

## CITY COMMISSION MINUTES

July 21, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, July 21, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Attorney Catherine Logan, 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.)*

None.

### CONSENT AGENDA

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

- a. Approval of the **July 7, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated July 3<sup>rd</sup> – July 16<sup>th</sup> in the amount of \$958,407.00.
- c. Monthly Reports
  1. Rolling Meadows
  2. Personnel Report
  3. EMS
  4. Fire Department
  5. Finance Dept. May –June Revenue & Expense
  6. Police Department
- d. The consideration and approval of **Pay Estimate #11**, in the amount of \$10,384, by Kaw Valley Engineering, Inc. for construction management through June 21, 2009 on the Spring Valley Road – McFarland Rd to Wildcat Lane project.
- e. The consideration and approval for payment in the amount of **\$282,467.93 to the Transportation Revolving Loan Fund 0027** for 2005 Street Maintenance projects. A total of \$2,989,908.80 has been drawn on TRF 0027.
- f. The consideration and approval for payment in the amount of **\$401,801.27 to the Transportation Revolving Loan Fund 0067**. A total of \$4,585,200.46 has been drawn on TRF 0067 to date.

- g. The consideration and approval of certification of the **2009 special assessments**. The special assessments must be certified to the County for collection on the tax statements each year around August 1<sup>st</sup>; the assessment for blights will be \$85,399.45.
- h. The consideration and approval for payment in the amount of **\$412,765.36 to the Transportation Revolving Loan Fund 0072**. A total of \$5,703,178.34 has been drawn on TRF 0072 to date.
- i. The consideration and approval for **Pay Estimate #10**, in the amount of \$10,828.00, by Kaw Valley Engineering, Inc. for Construction Management through May 24, 2009 on the Spring Valley Rd – McFarland Rd to Wildcat Lane project.
- j. The consideration and approval of **Pay Estimate #23**, in the amount of \$10,492.16, by BG Consultants for Construction services through June 30, 2009, for the Rucker Rd –US77 to Whitney project.

### **SPECIAL PRESENTATIONS**

- a. Officer Wigton informed the Commission that the Kendall Family is the winner for the Southeast **July Yard of the Month**. Mayor Heldstab presented the Kendalls with a certificate and thanked them for their efforts on their yard. Officer Wigton thanked the sponsors of the program (Wal-mart, Tyme Out, Family Video and the Junction City Generals).
- b. A presentation from Melody Saxton, Dick Matthes, and Katina Brenn on behalf of **Geary County Clean Air Coalition** to the Commission. **(REMOVED FROM THE AGENDA PER THE COALITION.)**

### **YOUTH COMMISSON COMMENTS**

Mitchell Brenn informed the Commission that the Youth Commission met July 20<sup>th</sup> and Jennifer Landes was elected the President for the 2009 – 2010 school year. They are very excited having Jennifer as the President. Commissioner Talley stated that he appreciated all the Mitchell has done for the Youth Commission and knows Mitchell will go on to do good things.

### **UNFINISHED BUSINESS**

- a. The consideration and approval of **S-3063** an ordinance adopting the recommendation of the Junction City/Geary County Metropolitan Planning Commission (MPC) to rezone property at 116 East 16<sup>th</sup> Street in Junction City, Kansas, from Multiple-Family Residential (RM) District to Service Commercial Restricted (CSR) District **(Final Reading)**. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve S-3063 to adopt the recommendation of the Junction City/Geary County Metropolitan Planning Commission (MPC) to rezone the property at 116 East 16<sup>th</sup> Street in Junction City, Kansas from Multiple-Family Residential (RM) District to Service Commercial Restricted (CSR) District (Final Reading). Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: Talley. Motion carried four to one.
- b. 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**. City Manager, Rod Barnes, informed the Commission that when this area was designed, it met all of the subdivision criteria. After houses were built, it was discovered there was a drainage problem. The developer is no longer a part of this process. The FDIC took over the property.

