

## CITY COMMISSION MINUTES

November 3, 2009

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, November 3, 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: Assistant City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Johnson 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 **October 20, 2009**; City Commission meeting minutes; approval of the **October 29, 2009** City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated October 15 to October 29, 2009 in the amount of \$1,066,718.76.
- c. The consideration and approval Ordinance **G-1058** to update the City Ordinance to accurately reflect the new 2009 Standard Traffic Ordinance. **(Final Reading)**
- d. The consideration and approval of **Ordinance S-3066** vacating and discontinuing a portion of previously dedicated public Right-of-Way located in front of the Mary K. Munson property in the City of Junction City, Geary County, Kansas. **(Final Reading)**
- e. The consideration and approval of an alcoholic beverage license (Cereal Malt – Limited Retailer) for ROHAN, INC. at 813 S. Washington, Junction City, KS.
- f. The consideration and approval of the Grant of Permanent Right-of-Way at 1429 St. Mary's Road from the First Christian Church for the Safe Routes to School project at no cost to the City.
- g. The consideration and approval of the Grant of Permanent Right-of-Way at 610 North Eisenhower from Junghans Rentals, LC for the Safe Routes to School project at no cost to the City.
- h. The consideration and approval of the Grant of Permanent Right-of-Way at 1101 Whitney Road from Ron R. and Rebecca Bramlage for the safe routes to School project at no cost to the City.

- i. The consideration and approval of an interlocal agreement between the City of Junction City and Geary County for the use of the 2007 Edward Byrne Memorial Justice Assistance Grant (JAG) program award.

### **SPECIAL PRESENTATIONS**

A special presentation of **City Proclamation** recognizing November as Pancreatic Cancer Awareness Month. Mayor Heldstab presented the proclamation to the Davis family.

A report from Project Manager Steve Hoambrecker on Veolia's four-week pilot program to collect yard waste for composting. Commissioner Rhodes asked whether the program would be made mandatory. Steve Hoambrecker replied that no, the program is not going to become mandatory. Commissioner Talley commented that he received feedback from three participants who said the Veolia staff on site were very helpful.

### **UNFINISHED BUSINESS**

The consideration of an increase in budget for the BKD investigation cost based on the increased scope of services requested by the City Commission. Katie Logan told the City Commission that the BKD investigation cost has increased an additional \$15,000 to cover the investigation of the Opera House. Total current cost is \$95,000. Katie asked the commission whether there needs to be further investigation. Commissioner Johnson stated that he would like to see the current finished report before further action is taken with BKD. Commissioner Johnson would like Sutter Woods to be investigated so that money can be recouped as a result of illegal activities. Katie stated that she could ask BKD to wrap investigation after BKD receives some final information. Commissioner Taylor would like to see an investigation into the housing of illegal immigrants. Rod Barnes suggested that the City could first investigate the issue before hiring a service for this investigation. Katie Logan stated that she would be able to perform this duty. Commissioner Johnson stated support for this investigation but realizes the BKD is not specialized in this particular field of investigation. Commissioner Talley stated that he would like to see the results from BKD before further investigation. Commissioner Taylor asked Katie if BKD was receiving all the documents that were required for their investigation. Katie told the Commission that BKD was receiving documents, and that the City has had to provide many documents. Commissioner Rhodes stated that he was upset with BKD in regard to their comments about the City not providing documents to BKD. Katie stated that BKD has apologized for these comments. Commissioner Taylor wanted to clarify that in the future, information directed to BKD should be referred to Katie.

A discussion regarding the Criteria for Use of a Community Improvement District (CID), and to receive further direction from the City Commission to finalize a CID policy. Katie Logan presented an overview to the City Commission regarding Community Improvement Districts (CID) in Kansas. The Commission discussed

what they would like to see regarding a CID policy. City staff will work on a policy document with options for the Commission. Document to be presented at a future City Commission meeting. Commissioner Rhodes stated that he considered three years too long to complete a CID project. Katie stated that these time periods are typical for these types of projects. Rod Barnes stated that this is the timeframe for a Neighborhood Revitalization Project. Commissioner Taylor asked if CID could be designated for certain areas deemed important for development. Zoning Administrator David Yearout said it would be a good idea to see what other communities do in that regard.

## **NEW BUSINESS**

The consideration and approval of Ordinance S-3067 Transportation Revolving Loan Fund 0103 in the amount of \$107,086.00 for the Buffalo Soldier Sidewalk Improvements. (Final Reading) Rod Barnes Presenting Commissioner Johnson asked whether this project had already been completed. Rod Barnes stated that the City had already paid for this project, and the loan would be a reimbursement.

