

CITY COMMISSION MINUTES

November 7, 2006

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, November 7, 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, City Attorney Charles Zimmerman and City Clerk Colleen Woodruff. Absent: Assistant City Manager Mike Guinn

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda with item I removed and placed on the regular agenda. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstain: Talley. Motion carried. Motion carried. The consent agenda consisted of the following:

- a. Approval of the October 31st, 2006 Commission meeting minutes and the City Commission meeting.
- b. The consideration of Ordinance G-1008, providing for misdemeanor of violation of a protective order by adoption of section 220.640 of the code of the City of Junction City. (Second Reading).
- c. The consideration of Ordinance G-1009, requesting the ordinance change be made to Chapter 570 Residential code. Section 570.015.11 regarding lead paint as recommended by Kansas Department of Health and Environment to read as follows. no building permit for work to be performed on or within a residential property constructed before 1978 will be issued] unless the City of Junction City Inspection Department has been provided a document signed by the owner or occupant of the property where the work is to be performed, confirming receipt of the EPA pamphlet "Protect your Family from Lead in Your Home. (Second Reading).
- d. The consideration of Ordinance G-1010, requesting a change to Chapter 505 Building Code Section 505.020 A recommended by the Kansas Department of Health and Environment. The change is to read International Building Code from Uniform Building Code. (Second Reading).
- e. The consideration of Ordinance S-2842, requesting rezoning & annexation approval from (RR) to (RM) for Prairie Ridge #2 located west of Rucker Road

and US-77 Hwy. Property is owned by Robert Munson/KVE, Agent) (Second Reading). MPC-unanimous vote-recommends acceptance.

- f. The consideration of Ordinance S-2875, requesting rezoning and annexation from (A) to (RG) for Olivia Farms located north of Rucker Road, South of Walla Walla Road and US-77 Hwy. Property owned by Parker/Faith Tabernacle/Fort Dev)(Second Reading). MPC-unanimous vote-recommends acceptance.
- g. The consideration of Ordinance S-2876, requesting rezoning and annexation from (A) to (RM) for Olivia Farms located north of Rucker Road, South of Walla Walla Rod and west of US-77 Hwy. Property owned by Parker/Faith Tabernacle/Fort Dev) (Second Reading). MPC-unanimous vote-recommends acceptance.
- h. The consideration of Ordinance S-2890, requesting final re-plat of L1, B5 of Hickory Hill Addition located west of Spring Valley Road and East of Spring Hill Road. Property owned by Ross Sloan-I-Seven D. Enterprises, LLC) (Second Reading). MPC- unanimous vote-recommends acceptance.
- i. The consideration of Ordinance S-2891, requesting annex and rezoning from county agriculture (A) to city general residential (RG) and final plat approval for Rivendell Addition located west of Spring Valley Road and north of Strauss Blvd. Property owned by Ron Strauss. (Second Reading). MPC-unanimous vote-recommends acceptance. **(REMOVED AND PLACE ON REGULAR AGENDA)**
- j. The consideration of Ordinance S-2892, requesting final plat approval for Landmark Properties, located west of Hickory Hill Addition and north of Strauss Blvd. Property owned by Ed Pilarz. (First Reading). MPC-unanimous vote to recommend acceptance. (Second Reading).
- k. The consideration of Ordinance S-2893, requesting rezoning from multiple-family residential, service commercial and service commercial restricted to entirely commercial restricted for property located at 1736 N Washington Street. Property owned by Charles Gay. (Second Reading). MPC-unanimous vote to recommend acceptance.
- l. The consideration of Ordinance S-2895, requesting rezoning approval from general residential to duplex residential district for property located at Sutter Highlands Addition. Property owned by Big D Construction. (Second Reading). MPC- unanimous vote to recommend acceptance.
- m. The consideration of Ordinance S-2896, requesting final plat approval for Sutter Highlands Addition located south of Rucker Road and west of Spring Valley Road. Property owned by Big D Development. (Second Reading).

MPC-unanimous vote to recommend acceptance.