HWS Consulting has reviewed the issue and submitted potential solutions. Mr. Barnes stated that the City does not have any direct liability; the City is just trying to assist the families that are affected by the drainage problem. Commissioner Johnson stated that he feels the proposal is a good solution. He requested that the Darlings sign a release. Commissioner Taylor stated that the property owners should have some responsibility in the resolution. He is concerned about setting a precedence and opening the City to becoming a referee in each case. Commissioner Johnson stated that he agrees with Commissioner Taylor. Mr. Barnes informed the Commission that the City did not have the stormwater plan when this subdivision was developed. The stormwater plan is in effect now and any future drainage problems should be prevented. Mr. Barnes stated that the funding will come from the stormwater fund. City Engineer, Christina Cook, informed the Commission that two pipes under the street will be extended to the end of the Darlings' property. The area inlet will take away the hazard. The north area pipe will be extended and regarding will direct water to the pipe. No changes will be made downstream. The inlet assists in alleviating drainage from the other yards. Commissioner Taylor inquired what the next step will be if this doesn't work. Mr. Barnes stated that the Darlings' will be asked to sign a release relieving the City of any further action with regards to the drainage. Two engineering firms have reviewed the plan as well as the City Engineer and they all agree that the plan will work. Mr. Darling stated that he and his wife are agreeable to sign a release. City Attorney, Katie Logan, stated that it appears that the easement will need to be obtained and the release from the Darlings can be included in the acquisition of the easement. Mr. Darling stated that he understood the provisions of the release. Ms. Logan stated that the release would have to be signed before the work is to start. Mr. Darling stated he would be willing to meet with anyone in regards to the project. Mayor Heldstab inquired if a public meeting should be held to invite those residents who are affected. Mr. Barnes stated that a public meeting can be scheduled. The Commission needs to direct the staff as to what they want to do. Commissioner Rhodes stated that he wants to ensure that the Darlings understand exactly what the City will do with regards to this project before it is started. Commissioner Taylor stated that he is concerned with water and how it flows and possible erosion issues. Ms. Cook stated that vegetation will be planted to control the erosion. Commissioner Johnson moved, seconded by Commissioner Taylor to approve the Award of Contract to Harold Glessner for the Deer Creek Drainage Improvement project in the amount of \$23,364.00. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: Rhodes. Motion carried four to one.

## NEW BUSINESS

- a. The consideration and approval to adopt **Ordinance S-3064** authorizing the execution of the loan agreement between the City of Junction City and the Kansas Department of Health and Environment in the amount of \$800,000 to install well field piping (**First Reading**). City Engineer, Christina Cook, stated that this project is for well #18 and well field piping. The City will be responsible for repayment of \$640,000 of the original \$800,000. Mr. Barnes stated that the funding will come from the water and sewer fund. Commissioner Taylor inquired how long it will be before the well is operation. Ms. Cook stated that it should be operational in a few months. Mr. Barnes stated that when it is a well replacement such as this one, the process is quicker than making a new well. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-3064 authorizing the execution of the loan agreement between the City of Junction City and the Kansas Department of Health and Environment in the amount of \$800,000 to install well field piping (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- b. The consideration of a **proposal to retain BKD** for independent investigation. City Attorney, Katie Logan, informed the Commission that she met, at the direction of the Commission, with representatives of BKD to request a proposal for an independent investigation of certain