1. Request for declaration of emergency. Commissioner Taylor moved, seconded by Commissioner Talley to approve Request for Declaration of Emergency. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

2. The consideration and approval of Ordinance S-3067 on final reading. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve S-3067 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance S-3068; and Transportation Revolving Loan Fund 0105 in the amount of \$121,111.00 for the 2010 KLINK. (First Reading) Rod Barnes Presenting. Mayor Heldstab asked if the Commission did not pass the ordinance, would the City just be required to pay for the projects without a loan. Rod Barnes stated that the City would need to pay out of pocket or re-apply to the fund which could take two years. Commissioner Taylor asked if the state will reimburse the City in one lump sum. Rod stated yes that the payment is in lump sum. Commissioner Johnson asked whether the citizens really want this project. Rod Barnes replies that these are some busy streets that have been designated by the state. Commissioner Rhodes commented that these roads have just been crack sealed. Commissioner Talley is concerned that it may take a long time for the state to reimburse the City. Rod Barnes stated that the City knows the KLINK application process well and reimbursement will not take very long. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve S-3068 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance S-3069 Transportation Revolving Loan Fund 0107 in the amount of \$479,634.00 for Tom Neal Industrial Park. (Final Reading) Rod Barnes Presenting

1. Request for declaration of emergency.

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve request for declaration of emergency. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Motion carried.

2. The consideration and approval of Ordinance S-3069 on final reading.

Commissioner Taylor moved, seconded by Commissioner Rhodes to approve ordinance S-3069 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance S-3070; and Transportation Revolving Loan fund 0108 in the amount of \$201,116.00 for the Ash and Eisenhower Intersection Improvements. (First Reading) Rod Barnes Presenting. Rod Barnes stated that this project would involve cementing the Ash and Eisenhower intersection. Rod Barnes stated that the road is holding up well now that large trucks from the hospital expansion are not using the intersection. Issue died due to lack of a motion.

The consideration and approval of R-2576 a resolution of intent to submit a grant application to fund the creation of the Flint Hills Regional Council. Rod Barnes Presenting. Mayor Heldstab stated that voting in the Flint Hills Regional council will not be weighted at the request of the City of Manhattan; each participant community will have a single vote. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2576. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance G-1060 adopting recommendation of Junction City/Geary County Metropolitan Planning Commission (MPC) to amend the Junction City Zoning Regulations concerning new standards for parking for multiple-family residential developments. (First Reading) David Yearout Presenting. Commissioner Johnson asked David Yearout if 2.0 parking spaces are standard for Kansas developments. David Yearout replies that it really varies across the state; in Hays the standard is lower than 2.0. Commissioner Johnson asked if the owner would be responsible for costs of right-of-way parking stalls. David Yearout stated that the property owner would be responsible for all costs. David Yearout stated that the Commissioners can modify the Ordinance as written to include a 2.0 parking space standard. Commissioner Taylor stated his concern that people will park boats and trailers in the new parking spots. Mayor Heldstab also stated his concern for a mandatory limit lower than 2 parking spaces. Commissioner Johnson moved, seconded by Commissioner Taylor to approve ordinance G-1060 with a change to 2.0 parking spaces per unit for all apartments on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance S-3071 adopting recommendation of Junction City/Geary County Metropolitan Planning

Commission (MPC) to amend the Final Development Plan for Olivia Farms Planned Development District. (First Reading) David Yearout Presenting. Commissioner Johnson asked how the people who currently live at Olivia Farms feel about the project. David Yearout informed the Commission that those in the community were informed. Commissioner Johnson stated that he is worried that there will be too much high density housing headed toward the lake. Rod made it known to the Commission that the City is not responsible for maintaining park area at Olivia Farms. Commissioner Taylor stated that this project is the responsibility of the developer and that they need to try to make it work. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve ordinance S-3071 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried.

Report on action filed by Cox Communications with the Federal Communications Commission relating to "effective competition" and response filed by League of Kansas Municipalities on behalf of cities served by Cox in Kansas. Katie Logan Presenting

The consideration and approval of Notice of Intent to apply for a Kansas Public Water Supply Loan Fund for \$1.8 million dollars to make improvements to the Water Plant.

1. Design and construction to implement chlorination for disinfection.
2. Design and construction of gravity sludge line with new pipeline and pump station.
3. Design and construction of a new carbon dioxide feed system.
4. Replacement of the high and low service pumps.

