

## CITY COMMISSION MINUTES

September 15, 2009

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 15, 2009 with Vice-Mayor Mike Rhodes presiding.

The following members of the Commission were present: Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, 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

Item 4n was requested to be pulled from the Consent Agenda for separate action.

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

- a. Approval of the **September 1, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated August 27 – September 9<sup>th</sup>, 2009 in the amount of \$449,321.49.
- c. Monthly Reports:
  1. Police Department
  2. Water Department
  3. Codes Department
  4. Revenue & Expense Report
- d. The consideration and approval of **Pay Estimate #10** in the amount of \$29,379 by Larkin Excavating, Inc. for Construction services through August 10, 2009 for the Spring Valley Rd – McFarland Rd to Wildcat Lane project. This project is 99.9% complete as of this pay estimate.
- e. The consideration and approval for **Change Order #2** by Middlecreek Corporation in the increased amount of \$16,700.00 to compensate for additional costs incurred for traffic control and acceptance of completion on the K-18 & Karns project.
- f. The consideration and approval of ordinance **G-1056** adopting recommendation of Junction City/Geary County Metropolitan Planning Commission (MPC) concerning the separation between buildings on the same residential lot, and concerning access to streets and alleys from all properties. **(Final Reading)**

- g. The consideration and approval of acceptance of **easement for Gateway Business Group, LLC** to loop a main water line providing improved fire protection, and provide a central kitchen for the McConnell maintenance building. (Paid by USD 475 with no cost to the City)
- h. The consideration and acceptance of donation and **Grant of Permanent Right-of-Way at 522 North Eisenhower** from Mowry Custer Realtors, LLC for the Safe Routes to School project.
- i. The consideration and acceptance of donation and **Grant of Permanent Right-of Way at 430 Oak Street** from Gary B. Curry for the Safe Route to School project.
- j. The consideration and acceptance of donation and **Grant of Permanent Right-of-Way at 630 North Eisenhower** from Dewaine L. and Rosmarie Champ for the Safe Routes to School project.
- k. The consideration and approval to **Revise Ordinance G-1053** to establish a new school speed zone of 20 miles per hour in the City for Lincoln Elementary School located between Eisenhower Drive and Parkview Drive in the City. **(First Reading)**
- l. The consideration and approval to **apply for the FFY 10 Impaired Driving Deterrence Program** through the State of Kansas Department of Transportation in the amount of \$6,426.50. (No matching funds are required)
- m. The consideration and approval of the **Final Plat of McConnell Addition**, located south of Old 40 Highway and west of US 77.
- n. The consideration and approval of **R-2567** to install lights for the Republican River Boat Ramp Area. (Includes 7 lights at \$8.52 per light per month)
- o. The consideration and approval to **demolish structure on City owned land located at 1501 Rucker Rd.**
- p. The consideration of requests for proposals to bid the **City's Banking Services for the period of January 1, 2010 to December 31, 2012**. Proposals will be received until October 16, 2009.
- q. The consideration of requests for proposals to bid the **City Auditing Services for a 3 year period** beginning with fiscal year 2009 and ending with fiscal year 2011. Proposals will be received until October 16, 2009.
- r. The consideration and **approval to hold a public meeting to vacate and discontinue a portion of previously dedicated public Right-of Way (a 2.5 foot strip of ROW in front of the Mary K. Munson property)**. The City Commission will hold a public hearing to hear all matters pertaining to the proposed vacation at the October 20, 2009 City Commission meeting.
- s. The consideration and approval of **Ordinance S-3065** de-annexing the properties described within the attached resolution (six separate tracts located between I-70 and Liberty Hall Road on either side of Taylor Road. **(Map Enclosed) (Final Reading)**)