activities of the City. BKD's proposal is for an independent investigation of activities related to development agreements between the City and developers during the period of 2005 through 2007 primarily relating to housing expansion projects. BKD has performed its own "conflict" analysis and determined that it does not represent any of the developers involved. Ms. Shawna Woody-Coussens with BKD will conduct the investigation. Commissioner Taylor moved, seconded by Commissioner Rhodes to retain BKD for an independent investigation in an amount not to exceed \$80,000. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- c. The consideration of agreement with Olivia Farms for **transfer of lift station**. City Attorney, Katie Logan, stated that Olivia Farms will assume the lift station for the portion of Olivia Farms that has not been developed yet. The agreement is for the transfer of the lift station to Olivia Farms in the future. The City Attorney and City Engineer have reviewed the agreement and the City is protected. There is a one year warranty or equivalent. The warranty begins when the lift station begins working. Commissioner Rhodes inquired if there is staff experienced with lift stations. Mr. Barnes stated that the Veolia staff is trained on lift stations. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the agreement with Olivia Farms for the transfer of a lift station. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- d. The consideration of **Charter Ordinance No. 38** eliminating the informal discussion and the fifth Tuesday of the month meeting of the City Commission (**First Reading**). City Attorney, Katie Logan, explained that this ordinance would eliminate the 6:30 p.m. pre-meeting and eliminate that the Commission meet on the fifth Tuesday of the month when it occurs. Ms. Logan stated that the Commission can schedule a special commission meeting at any time. City Manager, Rod Barnes, stated that the pre-meeting has always been open to the public. Mr. Barnes informed the Commission that the August 4<sup>th</sup> Commission meeting will still have the pre-meeting because Charter Ordinances require two readings before becoming effective. Commissioner Talley moved, seconded by Commissioner Taylor to approve Charter Ordinance No. 38 eliminating the informal discussion and the fifth Tuesday of the month meeting of the City Commission (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- e. The consideration and approval of Resolution **R-2561** to authorize EFM Consulting, LLC on behalf of the City of Junction City to prepare the City of Junction City Hazardous Mitigation Plan at no cost to the City. Fire Chief, Mike Steinfort, informed the Commission that Geary County has also contracted with EFM Consulting. Chief Steinfort stated that the plan is somewhat required by FEMA for natural disaster funding. Commissioner Talley inquired if this was duplication if the County was creating a plan. Chief Steinfort stated that sub-jurisdictions are required to have the plan regardless if they are located within the county. The City has the possibility of having different hazardous situations than the County. City Manager, Rod Barnes, stated that by having the same company work with the City and the County will ensure uniformity in the plans. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Resolution R-2561 to authorize EFM Consulting, LLC on behalf of the City of Junction City to prepare the City of Junction City Hazardous Mitigation Plan at no cost to the City. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- f. The consideration and approval to **submit a grant application in the sum of \$4,400** to the GM Foundation for funding of the 2010 First Friday program. Arts Council Director, Gail Parsons, stated that this grant does not require a match and therefore there is not any impact to the City budget. Commissioner Rhodes moved, seconded by Mayor Heldstab to approve the submission for the grant application in the sum of \$4,400 to the GM Foundation

for funding of the 2010 First Friday Program. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

- g. The consideration and approval of General Ordinance **G-1038** to establish new School Speed Zones in the City to include Apolistic Academy located on Rucker Road and the Middle School on Highway 18 (**First Reading**). Commissioner Talley moved, seconded by Commissioner Taylor to approve the General Ordinance G-1038 to establish new School Speed Zones in the City to include Apolistic Academy located on Rucker Road and the Middle School on Highway 18 (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- h. The consideration and approval to accept the proposal from **Hi-Plains Sand, Inc. to Chip Seal** various gravel roads and parking lots in Junction City to include the East Ash lift station, the Riverwalk Trail parking lot, and the Wetlands parking lot in the amount of \$11,067.50. City Engineer, Christina Cook, stated that the life expectancy for this application is ten to twelve years. Ms. Cook stated that the chip seal will allow the City to maintain more gravel roads and grading will not have to be done several times a year as it is now. Ms. Cook stated that the project will be funded through the Special Highway Fund. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the proposal from Hi-Plains Sand, Inc. to Chip Seal various gravel roads and parking lots in Junction City to include the East Ash lift station, the Riverwalk Trail parking lot, and the Wetlands parking lot in the amount of \$11,067.50. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- i. The consideration and approval to accept a proposal from Konza Construction Co., Inc. in the amount of **\$32,778.00 to asphalt Spring Valley Road from K-18 to Fox Sparrow Court and Spring Valley Road from Sutter Woods Road to Rucker Road**. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve to accept the proposal from Konza Construction Co., in the amount of \$32,778.00 to asphalt Spring Valley Road from K-18 to Fox Sparrow Court and Spring Valley Road from Sutter Woods Road to Rucker Road. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- j. The consideration and approval to **initiate petition regarding an Ordinance to Require the City of Junction City to Prohibit Smoking in Public Places and Places of Employment** within the City of Junction City. City Clerk, Tricia Gowen, informed the Commission that a petition was received on July 14, 2009 from the Geary County Clean Air Coalition requesting the Commission approve their proposed ordinance. Ms. Gowen met with County Clerk, Rebecca Bossemeyer, on July 16, 2009. At that time, Ms. Bossemeyer was given the petition consisting of 45 pages with 553 signatures. Ms. Bossemeyer and her staff determined if the signers of the petition were registered voters eligible to vote in the City of Junction City, Geary County, Kansas. On July 20, 2009, Ms. Gowen received a letter from Ms. Bossemeyer stating that the total number of valid signatures was 422. Ms. Gowen stated that she completed a Certificate of Insufficiency with regards to the petition. Of the 533 signatures, it was determined that 131 signatures were not valid. This is less than the required 25% of voters in the April 2009 election. Ms. Gowen, certified, as City Clerk, that the Initiative Petition has insufficient valid signatures of electors of the City of Junction City, Kansas to meet the requirements of KSA 12-3013. City Attorney, Katie Logan, informed the Commission that no action was required at this time.
- k. The consideration and **approval of the Final Plat of Pfizenmaier Addition** at the northeast corner of 14<sup>th</sup> Street & Jackson. Commissioner Johnson stated that he was opposed to this action because he feels there area by the airport has plenty of lots that can be utilized at a reasonable cost. City Manager, Rod Barnes, stated that the City does not purchase the land; the participants of the Self Help Housing program purchase the lots. Commissioner