Mayor Heldstab asked what the City really needs in regard to improvements to the water plant; the City is not in a position to spend money that is not absolutely needed. Commissioner Johnson asked if the stormwater fund could be used for this project. Rod Barnes replied that those funds could not be used for this project as water and stormsewer are separate systems. Rod Barnes also mentioned that the \$1.8 million cost is an estimate; actual cost could be higher or lower. Taylor suggested we ask Burns & McDonnell for an update on this project. Commissioner Johnson commented that an annual increase of \$20.00 per water account would be worth the future benefits. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve Notice of Intent to apply for a Kansas Public Water Supply Loan for \$1.8 million. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

Katie Logan to address the City Commission regarding term limits; also an opportunity for staff to receive feedback from the Commission on a Term Limit Ordinance. Commissioner Taylor mentioned that a number of people approached him regarding term limits, and he wanted it to be discussed. Taylor mentioned that there are benefits to term limits, such as: public involvement, less money influence, and new ideas. Commissioner Talley said he believes that the ballot box says it all. Commissioner Taylor would like to see increased participation in the election process with more candidates and more people

going to vote. Commissioner Rhodes mentioned that he has heard from only one person who is in favor of term limits while more are opposed to the idea; also, for there to be increased participation there should be a more civil discourse with less name calling and threats.

The consideration and approval of Supplemental Bond Agreement NO-2 between the City of Junction City, Kansas, a municipal corporation ("issuer"), Kansas State Bank of Manhattan, Manhattan, Kansas ("Bank") and Hunter Ridge, L.L.C. (the "Tenant"). Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Supplemental Bond Agreement NO. 2 between the City of Junction City, Kansas, a municipal corporation ("issuer"), Kansas State Bank of Manhattan, Manhattan, Kansas ("Bank") and Hunter Ridge, L.L.C. (the "Tenant"). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner Taylor asked what the process is to make sure paper advertisements stop being delivered to a residence. Rod replied that the first step is to ask the advertiser to stop delivering the unwanted publications. If this does not solve the problem, it would then become an issue for blight. Commissioner Taylor is worried for the elderly who may have a difficult time clearing their property of these publications. Rod Barnes mentioned that advertisements should be attached to door knobs, or under windshield wipers.

Commissioner Johnson asked when the pond at Riverwalk Landing will be fixed. Rod Barnes stated that he spoke with Leon Osborn today, and that a report will soon be presented to the Commission. Commissioner Johnson also asked if Katie Logan was going to present on an AG opinion regarding KOMA. Katie responded that she would report during staff comments.

Mayor Hledstab congratulated the Junction City football squad on their 28 game winning streak. The Mayor also wanted to thank Donna Martinson; and good luck to Sarah Talley who retired at the end of last month.

### **STAFF COMMENTS**

Rod Barnes provided the Commissioners with maps of City lots which provided information regarding building permits in Junction City. Rod Barnes reminded the Commission that there will be a Special City Commission Meeting on November 10<sup>th</sup> at Noon to meet with Nathan Eberline of the League regarding the hiring of a new City Manager. The Police Department Citizen Academy will have a graduation on November 16<sup>th</sup>. The City has received 47 applications for the position of Police Chief. A new City Engineer - David Lady has been hired and will begin working on January 4<sup>th</sup> 2010; he is Kansas certified and will receive a salary of \$64,000.

Katie Logan reported an Attorney General opinion that stated if a Commissioner forwards an e-mail from a citizen to the other commissioners with his or her own comments, this does not violate KOMA. Though if a conversation were to ensue via e-mail regarding the issue where commissioners "reply to all" this would likely be a violation of KOMA.

#### **EXECUTIVE SESSION**

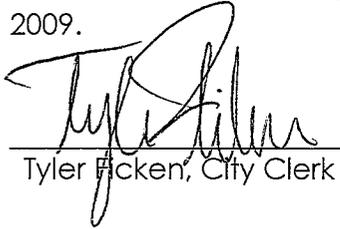
Commissioner Talley moved, seconded by Commissioner Johnson to adjourn into executive session at 9:30 PM not to exceed 10 minutes to discuss attorney client privileges. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Included in the Executive Session were the Commission, City Manager, and the City Attorney.

Commissioner Talley moved, seconded by Commissioner Rhodes to reconvene into regular session at 9:39 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

#### **ADJOURNMENT**

Commissioner Talley moved, seconded by Commissioner Taylor to adjourn at 9:40 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 17th DAY OF NOVEMBER 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR NOVEMBER 3, 2009.

  
\_\_\_\_\_  
Tyler Ficken, City Clerk

  
\_\_\_\_\_  
Terry Heldstab, Mayor