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

- n. The consideration and approval of **R-2567** to install lights for the Republican River Boat Ramp Area. (Includes seven lights at \$8.52 per light per month.) Assistant City Manager, Mike Guinn, informed the Commission that the installation of lights were for security reasons. This area is now considered a park area. The lights will be automatic from dusk to dawn. The

cost of the lights per month is a 50% savings from the regular cost usually charged for each light per month. Commissioner Johnson stated that he is opposed to this item; it appears that free projects aren't really free and costs keep adding up. He stated that he has not heard that any citizens want the lights at the boat ramp. He is opposed until he hears comments from the public. However, the overall project is a good project. Commissioner Talley questioned the number of lights and if seven were actually needed. He thinks that seven is overkill for such a small area. City Manager, Rod Barnes, stated that the number of lights can be reduced if that's what the Commission wants. Commissioner Johnson stated that he would like to wait to install the lights and see how much use the ramp gets. Mr. Guinn stated that the City staff can review the design layout and return to the Commission with options for lighting. Commissioner Johnson stated that the City should look into installing solar lights. Commissioner Taylor stated that he would like to see this item tabled. Mr. Barnes informed the Commission that some type of lighting is necessary to be in compliance with the City's property and liability insurance. City Attorney, Katie Logan, stated that the City is covered by sovereign immunity; however, she will need to research the exact coverage as it applies to cities. Commissioner Taylor moved, seconded by Commissioner Johnson to table the consideration and approval of R-2567 to install lights for the Republican River Boat Ramp Area. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## APPOINTMENTS

- a. The consideration and approval of the appointment of Tim Brown to **(1)** the 8th Judicial District Corrections Advisory Adult Board for a term of two years ending September, 2012; and **(2)** the 8th Judicial District Corrections Advisory Juvenile Board for a term of three years ending September, 2013. Commissioner Talley moved, seconded by Commissioner Taylor to approve the appointment of Tim Brown to **(1)** the 8th Judicial District Corrections Advisory Adult Board for a term of two years ending September, 2012; and **(2)** the 8th Judicial District Corrections Advisory Juvenile Board for a term of three years ending September, 2013. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## SPECIAL PRESENTATIONS

- a. Officer Wigton and Vice-Mayor Rhodes presented a certificate/award to the September **yard of the month winner** the Dawson Family at 422 Guinevere. Officer Wigton thanked the September sponsors – Wal-Mart, Family Video, Peking Restaurant, and the Junction City Police Officers Association. The Yard of the Year will be presented in October.

## UNFINISHED BUSINESS

- a. Report on the **Executive Search for the City Manager. (Nathan Eberline, Kansas League of Municipalities Presenting.) REMOVED FROM THE AGENDA.**
- b. The consideration and approval to **accept bids** received for City property that was advertised for sale: 136 E. 3<sup>rd</sup> for \$1,800.00 to Leon Osbourn, 126 W. 11<sup>th</sup> for \$5,000.00 to Extreme Automotive **(Mike Guinn Presenting)**. Mr. Guinn informed the Commission that a bid for 136 E. 3<sup>rd</sup> Street was received in the amount of \$1,800.00 and a bid for 126 W. 11<sup>th</sup> Street was received in the amount of \$5,000.00. The other properties did not receive any bids and will be combined for the purpose of the Self Help Housing program. Commissioner Taylor stated that he would like to negotiate with the property adjacent to combine two lots at 136 E. 3<sup>rd</sup> Street for the Self Help Housing program. Commissioner Johnson moved, seconded by Commissioner Taylor to not accept the bid for 136 E. 3<sup>rd</sup> Street for \$1,800.00. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. The Commission directed the staff to contact the property owner for the land adjacent to this lot. Commissioner Taylor moved,

seconded by Commissioner Johnson to accept the bid for 126 W. 11<sup>th</sup> Street in the amount of \$5,000.00. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

## NEW BUSINESS

- a. The consideration and approval of a **Neighborhood Revitalization Application** for Godfrey's Indoor Shooting and Archery Ranges, to Renovate 916-920 N. Washington. EDC approved on 9-10-2009 (**Stacy Schulte Presenting**). **REMOVED FROM THE AGENDA.**
- b. The consideration and approval of a **Revolving Loan Fund Application** for Godfrey's Indoor Shooting and Archery Ranges in the amount of \$50,000 at 4.5% interest for ten years. EDC unanimously approved on 9-10-2009 (**Stacy Schulte Presenting**). **REMOVED FROM THE AGENDA.**
- c. The consideration and approval to not **convert the public land at North Park to residential property (Mike Guinn & Sarah Talley)**. Mr. Guinn informed the Commission that the public meeting held on August 27<sup>th</sup> was well attended. Mr. Guinn stated that a list of City properties was researched and it was verified that the majority of the properties were right-of-ways and also included the Spruce Street and Ash Street water towers. None of these properties can be used for park land. Commissioner Talley moved, seconded by Commissioner Taylor to not to move forward on this project. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Talley moved, seconded by Commissioner Taylor to notify Olivia Farms that the City is not interested in trading land or accepting as a donation the storm water retention pond and walking trail. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.
- d. The consideration and approval of a **lease agreement with the Turning Point Church** for the former Little Theater building on 339 W. 18<sup>th</sup> Street (**Rod Barnes Presenting**). Mr. Barnes informed the Commission that the church has been renting the building by the hour. The proposed lease is a one-year lease and would be effective October 1, 2009. The church would be responsible for the rent, personal property and liability insurance, and the utilities. The lease has been modified to include the utilities. The rent would be \$1,200.00 per month with the option to terminate the lease by either party. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the lease agreement with the Turning Point Church for the former Little Theater building on 339 W. 18<sup>th</sup> Street to include the rent, utilities and property and liability insurance. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. City Attorney, Katie Logan, stated that there is not a conflict of church and state separation as long as the City charges the same rate as they would for any other organization.

## COMMISSIONER COMMENTS

**Commissioner Taylor** extended condolences to the Keith Heyl family as well as to his Secretary on the loss of her son.

**Commissioner Johnson** stated the he has received calls about trash containers and if there is a City ordinance to require residents to put cans inside. Commissioner Johnson stated that in Wednesday's paper there were 650+ calls for service with 194 citations and 35 arrests. This is an example that if people behave themselves, it would save a ton of money. People need to be more responsible.

**Commissioner Talley** asked for a status review of the inter-local agreements. City Manager, Rod Barnes, stated that a list will be developed that includes the agreements and the provisions so the Commission can begin the review process.

**Commissioner Rhodes** stated that he agrees with Commissioner Talley that the inter-local agreements need to be reviewed and the process needs to begin soon. Commissioner Rhodes inquired as to the status of having the Commission meetings on the internet. Information Systems Director, Jim Germann, stated that the network has been restructured with the KBI requirements. The October 20<sup>th</sup> Commission meeting will be a live test with the test subjects that have volunteered.

**Commissioner Talley** thanked Chief Tim Brown for stepping up in Bob Story's absence. He appreciates all that Chief Brown has done. Commissioner Rhodes echoed Commissioner Talley's comments.

#### STAFF COMMENTS

**City Manager, Rod Barnes**, stated that the next regular Commission meeting will be held October 20, 2009. A Special Commission meeting will be held on September 22, 2009. Mr. Barnes thanked Bob Story and all of his service to the City of Junction City. Mr. Story has had outstanding service to the City and great ideas and has been a tremendous asset.

**City Clerk, Tricia Gowen**, reminded the Commission that there are not any more pre-meetings before the Commission meetings.

#### ADJOURNMENT

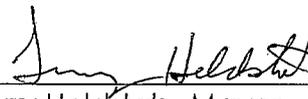
Commissioner Talley moved, seconded by Commissioner Taylor to adjourn at 7:38 p.m. Ayes: Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 20<sup>th</sup> DAY OF OCTOBER 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 15, 2009.



Tricia Gowen, City Clerk

Tyler Ficken



Terry Heldstab, Mayor