

CITY COMMISSION MINUTES

August 29, 2006

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, August 29, 2006 with Mayor Heldstab presiding.

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

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda as amended Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstain: Talley. Motion carried. Motion carried. The consent agenda consisted of the following:

- a. Approval of the August 15th, 2006 City Commission meeting minutes.
- b. The consideration of Charter Ordinance #35 repealing section 105.410 of title 1 of the code of the City of Junction City and Charter Ordinance 28 regarding compensation for officials and providing substitute and additional provisions. (Second Reading).
- c. The consideration of Ordinance S-2852 authorizing the issuance of \$9,500,000.00 taxable industrial revenue bonds Series 2006 for Grocery Supply Company. (Second Reading).
- d. The consideration of Appropriations Ordinance dated 08-18-06 in the amount of \$221,616.31 and Payroll Ordinance dated 08-18-06 in the amount of \$194,754.99.
- e. The consideration of Ordinance S-2858, requesting rezoning from Duplex Residential (RD) to Multiple-family Residential (RM) for property located on Thompson Drive, Ehler's Hilltop Addition. (First Reading).
- f. The consideration of a proposal for engineering services not to exceed \$54,020.00 for sanitary sewer in Sutter Woods and Mann's Ranch.
- g. The consideration of vacation of waterline easement and adoption of Replacement Waterline Easement in Lot 2, Block 1 of Champions Addition.

- h. The consideration of Pay Request #14, submitted by Walters-Morgan in the amount of \$106,148.11 for the SWWTP Upgrade for work completed through August 17th.
- i. The consideration of Pay Request #15, submitted by Burns & McDonnell in the amount of \$2198.13 for Professional Engineering Services at South Wastewater Treatment Plant for work completed through July 31st.
- j. The consideration of Pay Request #5, submitted by Bowman & Bowman, in the amount of \$24,200.00 for design plans and contract documents for the Opera House for June 1 through July 31st.
- k. The consideration of Pay Request #12, submitted by Burns & McDonnell, in the amount of \$121,280.00 for Professional Services through July 31st for the Water Master Plan.
- l. The consideration of Pay Request #12, submitted by Burns & McDonnell, in the amount of \$33,002.35 for Professional Resident Engineering Services at the South Wastewater Treatment Plant for services from May 31st to June 30, 2006.
- m. The consideration of Pay Request #13, submitted by Burns & McDonnell in the amount of \$32,548.23 for Professional Resident Engineering Services at the Southwest Wastewater Treatment Plant for services from June 30 to July 31, 2006.
- n. The consideration of an Inter-local Agreement between the City of Junction City and The Board of Education, USD 475 for the purpose of providing assistance to USD 475 and its students to construct residential housing on property owned by the City of Junction City.
- o. The consideration of Ordinance S-2860, requesting annexation, rezoning and final plat approvals for Russell J. Johnson Addition located on Rucker Rd and East of Hwy 77. (First Reading)
- p. The consideration of Ordinance S-2862, requesting annexation, rezoning and final plat approval for Falcon Ridge Addition located at Thompson Drive and East of US Hwy 77. (First Reading).
- q. The consideration of Ordinance S-2863, requesting final plat approval for the Central National Bank Addition, located West of US-77 and South of Ash Street. (First Reading).
- r. The consideration of Ordinance S-2853, requesting final plat approval, annex and rezone for A.C. Development, located West of Spring Valley Road and South of Liberty Hall Road. (First Reading).

- s. The consideration of Ordinance S-2854, requesting final plat approval for Village @ Freedom Place #2, located on Grant Avenue. (First Reading).
- t. The consideration of an inspection agreement, submitted by Kaw Valley Engineering for Prairie Ridge Addition #2 in an amount not to exceed \$115,000.00 for construction management and observation water main extension Phase 1 and Prairie Ridge Addition #2.
- u. The consideration of an inspection agreement, submitted by Kaw Valley Engineering for construction management and observation not to exceed \$19,321.00 for the Water Main Extension Phase to serve the new Middle School and Northwest Junction City.
- v. The consideration of a proposal for preliminary engineering services for Spring Valley Road and Rucker Road.
- w. The consideration of Pay Request #6, submitted by Ebert Construction in the amount of \$52,545.38 for street, sewer and water improvements to serve the Deer Trail Addition.
- x. The consideration of Pay Request #11, submitted by Konza Construction, Inc. in the amount of \$187,480.30 for the 2005 Street Maintenance Project.
- y. The consideration of Change Order #3, submitted by J&K Construction in the amount of \$7,531.00 for electrical service for the lift station at Doc Hargreaves Hilltop Addition #2.
- z. The consideration of Change Order #2, submitted by Ebert Construction in the amount of \$7,597.00 for concrete work at Deer Trail Addition.
- aa. The consideration of Ordinance S-2846, requesting replat and rezoning approval for vacated mobile home park property located on North Jackson and 18th Street (Eagle Landing). (First Reading).
- bb. The consideration of Change Order #2, submitted by Middlecreek Corporation in the amount of \$13,566.25 for adding a sidewalk along the frontage road to serve the Deer Creek Addition.
- cc. The consideration of Appropriation Ordinance dated 08-25-06 in the amount of \$283,499.93.
- dd. The consideration of a request by Kaw Valley to set a bid date of September 1st for landscaping on East Ash Street (Riverwalk Landing).

APPOINTMENTS

Mayor Heldstab requested the approval of the appointment of David Alexander to fill the position left vacant by D.E. Lacer on the Junction City Historical preservation Board.

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

SPECIAL PRESENTATIONS

Mayor Heldstab proclaimed the month of September 2006 as "NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH" and presented the proclamation to Cindy O'Connell from the Central Kansas Foundation.

Ms. O'Connell stated that there would be a BBQ on September 29th in Heritage Park.

CHANGES TO THE CITY'S DEVELOPMENT POLICIES

City Manager Barnes stated that the City's current development policy guides the City's involvement with the creation of subdivisions in the community. The City utilizes special assessments to pay for water, sewer, streets, sidewalks and storm sewers. The developer petitions the City for the improvements. The City-at-large pays 10% of the total cost and the developer pays 90%. The City provides the temporary financing for up to 3 years. The cost of the streets count towards the City's debt.

The City's fiscal advisor, George K. Baum and the City's bond counsel have reviewed our debt and recommended the City change its policies to insure future compliance with the state statute that establishes debt levels for cities.

Four options were presented to the City Commission on August 15 as follows:

1. Require the developer to pay 100% of the improvements for special assessment districts.
2. Require the developer to provide a letter of credit to insure build out of the subdivision and payment of the special assessments. Amount of Construction Contract. Percentage of subdivision built out.
3. When a developer finances the cost of improvements, require that the City will not purchase the improvements until 50% of the subdivision is built out.
4. Only finance through special assessments the water, sewer and storm sewer improvements. Developer would be required to pay for streets and sidewalks.
5. Developers pay 100% of all infrastructure costs.

A public forum was held August 22nd to seek input from developers on suggested policy changes. There were approximately 50 people who attended the forum. The major issue discussed was the fairness and competitive

advantage developers would have under the current policy versus the proposed new policy.

There are currently 20 subdivisions pending approval by the City Commission. This represents over \$40 million in potential debt to the City. It is estimated that 50% of that debt would be attributed to the cost of streets and would count towards the City's debt limit. The City currently has approximately \$20 million debt capacity.

The staff recommends consideration and discussion of the following policy. For large subdivision development, the City could use the Kansas Rural Housing Incentive District Act. The act provides for the capture of property taxes to pay for infrastructure improvements. The subdivisions that this could work with include: Falcon Meadows, Mann's Ranch, Sutter Woods, Landmark Properties and Olivia Farms.

The staff proposes using the current policy for the other subdivisions that are pending as follows:

Middle School Addition	Indian Ridge Addition Unit #6
Deer Creek Addition Unit #2	A.C. Development Unit #1
Replat Michael's Run Addition	Village at Freedom Place Unit #2
Oakwood Mill Townhomes	Hidden Valley
Rivendell Addition	Falcon Ridge
Doc Hargreaves Hilltop #5	Russell J. Johnson
Eagle Landing Addition	Deer Creek Unit #3
Quarry Addition	

The total estimated cost of these subdivisions is \$19,379,440. That would result in the City using approximately \$9,689,720 of its debt capacity. The capacity will grow as assessed valuation grows.