Rhodes moved, seconded by Commissioner Talley to approve the Final Plat of Pfizenmaier Addition to the northeast corner of 14<sup>th</sup> Street and Jackson. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried three to two.

- l. The consideration and approval to provide eligible City employees with a comprehensive **health insurance policy**. Administrative Services Director, Tricia Gowen, informed the Commission that an acceptable proposal for employee health insurance was submitted by Preferred Health Systems for the August 1, 2009 to July 31, 2010 benefit year. Commissioner Rhodes moved, seconded by Commissioner Talley to provide eligible City employees with a comprehensive health insurance plan where the City funds 90% of the lowest single policy at \$307.49 per employee per month. Ayes: Heldstab, Johnson, Rhodes, Talley. Nays: Taylor. Motion carried four to one.
- m. The consideration and **approval of Neighborhood Revitalization Application** for Sapp Bros Travel Centers, Inc. to build a car wash facility at 1923 Lacy Drive in the amount of \$1,055,150. Retail Specialist, Stacy Schulte, informed the Commission that the owner is ready to begin construction once approval has been granted. This is a three year 95% tax rebate. All taxes must be paid and then a rebate is issued. Commissioner Johnson stated that if the owner can afford a million dollar car wash, he can afford to pay the taxes. Commissioner Johnson stated that there are other car washes in the community that did not receive a rebate. Commissioner Johnson stated that this program should be for unique projects and a car wash is not unique and the owners should pay taxes. Ms. Schulte stated that the application meets the NRP requirements and the Economic Development Board approved the application with an eight to zero vote. Commissioner Johnson stated that he is opposed to this action. Commissioner Talley stated that he can take the Commission's desires back to the EDC Board; however, the owner brought the proposal to the EDC Board and the EDC Board followed the policy in place for the Neighborhood Revitalization Program. Mayor Heldstab stated that the Commission can do nothing and collect the same amount in taxes or the Commission can develop the vacant lot and receive five percent more over the next three years and after that three year period, the full amount will be put on the tax rolls. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization Application for Sapp Bros Travel Center, Inc. to build a car wash facility at 1923 Lacy Drive in the amount of \$1,055,150. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried four to one.

## COMMISSIONER COMMENTS

**Commissioner Taylor** stated that he sits on the Health Department Board and they have discussed the upcoming flu season. The Health Department will offer two flu vaccines this year at a 21-day interval. Commissioner Taylor stated that people need to get the regular flu shot as well as the H1N1 shot. Commissioner Taylor inquired about overhanging trees. Assistant City Manager, Mike Guinn, stated that if the trees belong to the property owner, the owner is responsible for trimming the overhanging branches. If the City trims the branches as a blight, the cost of doing so will be assessed back to the property owner.

**Commissioner Johnson** stated that he is on the Animal Shelter Board and there are a lot more animals and these animals really cost the tax payers a lot of money. Funding for the Animal Shelter should not be cut from the City's budget. The animals must be cared for and feed. It really comes down to the irresponsibility of the citizens. Citizens must take care of their animals. Commissioner Johnson encouraged the citizens to contact them if they see animals being dumped and he'll do something about it.

**Commissioner Talley** did not have any comments.

**Commissioner Rhodes** asked for an update on Rucker Road. City Engineer, Christina Cook, stated that the striping was accomplished July 21<sup>st</sup> and the signs will be installed this week and the road should be open the following week.

**Mayor Heldstab** thanked the staff and the Commission for their work in the long and tedious budget process. Mayor Heldstab stated that the next budget meeting will be July 28<sup>th</sup> and it will be a Special Commission meeting at 4 p.m.

**STAFF COMMENTS**

None.

**ADJOURNMENT**

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 9:07 p.m. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 4<sup>th</sup> DAY OF AUGUST 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JULY 21, 2009.



Tricia Gowen, City Clerk



Terry Heldstab, Mayor