

CITY COMMISSION MINUTES

February 7, 2006

7:00 PM.

The regular meeting of the Junction City City Commission was held on Tuesday, February 7, 2006 with Mayor Taylor presiding.

The following members of the Commission were present: Terry Heldstab, Ken Talley, Mike Rhodes, Jack Taylor, Mick Wunder. Staff present were: Assistant City Manager Mike Guinn, City Attorney Charles Zimmerman, and City Clerk Colleen Woodruff. Absent: City Manager Rod Barnes.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- a. The approval of Commission Minutes of January 17, 2006 City Commission Meeting.
- b. The consideration of Pay Request #7 submitted by Walters-Morgan in the amount of \$458,653.68 for South Wastewater Treatment Plant upgrade.
- c. The consideration of Pay Estimate #2 submitted by Boyd Excavating, Inc. in the amount of \$30,995.05 for street, sewer and water improvements to serve US-77 Industrial Park Addition.
- d. The consideration of an Engineer Agreement with HWS Consulting in an amount not to exceed \$64,300.00 plus direct costs for Apron Improvements at Freeman Field rehabilitating an existing apron.
- e. The consideration of a Pay Request submitted by BG Consultants in the amount of \$13,968.00 for engineering testing services during the month of December for the Enhancement of N Jackson Drainage ditch.
- f. The consideration of a Request for Proposals (RFP) for design engineering services for the Federal-Aid STP safety project to

improve the intersections of 6th & Jackson and 6th & Webster.

- g. The consideration of Pay Request #4 submitted by Sunflower Builders in the amount of \$15,564.57 for the Traffic Building Remodeling.
- h. The consideration of a Cost Estimate and Petition submitted by Kaw Valley Engineering in the amount of \$1,878,882.80 for street, sewer and water improvements to serve Tom Neal Industrial Park.
- i. The consideration of Resolution R-2194 authorizing the City of Junction City, Kansas to purchase certain property located at 204 and 206 E 11th Street and accept donation of contiguous property located at 208 E 11th Street for the general economic development of the City. The property is owned by Von & Terry Quinn.
- j. The consideration of Proposed Ambulance Fee Schedule.
- k. The consideration of Ordinance S-2792 relating to annexation and rezoning to Light Industrial District and Final Plat approval for property located on the West corner of Spring Valley Road and North of I-70(Tom Neal Industrial Park). (First Reading)
- l. The consideration of Ordinance S-2798 relating rezoning to General Commercial (RM) District for property located at 115 and 121 East 5th Street. Property is owned by Waters', Inc. -James R. Waters. (First Reading)
- m. The consideration of Ordinance S-2796 relating to annexation and rezoning for property located between US77 Hwy and South Spring Valley Road (Deer Creek Addition). Property is owned by Bramlage/KVE, Agent. (First Reading)
- n. The consideration of Ordinance S-2800 requesting annexation and rezoning for property located at the Southwest corner of K-18 Hwy and Spring Valley Road. Property is owned by USD 475. (First Reading)
- o. The consideration of Ordinance S-2803 requesting final plat approval for property located between US77 Hwy and South Spring Valley Road (Hickory Hill Addition). The property is owned by KEJ Inv, KVE, Agent. (First Reading)

- p. The consideration of Ordinance S-2802 requesting final plat approval for property located between US77 and South Spring Valley Road(Deer Creek Addition #1). The property is owner by Bramlage/KVE, Agent. (First Reading)
- q. The consideration of Pay Request #5 submitted by Konza Construction in the amount of \$14, 225.00 for work completed through December 31, 2005 for the 2005 Street Maintenance Project.
- r. The consideration of Ordinance S-2797 requesting rezoning to Duplex Residential (RD) District for property located in the South half of the Northeast one-quarter of Section 16, T12S, R5E, Geary County, KS (Spring Valley Addition #2). (First Reading)
- s. The consideration of Ordinance S-2795 requesting annexation and rezoning to Central Commercial Special(CCS) District and Final plat approval for property at the East Ash Street Extension. (Johnson's 3rd Addition). (First Reading)
- t. The consideration of Resolution R-2195 determining the advisability of making street, sewer, storm sewer and water main improvements in the Doc Hargreaves Hilltop Addition #2.
- u. The consideration of Ordinance S-2794 requesting rezoning to Multiple family Residential (RM) District for property located in the North half of the Southeast one-quarter of Section 16, T12S, R5E, Geary County (Hickory Hill Addition). Property is owned by KVE/Osbourn-Agent. (First Reading)
- v. The consideration of Ordinance S-2793 requesting rezoning to Duplex Residential (RD) District for property located in the North half of the Southeast one-quarter Section 16, T12S,R5E Geary County, KS(Hickory Hills Addition). Property is owned by KVE/Osbourn-Agent. (First Reading)
- w. The consideration of Change Order #3 submitted by J&K Contracting, L. C. in the amount of \$19,387.70 for street, sewer & water improvements to serve Ehlers Hilltop Addition.
- x. The consideration of Pay Estimate #1 submitted by Middlecreek Corporation in the amount of \$859,607.55 for work completed at East Ash Street Extension.

- y. The consideration of Pay Estimate #6 submitted by Midlands Contracting in the amount of \$5,590.75 for street, sewer and water improvements to serve the 14th Street commons.
- z. The consideration of Pay Estimate #5 submitted by Midlands Contracting in the amount of \$122,975.70 for sanitary sewer and waterline improvements to serve Junction City, Kansas.
- aa. The consideration of Pay Estimate #5 submitted by Midlands Contracting in the amount of \$102, 807.95 for grading and utilities to serve Spring Valley Addition #1.
- bb. The consideration of a Grant Agreement between the State of Kansas Department of Commerce and Junction City, Kansas for Community Development Block Grant funds in the amount of \$316,000.00 for Pawnee Park Housing Rehabilitation.
- cc. The consideration of a request to hold bid lettings for the demolition of structures purchased by the Spirit of 76. Addresses include: 706,708, 712, 712 ½, 734 W 14th Streets and 516 and 514 W 14th Streets. Bids will be accepted until 3:00 p.m. February 20, 2006.
- dd. The consideration of Pay Estimate #1 to Deam and Deam Architects in the amount of \$5100.00 for KANSTEP Round-A-Bout project.
- ee. The consideration of Pay Estimate #1 to Hernly & Associates in an amount of \$5000.00 for KANSTEP Round-A-Bout project.
- ff. The consideration of a Pay Request #2 submitted by Burns & McDonnell in the amount of \$25,168.18 for professional services for sludge storage tanks design.
- gg. The consideration of Appropriation Ordinance A-5 in the amount of \$973,847.39 and Payroll Ordinance #3 in the amount of \$181,391.42.
- hh. The consideration of Ordinance G-995 dissolving the Junction City Recreation Commission codified in Article II of Title 1 of the City of Junction City, Kansas by repealing General Ordinance G-643. (Second Reading).

SPECIAL PRESENTATIONS

City Clerk Colleen Woodruff swore in the following Reserve Police Officers: Randy Rikoric, Keoni Delacruz and David Starr.

YOUTH COMMENTS

Melvin Nededog stated that the Youth Commission was working with the Delta Project-domestic Violence. He also stated that they were interviewing two (2) new members for the Youth Commission. He stated that the next meeting will be held on Tuesday, February 14th at 6:00 p.m.

ORDINANCE G-993-

Ordinance G-933 was presented on final reading.

ORDINANCE G-993

AN ORDINANCE AMENDING TITLE VI BUSINESS AND OCCUPATION, CHAPTER 650: SIGN REGULATIONS, SECTION 650.110 AND TABLE B, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

The ordinance set the requirements for the for rent, for sale signs on property.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-993 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEIGHBORHOOD REVITALIZATIONS

Josh McKim, Economic Development Director stated that a Neighborhood Revitalization application had been received from Rosmarie and Dwaine Champ to rehabilitate a home at 334 West 12th Street. Rehabilitation construction costs are approximately \$50,000.00. This project meets the terms and conditions of the Neighborhood Revitalization Plan.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the neighborhood revitalization application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Josh McKim, Economic Development Director stated that a Neighborhood Revitalization application had been received from Schoenrock Investments to construct a new commercial building at 715

Southwind. New construction costs are approximately \$320,000.00. This project meets the terms and conditions of the Neighborhood Revitalization Plan.

Commissioner Wunder moved, seconded by Commissioner Talley to approve the neighborhood revitalization application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

CHARTER ORDINANCE NO 33

Charter Ordinance # 33 was presented for consideration.

CHARTER ORDINANCE NO. 33

A CHARTER ORDINANCE REPEALING SECTION 2 OF CHARTER ORDINANCE 32 AND EXEMPTING THE CITY OF JUNCTION CITY, KANSAS FROM THE PROVISIONS OF K.S.A. 12-4112 REGARDING COSTS ASSESSED IN MUNICIPAL COURT, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING EXISTING SECTION 120.010 [AS ORDAINED BY SECTION 2 OF CHARTER ORDINANCE 32] OF CHAPTER 120, TITLE I OF THE ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS, 1994.

City Attorney Zimmerman stated that Charter Ordinances are used by a City when there is a State Statute on the same subject but it does not uniformly apply to all cities. Article 40 of Chapter 12 of the Kansas Statutes is such a statute. K.S.A. 12-4112 deals with fees and costs that can be charged by a municipal court. The City has, by Charter Ordinances 31 and #33, made adjustments to the permissible costs levied by our Court. K.S.A. 28-176 deals with fees due to the KBI Laboratory for testing substances for the presence of alcohol, marijuana and other drugs. By its terms it requires courts to impose the cost of the laboratory testing on convicted defendants. Currently the fee is \$400.00 per test. In order for our Municipal Court to impose such costs on convicted defendants, a Charter Ordinance must be passed as court costs, in general, are regulated by State Statute. The attached Charter Ordinance #33 accomplishes this action and request it is passed on first reading. It will take effect 61 days after publication.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve Charter Ordinance #33 on first reading, Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ACORNS RESORT

Mike Harris and Rob Blanken, representing Redfish, LLC /dba as Acorns Resort requested that the City of Junction City offer a grant in the amount of \$250, 000.00 to assist in the development of a resort at Milford Lake.

Commissioner Rhodes stated that the Resort was a worthwhile project but questioned how the City of Junction City could afford to finance a project outside of the City limits. He also questioned where the funds would come from. Mayor Taylor echoed the questions and requested that the matter be referred back to city staff for more research.

REVOLVING LOAN REQUEST

Josh McKim, Economic Development Director stated that a request from Brenda Gentry, JC Mortgage and Title Company for a loan from the Revolving Loan Fund in the amount of \$20,000.00. The funds will be used for operating costs and start up cash. The company will create two (2) jobs. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the request as presented. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: None. Abstain: Taylor. Motion carried.

NEIGHBORHOOD REVITALIZATION APPLICATIONS

Josh McKim, Economic Development Director stated that Rhonda Harris and Sascha White have submitted a Neighborhood Tax Revitalization application to rehabilitate a home at 311 West 5th Street. Rehabilitation construction costs are approximately \$70,000.00. This project meets the terms and conditions of the Neighborhood Revitalization Plan. Thereby, qualifying for a tax rebate on the property of 95% for years 1-3; 80% for year 4; 70% for year 5; 60% for year 6; 50% for year 7; 40% for year 8; 30% for year 9; and 20% for year 10. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization Application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Josh McKim, Economic Development Director stated that Richard Tinney has submitted a Neighborhood Revitalization application to rehabilitate 1705 & 1707 North Washington Street. Rehabilitation construction costs are approximately \$146,852.20. This project meets the terms and conditions of the Neighborhood Revitalization Plan. Thereby, qualifying for a tax rebate on said property of 95% for years 1 and 2; 85% for years 3 and 4; and 75% for year 5.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization Application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID FOR SPRAY GROUNDS PROJECT.

Assistant City Manager Mike Guinn stated that City Staff recommended the award of bid to Huwar Construction for the spray grounds project at the Junction City Swimming Pool at a cost of \$95,000.00. The project will be completed prior to the pool opening this season. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the award of bid as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

CHANGES TO THE NEIGHBORHOOD REVITALIZATION PROGRAM

Josh McKim, Economic Development Director stated that the Economic Development Commission Board requested some changes to the Neighborhood Revitalization Program and to add two areas to the program.

The noted changes are:

Page 5 Criteria for Determination of Eligibility

Definition on Residential classification – Multi-family dwellings will be considered commercial development.

Page 6 Added, "If property taxes are appealed or are in the process of being appealed then no rebate will be given for the year being appealed until the appeal process is finalized. The appeal will go through the County Appraiser's office process.

Page 9 Percentage changes for commercial, multi-family housing, and industrial areas

Two areas within the city limits are being added:

Grant Avenue – the Deer Trail Division

Spruce Ravine – ravine that travels from Ash Street to Spruce Street, between Garfield and Webster Streets.

Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the changes as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

UPGRADE TO THE INFIELD-RATHERT STADIUM

Assistant City Manager Mike Guinn stated that Central Plains Baseball requested the City's participation in upgrading the infield at Rathert Stadium to red Clay. The cost will be \$32,000.00. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the request as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID-J & K CONTRACTING

Leon Osborne stated that four bids were received for the street, sewer and water improvements to Hargreaves Hilltop Addition #3. It was their recommendation to award the bid to J & K Contracting at a cost of \$928,616.44. Commissioner Talley moved, seconded by Commissioner Wunder to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION 2196

Resolution 2196 authorizing and directing the issuance, sale and delivery of \$4,930,000.00 principal amount of temporary notes Series 2006-A for the Bluffs Addition.

RESOLUTION NO. R-2196

A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$4,930,000* PRINCIPAL AMOUNT OF TEMPORARY NOTES, SERIES 2006-A, OF THE CITY OF JUNCTION CITY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve Resolution 2196 as presented. Ayes:

Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None.
Motion carried.

AWARD OF BID

Leon Osbourn, Kaw Valley Engineering requested approval of the award of bid to Ebert Construction for street, sewer and water improvements for Deer Trail Addition in the amount of \$880,590.40. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the award of bid as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SALE OF PROPERTY

BCS Design requested approval to purchase property located at 7th and Franklin in the amount of \$65,000.00. The property will be used for the construction of town homes. Commissioner Rhodes moved, seconded by Commissioner Wunder to direct staff to negotiate a contract with BCS Design to purchase property located at 7th and Franklin. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

BCS Design requested approval to purchase property located at 704, 706, 734, 738, 740 and Lot 6, Lot 9 West 14th in the amount of \$175,000.00. The property will be used for the construction of town homes. Commissioner Wunder moved, seconded by Commissioner Heldstab to direct staff to negotiate a contract with BCS Design to purchase property located at 704, 706, 734, 738, 740 and Lot 6, Lot 9 West. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RECEIVE BIDS FOR THE KAN STEP PROJECT

Bret Deam, Deam and Deam Architects stated that bids were received for the KANSTEP PROJECT (ROUNDAABOUT SKATING RINK). They were from various vendors. The total amount was \$186,150.53. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the bids as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Mayor Taylor opened the meeting for general discussion. There was no general discussion.

COMMISSIONER COMMENTS

Mayor Taylor opened the meeting for Commissioner Comments.

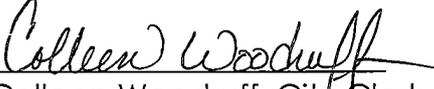
Commissioners Rhodes stated that he was happy to see BCS coming to Junction City.

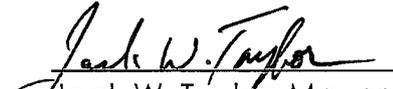
Commissioner Heldstab sent condolences to the families of Ila Olmstead and Darlene Morton.

ADJOURNMENT

Commissioner Rhodes seconded by Commissioner Wunder to adjourn at 7:50 p.m. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 21st DAY OF FEBRUARY 2006 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR FEBRUARY 7, 2005.


Colleen Woodruff, City Clerk


Jack W. Taylor, Mayor