The staff further recommends the development policy be changed effective October 1, 2006. On that date, the policy would require the developer to pay 100% of the cost of infrastructure. The City would continue using special assessments for water, sanitary sewer, and storm sewer. Beginning January 1, 2007, the developer would be required to pay for 50% of the street cost, with 50% assessed to the property. On January 1, 2008, that percentage would change to 75% of the street cost to the developer and 25% assessed to the property. Finally, on January 1, 2009, 100% of the street cost would be paid for by the developer. For developments that are over 100 lots, the City would need to look at using the Kansas Rural Housing Incentive District Act. This action would result in the City having approximately \$10 million in debt capacity after the 13 subdivisions are completed.

The staff rationalization for the policy changes is that it is as fair as we can be to current developments being planned using the 90/10 policy. The City retains some debt capacity for major projects needed by the City, including arterial streets and economic development projects. The new policy would not slow down the development of needed homes and apartments.

Commissioner Rhodes moved, seconded by Commissioner Wunder to able any action on this issue until the September 5th City Commission meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

CONSIDERATION OF A CONSTRUCTION INSPECTION ENGINEERING FIRM FOR THE CITY OF JUNCTION CITY.

City Manager Guinn stated that the City had received four proposals for construction engineering services. The City staff through an evaluation process narrowed the field down to two companies. The two companies are HWS and Kaw Valley. Both companies provided statements of qualification to the commission and city staff. Both companies gave a formal presentation on August 22, 2006 at a work session to allow any questions to be answered. After further review the staff recommends Kaw Valley over HWS. The reason behind the recommendation is that Kaw Valley is local firm and has the staff to perform all the duties required to perform the task with out delays. HWS is also well qualified but would have limited staff on hand at any one time and would take longer to have extra personal on site to complete projects.

Commissioner Wunder asked how the checks and balances on the project will work. City Manager Barnes stated that the City will bring on an Engineering Firm to act as City Engineer to monitor the projects. He stated that he will bring information on the firm to the September 19th meeting.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve the selection of Kaw Valley Engineering as the firm for construction inspection services. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE-G-1003 ADOPTING CURRENT TRAFFIC ORDINANCE

Ordinance G-1003 was presented on first reading.

ORDINANCE NO. G- 1003

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2006, PREPARED AND PUBLISHED IN BOOK FORM BY THE LEAGUE OF KANSAS MUNICIPALITIES, TOPEKA, KANSAS; CHANGING SECTION 320.010 OF THE CODE OF THE CITY OF JUNCTION CITY, 1994 AND REPEALING ORDINANCE G-986.

City Attorney Zimmerman stated that The League of Kansas Municipalities has again codified all of the traffic laws in Kansas including the changes made by the legislature this past session. Ordinance G-1003 is the mechanism for the City to adopt the current law as city ordinance. The major changes this year are as follows:

It is now a misdemeanor to disobey a School Crossing Guard

Children from 4 to 8 years old, of certain weight and height, must be in "child booster seats" rather than seat belts. The penalty for noncompliance is raised to \$60.00 from \$20.00.

The penalties for driving with a suspended license or as a habitual violator have been greatly increased for third and subsequent offenses.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance G-1003 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Rhodes moved, seconded by Commissioner Talley to table items 9b, c, d, e, h, j, k, l, m, p until a future meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-1004-AMENDING TEXT TO ADD RV PARK AS CONDITIONAL USE.

Ordinance G-1004 was presented on first reading.

ORDINANCE NO. G-1004

AN ORDINANCE AMENDING TITLE IV. LAND USE, CHAPTER 400: ZONING – GENERAL PROVISIONS, ARTICLE 1, SECTION 400.030, DEFINITIONS AND CHAPTER 405: DISTRICT REGULATIONS, ARTICLE 1, SECTION 405.100 OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

Dave Hurley, Codes Enforcement Director stated that the ordinance amends text to add RV Park as a conditional Use in the General Commercial (CG) District and inserts a definition for RV and RV Park.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance G-1004 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-1002-REGULATIONS FOR RECREATIONAL VEHICLE PARKS.

Ordinance G-1002 adopting regulations governing the construction, operation, licensing and inspection of recreational vehicle parks in the City of Junction city was presented on first reading.

G- 1002

AN ORDINANCE ADOPTING REGULATIONS GOVERNING THE CONSTRUCTION, OPERATION, LICENSING AND INSPECTION OF

RECREATIONAL VEHICLE PARKS IN THE CITY BY ADOPTING
CHAPTER 580 OF TITLE V OF THE CODE OF THE CITY OF JUNCTION
CITY, KANSAS.

Dave Hurley, Codes Enforcement Director stated that this ordinance would allow for annual inspection and licensing of the RV Parks similar to the Mobile Home Parks.

Tom Slvosky, owner of the Owl's Nest RV Park stated that he was in favor of quality control. He was opposed to the 6 month stay limit. He has several clients that live in the RV's year round. Two military personnel spoke on that issue. They stated that many military stay in the RV's, rather than living in a motel until housing can be found.

Mr. Slvosky also asked about cabins. He stated that in the RV Park industry cabins are important.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-1002 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2861-REZONING RAILROAD PROPERTY ADDITION

Ordinance S-2861 was presented for consideration on first reading,

ORDINANCE NO. S-2861

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED ON EAST THIRTEENTH STREET AND MORE PARTICULARLY DESCRIBED AS LOT SIX (6) AND THE WEST ONE-HALF OF LOT FIVE (5), BLOCK FIFTY-EIGHT (58), RAIL ROAD ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS. REZONING SAID PROPERTY FROM MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICT TO SERVICE COMMERCIAL RESTRICTED (CSR) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Taylor moved, seconded by Commissioner Wunder to table Ordinance S-2861 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RATHERT STADIUM RENOVATION

Luis Nater, Parks and Water Director asked for Commission approval on the completion of improvements to Rathert Stadium. The cost of the improvements will be \$47,249.38.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the completion of Rather Stadium improvements at a cost of \$47,249.38 Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2859-REZONING JOHNSON CREEK ADDITION

Ordinance S-2859 was presented on first reading.

ORDINANCE NO. S-2859

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED ON RUCKER ROAD AND MORE PARTICULARLY DESCRIBED AS LOT TWO (2) THROUGH FOUR (4), BLOCK ONE (1), JOHNSON CREEK ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS. REZONING SAID PROPERTY FROM GENERAL RESIDENTIAL (RG) DISTRICT TO SERVICE COMMERCIAL RESTRICTED (CSR) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-2859 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2846 REZONING-FINAL READING

Ordinance S-2846 concerning replat and rezoning approval for vacated mobile home park property located on North Jackson and 18th Street (Eagle Landing) was presented on final reading.

ORDINANCE NO. S-2846

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT NORTH JACKSON STREET AND 18TH STREET APPROVING AND ACCEPTING THE FINAL (REPLAT) PLAT OF SAID LAND, THE PUBLIC DEDICATIONS, STREETS, BUILDING LIMIT LINES AND UTILITY EASEMENTS SHOWN THEREON AS EAGLE LANDING ADDITION TO JUNCTION CITY, KANSAS: REZONING SAID PROPERTY FROM MOBILE HOME (MH) DISTRICT TO PLANNED DEVELOPMENT (PDD) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Talley moved, seconded by Commissioner Wunder to approve Ordinance S-2846 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Mayor Heldstab opened the meeting for general discussion.

There was no general discussion.

COMMISSIONER COMMENTS

Mayor Heldstab opened the meeting for Commissioner Comments.

Commissioner Taylor stated that someone from the NAACP has asked about the sanitation department only having one person on the back of the trucks. City Manager Barnes stated that he would check with Veolia on the issue.

Commissioner Wunder asked about the old Chubby's restaurant. Police Chief Story stated that they had given the owner an October 15, 2006 deadline to remove the building. Commissioner Wunder also asked the intersection at Ash and Eisenhower and McFarland and Highway 77 could be looked at. He also asked about Regency Mobile Home Court. Police Chief Story stated that several blights had been sent to the owners of the mobile home court.

Mayor Heldstab said that Daily Union reporter Andy Hyland would be leaving for a new position with the Kansas City Star. He stated that he had done a good job reporting on city business.

STAFF COMMENTS

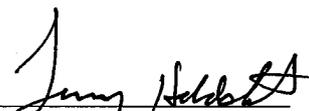
Mayor Heldstab opened the meeting for staff comments
There were no staff comments.

ADJOURNMENT

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn at 8:30 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 5th DAY OF SEPTEMBER 2006 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR August 29, 2006


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor