

## CITY COMMISSION MINUTES

May 2, 2006

7:00 PM.

The regular meeting of the Junction City City Commission was held on Tuesday, May 2, 2006 with Mayor Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Ken Talley, Jack Taylor, Mike Rhodes, 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**

Vice Mayor Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda as amended with the removal of items u and cc. These items were voted on separately. Ayes: Heldstab, Talley, Taylor, Rhodes, Wunder. Nays: None. Motion carried. The consent agenda consisted of the following:

- a. Approval of Commission Minutes of April 26, 2006 City Commission Meeting.
- b. The consideration of Pay Estimate #3, submitted by J&K Contracting, Inc. in the amount of \$125,599.07 for street, sewer and water improvements to serve Faith Tabernacle Addition #1.
- c. The approval of Letter of Agreement from Kaw Valley to provide construction observation and related services on Spring Valley #2 not to exceed \$95,000.00.
- d. The consideration of Resolution R-2238 requesting street lights in "The Bluffs Addition."
- e. The consideration of a Pay Request, submitted by BG Consultants in the amount of \$13,279.80 enhancement of North Jackson drainage ditch performed during the month of March.
- f. The consideration of Resolution R-2234 requesting street lights in the Ehlers Hilltop Addition.

- g. The consideration of Change Order #2 submitted by J&K Contracting L.C, in the amount of \$1200.00 for street, sewer and water improvements to the Doc Hargreaves Hilltop Addition #2.
- h. The consideration of Change Order #5, submitted by J&K Contracting L.C. in the amount of \$680.00 for a change in the size of the electric conduit under street at the Ehler's Hilltop Addition.
- i. The consideration of Pay Request #2, submitted by J&K Contracting in the amount of \$290,499.53 for services completed through April 10, 2006 for street, sewer and water improvements at Ehler's Hilltop Addition.
- j. The consideration of Pay Request #1, submitted by J&K Contracting in the amount of \$139,172.32 for street, sewer and water services to serve Doc Hargreaves Hilltop Addition #2.
- k. The consideration of Change Order #2, submitted by Konza Construction in the amount of \$65,270.90 for the 2005 Street Maintenance project.
- l. The request for approval submitted by Jim Germann of a two year antivirus software update in the amount of \$10,596.10 from DW-G.
- m. The consideration of Pay Request #9, submitted by Burns & McDonnell in the amount of \$34,777.59 for professional services through March 31, 2006 for Resident Services South Wastewater Treatment Plant.
- n. The consideration of Resolution R-2240 requesting a Public Hearing date of June 6, 2006 relating to a request for demolition of property located at 631 W 11th Street and owned by Edward Ryan.
- o. The consideration of Resolution R-2239 requesting a Public Hearing date of June 6, 2006 relating to a request for demolition of property located at 1426 N. Monroe Street and owned by Shirley Gardenhire.
- p. The consideration of Pay Request #7, submitted by Konza Construction in the amount of \$382,892.60 for the 2005 Street Maintenance Project.
- q. The consideration of Ordinance S-2821 requesting rezoning from Service Commercial Restricted (CSR) to Multiple Family Residential(RM) at East 16<sup>th</sup> Street and Franklin Street requested by Self-Help Housing. (First Reading)

- r. Moved to new business 9f.
- s. The consideration of Ordinance S-2823 requesting rezoning from Service commercial(CS) and mobile home(MH) to planned development(PDD) for the Village at Freedom Place requested by the owner Jeff Burton/American Dream Development. (First Reading).
- t. The consideration of Ordinance S-2824 requesting rezoning from Special Commercial (CSP) to Planned Development (PDD) for property located between Country Club Lane and Whitney Road, requested by BSG Companies. (First Reading).
- u. The consideration of Ordinance S-2825 requesting rezoning, annexation and final plat approval from Country Rural Residential (RR) District to City General Residential(RG) for Prairie Ridge located at Rucker Road and North Park Drive, requested by Robert Munson. (First Reading).  
REMOVED FROM CONSENT AGENDA
- v. The consideration of Ordinance S-2826 requesting annexation and rezoning from County Agricultural(A) to General Residential(RG) for Indian Ridge #6, located East of Spring Valley Road and North of McFarland Road above McCluskey's addition, requested by R&R Investments. (First Reading).
- w. The consideration of Ordinance S-2827 requesting final plat approval for High Pointe Addition located on McFarland Road between Spring Valley Road and US-77, requested by High Pointe Homes, LLC/Carreno/Grose. (First Reading).
- x. The consideration of Pay Request #2, submitted by Ebert Construction in the amount of \$331,448.40 for street, water and water improvements to the Deer Trail Addition.
- y. The consideration of Pay Request #4, submitted by Middlecreek Corporation in the amount of \$162,122.82 for work through April 24, 2006 for the East Ash Street Extension.
- z. The consideration of Pay Request # 4, submitted by Middlecreek Corporation in the amount of \$29,037.18 for street, sewer and water Improvements to the Round House Addition.
- aa. The consideration of a petition and cost estimate in the amount of \$2,128,798.80 with a bid request date of May 24<sup>th</sup>, 2006 for the North Interceptor sewer to serve the new Middle School & Northwest

Junction City, Kansas.