- n. The consideration of Resolution R-2295, requested by Clarence Mahieu to install street lights in Doc Hargreaves Addition #4.
- o. The consideration of Resolution R-2296, requested by Clarence Mahieu to install street lights in Doc Hargreaves Addition #5.
- p. The consideration of Resolution R-2297, requested by Clarence Mahieu to install street lights in Indian Ridge Addition #6.
- q. The consideration of Resolution R-2298, requested by Clarence Mahieu to install street lights in the Russell J. Johnson Addition.
- r. The consideration of Resolution R-2299, requested by Clarence Mahieu to install street lights in Mann's Ranch Addition.
- s. The consideration of Resolution R-2300, requested by Clarence Mahieu to install street lights in Sutter Highlands Division.
- t. The consideration of Resolution R-2301, requested by Clarence Mahieu to install street lights in Sutter Woods Subdivision.
- u. The consideration of Resolution R-2302, requested by Clarence Mahieu to install street lights in Deer Creek Addition.
- v. The consideration of Pay Request #1, submitted by J&K Contracting, in the amount of \$38,484.23 for street, sewer and water to serve Indian Ridge #6.
- w. The consideration of Pay Request #3, submitted by Smoky Hill, LLC, in the amount of \$226,870.88 for construction of the Northwest Interceptor sewer.
- x. The consideration of Pay Request #1, submitted by J&K Contracting, in the amount of \$632,107.01 for construction improvements at Doc Hargreaves #5.
- y. The consideration of Pay Request #5, submitted by J&K Contracting, in the amount of \$223,882.40 for street, sewer and water improvements to serve Spring Valley Road.
- z. The consideration of Pay Request #1, submitted by Rothwell Landscape, in the amount of \$55,346.94, for Landscape Plans for River Walk Landing.
- aa. The consideration of Pay Request #4, submitted by Middlecreek Corporation, in the amount of \$9,000.00 for construction of Water Main Extension Phase 1 to serve the New Middle School.

bb. The consideration of Grant of Easement and Grant of Construction Easement, for property owned by Charles E Munson and Robert Munson.

SPECIAL PRESENTATIONS

Carolyn Gaston, Embarq presented a check in the amount of \$5,000.00 to Police Chief Story for the Law Enforcement Memorial.

ORDINANCE S-2891

ORDINANCE NO. S-2891

AN ORDINANCE RELATING TO CERTAIN UNPLATTED LAND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS: APPROVING AND ACCEPTING THE FINAL PLAT OF SAID LAND, THE PUBLIC DEDICATIONS, STREETS, BUILDING LIMIT LINES AND UTILITY EASEMENTS SHOWN THEREON AS RIVENDELL ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS: REZONING SAID PROPERTY FROM COUNTY AGRICULTURAL (A) DISTRICT TO CITY GENERAL RESIDENTIAL (RG) DISTRICT AND TO INCORPORATE SAID PROPERTY INTO THE CITY LIMITS OF THE CITY OF JUNCTION CITY, KANSAS

Leon Osbourn, Kaw Valley stated that the property owner (Ron Strauss) had requested annexation, rezoning and Final Plat approval for property generally located west of Spring Valley Road and north of Strauss Boulevard. At their regular October 12, 2006 meeting the MPC considered a request for annexation, rezoning from County Agricultural (A) District to City General Residential (RG) District and Final Plat approval for property generally located west of Spring Valley Road and north of Strauss Boulevard and more particularly described as a tract of land located in the north half of the southeast quarter of Section 16, Township 12 South, Range 5 East of the 6th Principal Meridian, Geary County, Kansas. The MPC recommends, by unanimous vote, the annexation, rezoning to General Residential (RG) District and acceptance of the dedications of the Final Plat of the Rivendell Addition to Junction City, Kansas as requested.

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance S-2891 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID-GOLF CARTS

Jeremiah Carter and John Wimbish, Rolling Meadows Golf Course asked for approval of award of bid to Masek Golf Car Company for 60 golf carts at a cost of \$152,730.00. Commissioner Rhodes asked when the carts would be delivered. Mr. Carter stated that

they would be delivered in March, 2007. Included in the total price were: windshields, sand buckets, message clips and color tinting.

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

ORDINANCE S-2894-REZONING AND ANNEXATION

Ordinance S-2894 was presented on first reading.

