no affect to the City's budget. Commissioner Taylor stated that he feels this would be beneficial to the community. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the addition of East Street to the Functional Classification System of the Kansas Department of Transportation. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Motion carried.
- c. The consideration and approval to support the Interlocal Agreement for the **BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program**. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve to support the Interlocal Agreement for the BJA FY 09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## COMMISSIONER COMMENTS

**Commissioner Taylor** asked for a clarification regarding the rent for Capgemini and asked for the exact amount of the repayment. Commissioner Taylor inquired as to who is following up on UPU Industries request for additional time to meet their benchmarks as stated in the development agreement. Jeffrey Black, EDC Director, stated that development agreement with UPU Industries had been amended by the Commission. Mr. Black stated that he will follow up with UPU Industries and report back to the Commission. Commissioner Taylor asked for an update on Ventria as well because he had heard rumors Ventria was experiencing a lay-off situation. Mr. Black stated that he has not heard anything to that affect about Ventria. Commissioner Taylor stated that he appreciated the comments made by Mr. Hoas about the Opera House; he stated that he was glad the school can utilize the Opera House. Commissioner Taylor inquired if the school district had been charged for using the facility. Assistant City Manager, Mike Guinn, stated that to his knowledge, any person or

group who uses the facility is charged. Mr. Black stated that the Capgemini rent and equipment is \$24,480.19 and the Spirit of '76 rent and equipment for Capgemini is \$82,189.25.

**Commissioner Johnson** stated that he had some of the same concerns as Commissioner Taylor with regards to the repayments. He stated that taxes are too high and there has been too much spending. Commissioner Johnson stated that the water bill is hard to understand. He stated that companies are getting too many benefits and not doing what they're supposed to. The City should actively market City properties and recoup the money that was spent.

**Commissioner Rhodes** gave kudos to the Police Department on several high profile cases that they have handled this week.

**Mayor Heldstab** stated that with the recent rains, water has pooled across East Chestnut. He inquired if the sandbags could be removed to allow for drainage. Ms. Cook stated that the sandbags were placed due to KDHE Requirements. Once 70% of the vegetation takes hold, the sandbags can be removed. Ms. Cook stated that she would conduct a site visit to determine if the sandbags can be repositioned to allow for better drainage will still protecting the vegetation. Mayor Heldstab asked Information Systems Director, Jim Germann, if it would ever be possible to issue an electronic version of the water bill (if the water bills could be emailed to customers). Mr. Germann stated that the City's software is capable of doing this; however, the system has not been configured at this time. Mr. Germann is currently working to make this happen. He hopes to have the system configured and working properly by this summer. Mr. Germann informed the Commission that the fiber has been installed and he is working on the cameras and plans to run a trial run at the next Commissioner meeting.

#### STAFF COMMENTS

**Assistant City Manager, Mike Guinn**, provided the Commission with a status update on two properties on the condemnation process (701 Chicago and 2505 S. Spring Valley Road). Mr. Guinn stated that a nine-month extension was given to both properties owners. The extension ends June 30, 2009. Mr. Guinn stated that he has not seen any improvements and has had little communication with either property owner. The Commission inquired about properties with tall grass in Sutter Highlands in need of mowing and what was being done about this situation. Mr. Guinn stated he would check on the status of the blight mowing. Chief Story stated that the blight inspectors are inspecting the south part of town and moving north citing tall grass issues.

#### EXECUTIVE SESSION

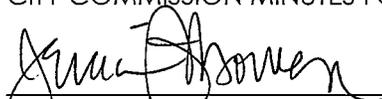
Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn into executive session at 8:12 p.m. to reconvene at 8:22 p.m. to discuss the acquisition of real estate. Ayes: Heldstab, Rhodes, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, the City Manager, the Assistant City Manager, and the City Engineer. Commissioner Johnson excused himself from the executive session citing a conflict of interest. Ayes: Heldstab, Rhodes, Taylor. Nays: None. Abstention: Johnson. Motion carried three to zero with one abstention.

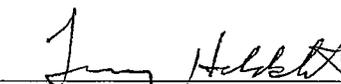
Commissioner Rhodes moved, seconded by Commissioner Taylor to reconvene into regular session at 8:22 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Taylor. Nays: None. Abstention: Johnson. Motion carried three to zero with one abstention.

#### ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Taylor to adjourn at 8:23 p.m. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 16<sup>th</sup> DAY OF JUNE 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JUNE 2, 2009.

  
Tricia Gowen, City Clerk

  
Terry Heldstab, Mayor