- bb. The consideration of Pay Request #10, submitted by Walters-Morgan in the amount of \$408,060.36 for work at the Southwest Water Treatment Plant.
- cc. The consideration of Ordinance S-2818 to rename Commonwealth Drive to Freedom Place. (First Reading). REMOVED FROM CONSENT AGENDA
- dd. The consideration of Ordinance S-2819 to rename Commonwealth Circle from Commonwealth Drive Southwest to cul-de-sac as Seitz Court. (First Reading)
- ee. The consideration of Ordinance S-2820 to rename Commonwealth Circle from Commonwealth Drive Northeast to cul-de-sac as Fuller Circle. (First reading)
- ff. The consideration of Appropriation Ordinance dated April 20, 2006 in the amount of \$499,692.46, appropriation ordinance dated April 21, 2006 in the amount of \$66,412.60, appropriation ordinance dated April 29, 2006 and payroll ordinance dated April 28, 2006 in the amount of \$181,767.43.

#### **ORDINANCE S-2825**

Ordinance S-2825 requesting rezoning, annexation and final plat approval from Country Rural Residential (RR) District to City General Residential (RG) for Prairie Ridge located at Rucker Road and North Park Drive, requested by Robert Munson was presented for consideration.

#### **ORDINANCE NO. S-2825**

**AN ORDINANCE RELATING TO CERTAIN UNPLATTED LAND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS: REZONING SAID PROPERTY FROM COUNTY AGRICULTURAL (A) DISTRICT TO CITY PLANNED DEVELOPMENT (PDD) DISTRICT AND TO INCORPORATE SAID PROPERTY INTO THE CITY LIMITS OF THE CITY OF JUNCTION CITY, KANSAS**

Commissioner Taylor moved, seconded by Commissioner Wunder to approve Ordinance S-2825 on first reading. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstain: Talley. Motion carried.

### **ORDINANCE S-2818**

Ordinance S-2818 authorizing the renaming of Commonwealth Drive to Freedom Place was presented for consideration on first reading. Commissioner Talley stated that he thought it would be better to wait until city staff could give some input as to when the East Street extension project would begin. It was suggested that then perhaps East Street could be changed to Freedom Blvd. Commissioner Talley moved, seconded by Commissioner Taylor to table action on this item until staff could give some information on the East Street project. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **SPECIAL PRESENTATIONS**

#### **PROCLAMATION**

Mayor Heldstab proclaimed Saturday, May 27, 2006 as "Buddy Poppy Day and presented a proclamation to the Vice President, Marcella Williams of the VFW Ladies Auxiliary #8773.

Mayor Heldstab proclaimed "Peace Officers" Memorial Day on May 15<sup>th</sup> and Police Week May 14<sup>th</sup>-May 20<sup>th</sup>, 2006 and presented a proclamation to Police Chief Story.

Mayor Heldstab read a Proclamation welcoming back the 1<sup>st</sup> Infantry Division.

### **ORDINANCE S-2817-EMINENT DOMAIN-FIRST READING**

Ordinance S-2817 declaring the necessity to exercise the eminent domain power of the City of Junction City to acquire property located at 617 N. Washington for the public health and economic benefit of the people was presented for consideration on first reading.

AN ORDINANCE DECLARING THE NECESSITY TO EXERCISE THE EMINENT DOMAIN POWER OF THE CITY OF JUNCTION CITY TO ACQUIRE CERTAIN REAL PROPERTY FOR THE PUBLIC HEALTH AND THE ECONOMIC BENEFIT OF THE PEOPLE OF THE CITY OF JUNCTION CITY, MAKING CERTAIN FINDINGS AS THE PROPRIETY, NECESSITY AND LEGALITY OF THE ACQUISITION AND THE USE TO BE MADE THEREOF AND DIRECT THAT LEGAL PROCEEDINGS BE INSTITUTED TO AFFECT SUCH CONDEMNATION.

City Attorney Zimmerman stated that this was the next step in the procedure. This ordinance gives the authority for the City Attorney to file the necessary documents with the District Court.

Vice Mayor Rhodes asked if there had been any communication with the owner of the property.

City Attorney Zimmerman stated that he was to have had a conversation with the owners attorney, but the attorney needed to cancel the meeting.

Commissioner Wunder moved, seconded by Commissioner Talley to approve Ordinance S-2817 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **AWARD OF CONTRACT-J & K CONTRACTING-DOC HARGREAVES ADDITION**

Leon Osborn, Kaw Valley Engineering stated that four (4) bids were received for the street, sewer and water improvements to serve Doc Hargreaves Hilltop Addition #3. The low bid was from J & K Contracting at a cost of \$526,107.35.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the award of contract to J & K Contracting in the amount of \$526,107.35 for street, sewer and water improvements to serve Doc Hargreaves Hilltop Addition #3. Ayes: Heldstab, Rhodes, Wunder. Nays: Talley. Abstain: Taylor. Motion carried.

#### **REQUEST TO PLACE A MONUMENT AT COMMONWEALTH**

Jeff Burton, American Dream Development requested approval to place a monument on City property located at Commonwealth and Seitz Court and Fuller Circle. The monument will consist of a flagpole and a bronze eagle statue.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve the placing of the monument as requested by Mr. Burton. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **HOUSING REHABILITATION PLAN**

Jonie Hernly, Hernly and Associates presented the Housing Rehabilitation Plan for the Community Development Block Grant HOME Program for the target area of 18<sup>th</sup> Street on the South side including Madison, Adams and 19<sup>th</sup> Street also know as Pawnee Park. Ms. Hernly stated that there would be a public meeting May 16, 2006 at 4:00 p.m. and 6:00 p.m. The applications are due by May 31, 2006.

Commissioner Talley moved, seconded by Commissioner Wunder to approve the Housing Rehabilitation Plan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **PROPERTY AND LIABILITY INSURANCE**

James Charlesworth, Charlesworth and Associates stated that they requested proposals for the city's property and liability insurance. They recommended award the insurance for the city to Sunflower Agency at a cost of \$188,185.00. The deductibles are higher than last year.

Vice Mayor Rhodes moved, seconded by Commissioner Wunder to approve awarding Sunflower Agency the city's property and liability insurance. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **RADIFICATION OF POLICE CONTRACT**

Assistant City Manager Guinn stated that the city and Police Union negotiated a new contract over a three day period. He stated that there were no major changes to the contract. The contract does remove merit pat and does include a 3% pay increase across the board. He stated that staffing will remain the same.

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

## **SELLING THE SANITION SERVICES OF THE CITY OF JUNCTION CITY.**

Assistant City A\Manager Guinn requested the setting of June 13, 2006 to receive proposals for the purchase of the City of Junction City sanitation service department. The bid documents stated that the purchaser will provide the same service that the city currently provides.

Commissioner Talley moved, seconded by Vice Mayor Rhodes to approve setting June 16, 2006 as the date to receive proposals for the sale of the

sanitation services department. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **ORDINANCE G-997-COMSUMPTION OF CERAL MALT BEVERAGES AT RATHERT STADIUM**

City Attorney Zimmerman stated that the changes in this ordinance allows for the sale and consumption of cereal malt beverage in public places.

This will allow for the sale of 3.2 beer at Rathert Stadium when the Generals are playing.

Commissioner Talley asked if there was a time that the sales would begin and end. City Attorney Zimmerman stated that the City Manager can make those decisions.

Commissioner Wunder moved, seconded by Commissioner Talley to approve Ordinance G-977 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **GENERAL DISCUSSION**

Mayor Heldstab opened the meeting for general discussion.

Jeff Burton, American Dream Developers thanked the city for the support given to him in the development of Freedom Place.

Terry Fleming stated that the weed problem was starting. Commissioner Wunder stated that the first few weeks of spring are the hardest. Police Chief Story stated that over 130 blight notices have been sent out.

Mr. Fleming also asked about the double parking situation by the Middle School when the students are being picked up. Police Chief Story stated that the police depart would monitor the problem

Heather Goens, The Bluffs introduced herself and said that she would have an office at the building site beginning Friday, May 5<sup>th</sup>. They will begin taking applications for the units. The first 120 units will be available by December.

Rex Willey asked why the item concerning the agreement with Fort Riley was removed from the agenda.

Assistant City Manager Guinn stated that some issues had come up that needed to be looked into by city staff. He stated that he would let Mr. Willey know when the item will be placed back on the agenda.

## COMMISSIONER COMMENTS

Commissioner Taylor stated that the members of the contingent going to Germany will leave on May 3<sup>rd</sup>. This trip will benefit the City of Junction City as well as making the returning troops feel welcomed.

Commissioner asked the status of the car dealership and body shop located at 3<sup>rd</sup> and Franklin. City Attorney Zimmerman stated that the city is working on the issue.

Vice Mayor Rhodes congratulated Josh McKim on the arrival of a baby daughter.

Mayor Heldstab also congratulated Josh McKim. He also stated that the trip to Germany will benefit the City of Junction City.

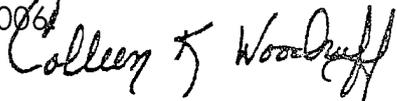
## STAFF COMMENTS

There were no staff comments

## ADJOURNMENT

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn at 8:190 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 16th DAY OF MAY 2006 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR MAY 2, 2006



Colleen Woodruff, City Clerk



Terry Heldstab, Mayor