ORDINANCE S-2894

AN ORDINANCE RELATING TO CERTAIN UNPLATTED LAND OUTSIDE THE CITY OF JUNCTION CITY, KANSAS: REZONING SAID PROPERTY FROM COUNTY AGRICULTURAL (A) DISTRICT TO CITY GENERAL RESIDENTIAL (RG) DISTRICT AND TO INCORPORATE SAID PROPERTY INTO THE CITY LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Vic Davis, Attorney representing Enterprise Venture asked for City Commission approval of annexation of land bordering Old Highway 40 and Britt Road. He stated that the firm is from Topeka, Kansas and has several ongoing projects in the state. The president of Enterprise Ventures, Buddy Salisbury briefed the City Commission on his proposed development. There would be 370 lots in the addition. The price of homes will be in the \$125,000.00 to \$135,000.00 range. There will be a park, ball fields and walking trails. There will be a homeowners association with dues in the \$50.00 to \$75.00 per quarter.

The City Commission felt that they needed more cost information.

Commissioner Talley moved, seconded by Commissioner Taylor to table any action on Ordinance S-2894 until the November 21, 2006 meeting where more information will be presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID-MIDDLECREEK

Leon Osbourn, Kaw Valley Engineering requested approval of award of bid to Middlecreek Corporation in the amount of \$202,521.80 for the interceptor sewer to serve Sutter Woods Sub-division.

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

ORDINANCE G-1006-PAVING STANDARDS

Ordinance G-1006 was presented on first reading.

ORDINANCE G-1006

AN ORDINANCE AMENDING A PORTION OF SECTION 235-010 (NUISANCES ENUMERATED) BY ADDING SUB-SECTIONS 22.a AND b TO SAID SECTION 235.010 TO PROVIDE PAVING STANDARDS FOR CERTAIN COMMERCIAL AND LIGHT INDUSTRIAL ZONED PROPERTIES.

Code Administrator Dave Hurley stated that in August 2005 the City Commission passed an ordinance that would require property owners in commercial, restricted industrial and light industrial to pave their lots with concrete or asphalt where they park, store or display vehicles on the property. A meeting was held with the owners of the properties for input into the ordinance. The changes are as follows:

As an exception to the prohibition set forth, properties zoned as "Commercial", "Restricted Industrial" or "Light Industrial" which are not in compliance with the stated paving requirements and may be declared as nuisances, may continue their non-compliance under the following conditions. 1) The unpaved parking surface must be surfaced with gravel, stone or millings and be kept free from all vegetation and pot holes. If this is not followed the property could be cited under the blight ordinance. 2) After three (3) cited violations the property must be paved in asphalt or concrete. This must be accomplished within 60 days after receiving the third violation. (there is no time limit on the violations) Mr. Hurley stated that if the property is sold to anyone that is not a family member; the new owners would need to pave the parking with concrete or asphalt.

Mike KcKone, Attorney representing Bell Taxi clarified the grandfather clause.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-1006 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

2007 KLINK IMPROVEMENTS

City Manager Barnes stated that it was staff's recommendation to select Kaw Valley Engineering to oversee the 2007 KLINK Overlay Improvements on K-57 from Jackson to Washington, Washington from 18th to Chestnut, and Washington from Chestnut to South City Limits. City Manager Barnes stated that the project was a 50/50 split. The project will be funded by the Special Highway Fund and construction will be completed in July 2007. Commissioner Wunder asked if these projects would coincide with the roundabout project. Leon Osbourn, Kaw Valley stated that the projects will be scheduled as not to cause any traffic problems in the East Chestnut area.

Commissioner Wunder moved, seconded by Commissioner Talley to approve the 2007 KLINK improvements and to select Kaw Valley Engineering to oversee the 2007 KLINK improvements as recommended Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION 2305 ESTABLISHING A KANSAS RURAL HOUSING DISTRICT-OLIVIA FARMS

Resolution 2305 establishing a Kansas rural housing district for the Olivia Farms Sub-

division was presented for consideration. City Manager Barnes stated that the Development Agreement with Olivia Farms requires the creation of a Kansas Rural Housing Incentive District designation to allow for the construction of streets. He stated that the Kansas Department of Commerce needs to approve the creation of the District and when the approval is granted, a public hearing will be held.

Commissioner Wunder asked if there was a limit on the use of the Kansas Rural Housing Incentive District Program. City Manager Barnes stated that there was no limit. Commissioner Wunder stated his concern that some of the other developments that have expressed an interest in using this program might be left out. City Manager Barnes stated that Olivia Farms was the only development that had been requested to move on with the next step.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Resolution 2305. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried.

RESOLUTION 2303-TEMPORARY NOTES SERIES 2006-E

City Manager Barnes asked for approval of Resolution 2303 authorizing and directing the issuance, sale and delivery of \$17,465,000.00 principal amount of Temporary Note Series 2006 E. This amount will finance numerous sub-divisions in Junction City. The interest rate that was obtained by the city's bond counsel, George K. Baum was 4%.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Resolution 2303 as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION 2304-TEMPORARY NOTES 2006 D

City Manager Barnes asked for approval of Resolution 2304 authorizing and directing the issuance, sale and delivery of \$10,930,000 principal amount of Temporary Notes 2006-D. David Arteberry, George K. Baum was pleased with the interest rate of 4.05%.

Commissioner Talley moved, seconded by Commissioner Taylor to approve Resolution 2304 as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION 2306-LEASE PURCHASE AGREEMENT-PARK AT THE BLUFFS

City Manager Barnes asked for approval of Resolution 2306 determining the advisability of financing the construction, improvement and equipping of a park at "The Bluffs" by the execution and delivery of a lease purchase agreement. "The Bluffs" will donate approximately 25 acres of land to the City to be used as a park. City Manager Barnes stated that the property taxes received from The Bluffs will pay off the bonds. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Resolution 2306 as requested. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. 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 Rhodes thanked the citizens for exercising their right to vote.

Mayor Heldstab thanked the election workers. He also congratulated Gail Parsons on a job well done in bringing the Tibetan Monks to Junction City.

STAFF COMMENTS

Mayor Heldstab opened the meeting for staff comments

City Manager Barnes stated that there will be a work session on November 13, 2006 at noon to discuss the comprehensive plan.

Codes Administrator Dave Hurley asked for input from the City Commission on what to do about the developers trail blazer signs. He stated that no permits were taken out and under the city's ordinances these types of signs are not allowed.

Commissioner Wunder asked why the ordinance was not enforced when the signs went up.

Commissioner Rhodes suggested that a work session be held to discuss what needed to be done.

City Manager Barnes stated that the sign ordinance could be amended to include a fee and size limitations.

EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn into executive session at 8:20 p.m. to reconvene at 8:30 p.m. to discuss confidential data relating to financial affairs or trade secrets of second parties, such as corporations, partnerships, trusts and individual proprietorships. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Included in the executive session were: City Manager, City Attorney and Economic Development Director Josh McKim.

Commissioner Wunder moved, seconded by Commissioner Talley to reconvene into regular session at 8:30 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn into executive session at 8:30 p.m. to reconvene at 8:50 p.m. to discuss confidential data relating to financial affairs or trade secrets of second parties, such as corporations, partnerships, trusts and individual proprietorships. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
Included in the executive session were: City Manager, City Attorney and Economic Development Director Josh McKim.

Commissioner Wunder moved, seconded by Commissioner Talley to reconvene into regular session at 8:45 p.m. having mad no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

EXECUTIVE SESSION

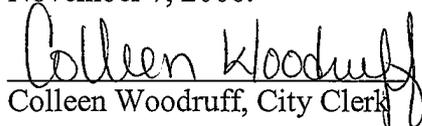
Commissioner Talley moved, seconded by Commissioner Wunder to adjourn into executive session at 8:45 p.m. to reconvene at 8:55 p.m. to discuss personnel matters relating to non-elected personnel. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
Included in the executive session were: City Manager, City Attorney and Police Chief Story.

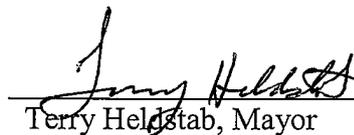
Commissioner Wunder moved, seconded by Commissioner Talley to reconvene into regular session at 8:55 p.m. having mad no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Wunder to adjourn at 8:55 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

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


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor