

CITY COMMISSION MINUTES

September 5, 2006

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, September 5, 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 presented. 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 29th 2006 City Commission meeting minutes.
- b. 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. (Second Reading).
- c. 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. (Second Reading)
- d. 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. (Second Reading).
- e. 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. (Second Reading).
- f. 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. (Second Reading).

g. The consideration of Ordinance S-2854, requesting final plat approval for Village at Freedom Place #2, located on Grant Avenue. (Second Reading).

h. The consideration of Resolution R-2259 authorizing the Mayor to sign a deed selling property located at 322 16th Street Circle to Marcia Cabezas as part of the Self Help Housing Program.

i. The consideration of Ordinance G-1003 adopting the current standard traffic law in Kansas as current law as a city ordinance. (Second Reading).

j. The consideration of Ordinance G-1004 amending text to add RV Park as a conditional use in the General Commercial(CG) District and inserts a definition for RV and RV Park. (Second Reading).

k. The consideration of Resolution R-2260 authorizing the Mayor to sign a deed selling property located at 329 16th Street Circle to Tanya Carpenter as part of the Self Help Housing Program.

l. The consideration of Resolution R-2261 authorizing the Mayor to sign a deed selling property located at 321 16th Street Circle to Cynthia Bibbs as part of the Self Help Housing Program.

m. The consideration of Ordinance S-2859, requesting rezoning from General Residential (RG) to Service Commercial Restricted (CSR) for property located on Thompson Drive (Johnson Creek Addition, Russell J. Johnson). (Second Reading).

n. The consideration of Pay Request #7, submitted by BG Consultants, in the amount of \$6,934.46 for Enhancement of N. Jackson Drainage Ditch.

o. The consideration of Pay Request #5, submitted by J&K Contracting, in the amount of \$10,205.98 for street, sewer and water improvements to serve the Doc Hargreaves Hilltop Addition #2.

p. The consideration of Pay Request #2, submitted by J&K Contracting, in the amount \$26,060.32 for street, sewer and water improvements to serve Doc Hargreaves Hilltop Addition #4.

q. The consideration of Ordinance S-2864 changing the name of North Park Drive to Patriot Drive. (First Reading)

r. The consideration of Ordinance S-2865 changing the name of Dogwood Lane to Victory Lane. (First Reading)

- s. The consideration of Ordinance S-2866 changing the name of Sumac Street to Independence Avenue. (First Reading)
- t. The consideration of Ordinance S-2867 changing the name of Prairie Court to Colonial Court. (First Reading)
- u. The consideration of Ordinance S-2868 changing the name of Prairie Drive to Freedom Drive. (First Reading)
- v. The consideration of a request for bid date of September 13, 2006, submitted by Kaw Valley Engineering for street, sewer and water improvements to serve Hidden Valley Addition.
- w. The consideration of Resolution R-2265 requesting street lights at Wetlands Park Area on East Chestnut Street.
- x. The consideration of Change Order #1, submitted by Nowak Construction in the amount of \$11,444.00 for work completed at the Hickory Hill Addition for drive entrance, ADA accessibility, fire hydrants and erosion control.
- y. The consideration of Change Order #3, submitted by Boyd Excavating, in the amount of \$6,244.00 for installation of a fire hydrant and miscellaneous storm sewer revisions to serve the US 77 Industrial Park Addition.
- z. The consideration of a request submitted by Westar Energy to dedicate a fifteen foot wide utility easement west of, adjacent to and parallel with the west boundary line of Thompson Drive right of way in North Park.
- aa. The consideration of Resolution R-2262 authorizing the Mayor to sign a deed selling property located at 305 16th Street Circle to Brenda Maxie as part of the Self Help Housing Program.
- bb. The consideration of Resolution R-2263 authorizing the Mayor to sign a deed selling property located at 310 16th Street Circle to Cherlonda Rumpson as part of the Self Help Housing Program.
- cc. The consideration of Appropriations Ordinance dated August 31, 2006 in the amount of \$443,397.69 and Payroll Ordinance P-18 dated September 1, 2006 in the amount of \$185,584.83.
- dd. The consideration of a Final Pay Request, submitted by Huwar

Construction, in the amount of \$45,689.00 for the Spray ground Project.

APOINTMENTS-JUNCTION CITY CORRECTIONSS ADVISORY BOARD

Mayor Heldstab stated that a request submitted by Cecil Aska of the Corrections Advisory Board to re-appoint Larry Devine and Deborah Johnston to serve as adult representatives with the appointment ending in June 2008 and also serve consecutively as the juvenile representatives until June 2009. Commissioner Rhodes moved, seconded by Commissioner Taylor to table any action on this issue. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

YOUTH COMMISSION REPORT

The Chairman of the Youth Commission stated that there had been a change in their leadership this year. The Youth Commission is now under the Police Departments Community Involvement Unit. He stated that they are helping the Boys and Girls Club with the haunted house that will be held in Grandview Plaza.

PROPOSED SUBDIVISION DEVELOPMENT POLICY CHANGES.

City Manager Barnes stated that the City's current development policy for infrastructure to be constructed in subdivisions states that the City will pay 10% of the cost of streets, water, sewer, storm sewer and sidewalks. The developer is responsible for 90% of the cost. The City provides temporary financing for up to 3 years and then the total cost is assessed to the lots over 20 years. The street portion of the projects counts towards the City's general obligation debt limit, water and sewer do not. George K Baum, the City's fiscal advisor estimates that we have approximately \$20 million of debt capacity available.

City Manager Barnes stated that it would seem the risk to the City of having vacant lots in subdivisions that infrastructure is financed through special assessments will grow as future subdivision development occurs. Most of the subdivisions have homes being constructed. This reduces the risk of special assessments not getting paid. In order to insure the future viability of keeping debt capacity for economic development and street work on arterials, the staff proposes the City Commission consider revising the

development policy. The following is a list of options that could be included in our policy.

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. Developer pays 100% of all infrastructure and includes it in the price of the lot.

The second issue is when to implement the changes and what subdivisions would be impacted. The following is a list of subdivisions that would be impacted by a policy change

Falcon Meadows	Deer Creek #3
Falcon Ridge	Indian Ridge Addition #6
Sutter Woods	Indian Ridge Addition #7
Hidden Valley	Russell J. Johnson Addition
American Dream Home Phase II	Mann's Ranch
Hargreaves Addition Unit #5	Michael's Run Addition
Middle School Addition	Oakwood Mill Town homes
Quarry Addition	Rivendell Addition
A. C. Development	

Commissioner Talley moved, seconded by Commissioner Rhodes to approve the subdivision development policy changes amended to start immediately with the 100% of street improvements paid by the developer. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-IMPROVEMENTS –FREEDOM PLACE

A petition and cost estimate in the amount of \$1,156,206.76 for street, sewer and water improvements to serve the Village at Freedom Place was presented for consideration. The development qualifies for a 90/10 split. Commissioner Rhodes moved, seconded by Commissioner

Talley to approve the petition and cost estimate for Freedom Place as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-IMPROVEMENTS –DOC HARGREAVES HILLTOP ADDITION #5

A petition and cost estimate in the amount of \$2,828,106.04 for street, sewer and water improvements to serve the Doc Hargreaves Hilltop Addition #5 was presented for consideration. The development qualifies for a 90/10 split, but if over sizing is required for water lines another petition will be brought to the City Commission. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the petition and cost estimate for Doc Hargreaves Hilltop Addition #5 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-COST ESTIMATE –RUSSELL J JOHNSON ADDITION

A petition and cost estimate in the amount of \$357,973.05 for street, sewer and water improvements to serve the Russell J. Johnson Addition was presented for consideration. The development qualifies for a 90/10 split. Commissioner Talley moved, seconded by Commissioner Taylor to approve the petition and cost estimates as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-COST ESTIMATE AND DEVELOPMENT AGREEMENT–FALCON RIDGE ADDITION

A development agreement for Falcon Ridge Addition was presented for consideration. Commissioner Rhodes moved, seconded by Commissioner Talley to approve the development agreement as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

A petition and cost estimate in the amount of 200,733.52 for street, sewer and water improvements to serve the Falcon Ridge Addition was presented for consideration. The development qualifies for a 90/10 split. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the petition and cost estimate as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-COST ESTIMATE –AMERICAN COMMUNITIES ADDITION #1

A petition and cost estimate in the amount of \$2,140,477.66 for street, sewer and water improvements to serve the American Communities Addition was presented for consideration. The development qualifies for a 90/10 split. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the petition and cost estimated as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-COST ESTIMATE – OAKWOOD MILL TOWNHOMES ADDITION

A petition and cost estimate in the amount of \$2,588,651.10 for street, sewer and water improvements to serve the Oakwood Mill Town homes Addition was presented for consideration. City Manager Barnes stated that the zoning may be changed from multi-family to single family residences. He said that if that occurs the petition and cost estimate can be modified.

Commissioner Talley moved, seconded by Commissioner Rhodes to table any action on the petition and cost estimated until the re zoning is completed. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION, COST ESTIMATE – INDIAN RIDGE ADDITION #6

A petition and cost estimate in the amount of \$464,568.82 for street, sewer and water improvements to serve the Indian Ridge Addition was presented for consideration. The development qualifies for a 90/10 split.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the petition and cost estimated as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION-COST ESTIMATE AND DEVELOPMENT AGREEMENT – MANN'S RANCH ADDITION #1

A development agreement for Mann's Ranch Addition #1 was presented for consideration.

City Manager Barnes stated that the Kansas Rural Housing Incentive Act would be used for the street improvements.

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

A petition and cost estimate in the amount of \$2,065,781.72 for sewer and water improvements to serve the Mann's Addition #1 was presented for consideration. The project qualifies for the developer to pay 100% of the street improvements.

Commissioner Talley moved, seconded by Commissioner Taylor to table any action the petition and cost estimated until a future meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID-J & K CONTRACTING-DOC HARGREAVES ADDITION #5 AND RUSSELL J. JOHNSON ADDITION.

Leon Osborn, Kaw Valley Engineering stated that four bids were received for these projects. He stated that it was city staff's recommendation to award the bid for street, sewer and water improvements to serve Doc Hargreaves Addition # 5 and Russell J. Johnson Addition to J & K Contracting in the amount of \$2,210,930.49. Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PETITION, COST ESTIMATE – JUNCTION CITY MIDDLE SCHOOL ADDITION

A petition and cost estimate in the amount of \$634,879.65 for street, sewer and water improvements to serve the Junction City Middle School Addition was presented for consideration. The development qualifies for a 90/10 split.

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the petition and cost estimated as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-1002-RECREATIONAL VEHICLE PARKS

Ordinance G-1002 was presented on final 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 Administrator stated that he was requesting a change to proposed ordinance concerning the back flow preventors. He recommended the Recreational Vehicle Parks have one main back flow preventor instead of individual ones on the pads.

Tom Silvosky addressed the City Commission concerning the Ordinance. He stated that his goal was the same as the City's, to create quality RV Parks. He stated that he felt that the distance a pad could be placed to the roadway should be the same as a building setback. He further stated that black water and gray water should not be dumped onto the ground, it should run through the sewer system.

He asked that the ordinance allow the parks to have 15% cabins, with a maximum square footage be set.

Commissioner Rhodes moved, seconded by Commissioner Wunder to table any action Ordinance G-1002 until the ordinance can be reviewed for amending it with the changes requested. . Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2861 REZONING RAILROAD PROPERTY ADDITION

Ordinance S-2861 was presented on final 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.

T. Michael Fegan stated that an office building would be constructed at that location.

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

DEVELOPMENT AGREEMENT –OLIVIA FARMS

City Manager Barnes stated that the housing development would qualify to use the Kansas Rural Housing Incentive Program.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the development agreement with Olivia Farms. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Wunder. Motion carried.

EXCEPTION TO ORDINANCE G-766

A request from David and Kelley York was received by the city for an exception to Ordinance G-766 limiting the building on unplatted land. Mr. York stated that he would like approval from the City Commission to allow him to build a garage on unplatted land that he owns. He also stated that he would like to eventually add on to his home. He stated he purchased the home and no one told him that the land was unplatted and he could not make improvements to his property. Assistant City Manager stated that there are approximately 20-25 other unplatted areas in Junction City. City Attorney Zimmerman stated that if this request was approved, it could set a precedent for others. Commissioner Wunder stated that he would like staff to see what could be done to help the York's.

Commissioner Wunder moved, seconded by Commissioner Talley to table and action on Ordinance S-766 as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SETTING A WORK SESSION TO DISCUSS LICENSING OF AUTO REPAIR SHOPS AND USED VEHICLE SALES

City Attorney Zimmerman stated that City Staff has drafted ordinances dealing with the licensing of auto repair shops and used vehicle sales lots. The City does not normally license retail businesses that do not involve alcohol, entertainment, transportation or non traditional merchandise sales. The City has the authority to impose regulations on businesses operating in the city as long as they are reasonable and designed to protect the health, safety and welfare of the citizens.

In recent years the Commission has stated its frustration with certain businesses which repair vehicles and sell used vehicles. The concerns expressed centered on appearance of the premises, inoperable vehicles, parking, parts and similar issues. In as much as licensing of retail businesses may be a controversial issue, it may be in the best interest of the City to hold a work session and invite the public and affected businesses to comment on the proposals and related issues. The Staff will provide copies of the proposed ordinances to known auto repair and body shops and vehicle repair businesses in the City prior to the work session.

Commissioner Talley moved, seconded by Commissioner Rhodes to schedule a work session with city staff and concerned businesses to

discuss the licensing of auto repair shops and used vehicle sales. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID –DEMOLITION OF 109 SNELL AVE AND 425 W. 12TH

Dave Hurley, Code Enforcer stated that stated that two bids were received for the demolition of 109 Snell and 425 West 12th. It was staff's recommendation to award the bid to the low bidder Glessner Excavating at a cost of \$4,165.00.

Commissioner Wunder moved, seconded by Commissioner Talley to approve the award of bid for demolition of 109 Snell Ave and 4254 W 12th as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID-RIVERWALK LANDING.

Leon Osborne stated that one (1) bid was received for the landscaping at Riverwalk Landing. It was recommended that the bid be awarded to Rothwell Landscaping at a cost of \$196,945.00.

The work would be 90% completed by the end of this year. Some plants would be planted in the spring of 2007. there is a one year guarantee on all plants.

Commissioner Wunder moved, seconded by Commissioner Taylor to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Mayor Heldstab opened the meeting for general discussion.

Jeff Burton-Freedom Place requested that the City Commission reconsider renaming Prairie Drive to Freedom Drive. He stated that he has an item tabled for renaming Commonwealth Drive to Freedom Place that he wants to be reconsidered. He doesn't want having two streets named so close to the same to be confusing.

COMMISSIONER COMMENTS

Mayor Heldstab opened the meeting for Commissioner Comments.

Commissioner Wunder asked Mr. Leon Osborn if there was a penalty for contractors that did not begin a project within the 10 day starting period. Mr. Osborn stated that there was not a penalty, but he would speak to the contractors about the issue.

He also asked City Attorney Zimmerman about the water bed store on Washington. Mr. Zimmerman stated that there was hearing scheduled and then appraisers would look at the building. If the City was willing to pay what the building appraises. the city could then proceed with the purchase.

Commissioner Talley stated that he was concerned with the water supply. City Manager Barnes stated that he would have Burns and McDonnell review the Water Master Plan and report to the City Commission.

Commissioner Rhodes stated that a citizen had commented on the sequence of the flags in the Commission Room.

STAFF COMMENTS

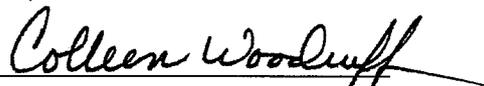
Mayor Heldstab opened the meeting for staff comments

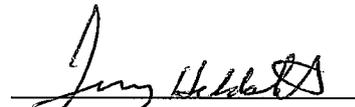
City Manager Barnes stated that the City was a finalist in the Municipal Excellence Program for the Parks and Recreation Discovery Days Program. The awards will be presented in Reno, NV in October.

ADJOURNMENT

Commissioner Wunder moved, seconded by Commissioner Taylor to adjourn at 9:05 P.M. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 19th ___ DAY OF September 2006 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR September 5, 2006.


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor