

## CITY COMMISSION MINUTES

December 5, 2006

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, December 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: Acting City Manager Tricia Gowen, City Attorney Charles Zimmerman and City Clerk Colleen Woodruff. Absent: City Manager Rod Barnes and Assistant City Manager Mike Guinn.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Commissioner Taylor moved, seconded by Commissioner Wunder to remove item b from the consent agenda and take action on the regular agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

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

- a. Approval of the November 21, 2006 Commission meeting minutes and the City Commission meeting.
- b. The consideration of Ordinance S-2902 authorizing the City of Junction City to enter into a lease purchase transaction for the construction and installation of park improvements at "The Bluffs". (Second Reading). **(REMOVED AND PLACED ON REGULAR AGENDA)**
- c. The consideration of a petition for the JC Middle School in the amount of \$634,879.65 and a bid date of December 12, 2006, submitted by Kaw Valley Engineering for the construction of infra-structure improvements for the JC Middle School Addition.
- d. The consideration of Pay Request #5(Final), submitted by Boyd Excavating, in the amount of \$42,321.21, for work at the Industrial Park Addition.
- e. The consideration of Pay Request #2, submitted by J&K Contracting, in the amount of \$87,808.27 for construction improvements to Russell J Johnson Addition.
- f. The consideration of Pay Request #2, submitted by J&K Contracting, in the amount of \$42,187.50 for construction work at Prairie Ridge #2.

- g. The consideration of Pay Request #2, submitted by J&K Contracting, in the amount of \$236,179.69 for construction improvements to Doc Hargreaves #5.
- h. The consideration of Ordinance S-2874, requesting a street name change from Stonybrooke Land to Forest Park Lane in the Spring Valley Addition #2. (First Reading).
- i. The consideration of a grant of easement to Martin Hemmingway and Sheree Hemmingway for property located at Sheridan Heights sub-division.
- j. The consideration of Appropriations Ordinance dated November 28, 2006 in the amount of \$1,847,928.89 and Payroll Ordinance P-24 dated November 28, 2006 in the amount of \$202,194.19.
- k. The request to set a public hearing date of December 19<sup>th</sup>, 2006 to amend the 2006 City budget.
- l. The consideration of Ordinance G-1011, deleting Section 600.240 eliminating the regulation of amusement devices. (First Reading).
- m. The consideration of Ordinance G-1012, amending section 310.010 and Table 1, speed limits to change the school zone in the vicinity of Eisenhower School. (First Reading).
- n. The consideration of Street name changes in the Prairie Ridge Addition #2:
  - 1. S-2899 from Linden Court to Eagle Court. (First Reading).
  - 2. S-2900 from Poplar Court to Glory Drive. (First Reading).
  - 3. S-2901 from Prairie Way to Yankee Lane. (First Reading).
  - 4. S-2903 from Prairie Drive to Veterans Drive. (First Reading).
- o. The consideration of award of bid for the City's checking accounts and request for approval to accept the bid from First State Bank.

**ORDINANCE S-2902 PARK IMPROVEMENTS—THE BLUFFS**

Ordinance S-2902 authorizing the City of Junction City to enter into a lease purchase transaction for the construction and installation of park improvements at "The Bluffs" was presented for consideration on final reading.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-2902 on final reading. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried.

**APPOINTMENTS**

Commissioner Rhodes moved, seconded by Commissioner Wunder to reappoint Jan

Gray, Eric Stahl and Darren Gunderson to the Junction City Historic Preservation Board, with terms expiring in November 2009. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **SPECIAL PRESENTATIONS**

Tricia Gowen, Administrative Services Director presented employee service awards to the following employees:

10 year awards: Nancy Biggs, Joleen Schnurr, Frank Bodine, Tricia Gowen, Kenny Langdon, Randy Nabus, Jim Peterson, JR Reynolds.

15 year awards: John Haggarty, Michael Jefferson, Kirt Nicols

20 year awards: Jeff Childs, Ed Lazear, Michael Life

25 year awards: Craig Paxton, Glen Rubash

30 year: Les Flower, Phil Waters

### **PUBLIC HEARINGS-CONDEMNATION**

Mayor Heldstab opened a public hearing to consider condemnation of property at 336 W 5<sup>th</sup> Street.

Dave Hurley, Codes Administrator asked for approval of Resolution 2294 for condemnation of property located at 336 W 5<sup>th</sup> Street. He stated that staff was not able to contact the owner of the property. Larry Ruiz stated that he is buying the property on contract. He stated that the owners, Brenda and Tony Joseph live in St. Louis. Mr. Ruiz asked the Commission to grant him six (6) months to acquire the financing to purchase the home and to make repairs to bring it up to code. He stated that he is applying for the Neighborhood Revitalization Program.

Mayor Heldstab closed the public hearing.

Commissioner Wunder moved to grant a 6 month extension and directing Mr. Ruiz to bring monthly reports to the Codes Office. Commissioner Wunder removed the motion.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve grant a 120 day extension and to direct Mr. Ruiz to have monthly reports on the status of the project to the Codes Administrator. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Mayor Heldstab opened a public hearing to consider condemnation of property at 702 W 9<sup>th</sup> Street.

Dave Hurley, Codes Administrator asked for approval of Resolution 2293 for condemnation of property located at 702 W. 9<sup>th</sup> Street. He stated that staff was not able to contact the owner of the property.

Mayor Heldstab closed the public hearing.

Commissioner Talley moved, seconded by Commissioner Taylor to approve Resolution 2293 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Mayor Heldstab opened a public hearing to consider condemnation of property at 807 W 9<sup>th</sup> Street.

Dave Hurley, Codes Administrator asked for approval of Resolution 2292 for condemnation of property located at 807 W. 9<sup>th</sup> Street. He stated that staff was not able to contact the owner of the property.

Mayor Heldstab closed the public hearing.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Resolution 2292 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **YOUTH COMMISSION REPORT**

Kyle Glaser stated that the News Years Gala will be held at the Junction City High School on December 31, 2006.

#### **ORDINANCE S-2888 -- ANNEXING LAND ADJOINING RUCKER ROAD AND SPRING VALLEY ROAD. SECOND READING**

Ordinance S-2888 was presented on final reading.

#### **ORDINANCE S-2888**

**AN ORDINANCE ANNEXING CERTAIN LANDS ADJOINING THE CITY OF JUNCTION CITY PURSUANT TO K.S.A. 12-520 AND 12-520a**

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance S-2888 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **ORDINANCE S-2889 -- ANNEXING ROADWAYS ADJOINING RUCKER ROAD AND SPRING VALLEY ROAD. SECOND READING**

Ordinance S-2889 was presented on final reading.

#### **ORDINANCE S-2889**

AN ORDINANCE ANNEXING CERTAIN ROADWAYS ABUTTING THE  
CITY OF JUNCTION CITY PURSUANT TO K.S.A. 12-520 AND 12-520a

Commissioner Wunder moved, seconded by Commissioner Talley to approve Ordinance S-2889 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

**ORDINANCE S-2898 -- AUTHORIZING THE ISSUANCE OF INDUSTRIAL REVENUE BONDS-RIMROCK PROPERTY (FINAL READING)**

Ordinance S-2898 was presented on final reading. This ordinance authorizes the issuance of industrial revenue bonds Series 2007 (Rimrock Project) in an amount not to exceed \$1,500,000.00,

**ORDINANCE NO. S-2898**

AN ORDINANCE AUTHORIZING THE CITY OF JUNCTION CITY, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2007 (RIMROCK PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$1,500,000 FOR THE PURPOSE OF EXPANDING, FURTHER IMPROVING AND FURNISHING AN EXISTING COMMERCIAL BANK OPERATIONS BUILDING FACILITY; AUTHORIZING EXECUTION OF A BOND AGREEMENT BY AND BETWEEN THE CITY, CENTRAL NATIONAL BANK, JUNCTION CITY, KANSAS, AS TENANT AND PURCHASER AND CENTRAL OF KANSAS, INC., JUNCTION CITY, KANSAS AS FISCAL AND PAYING AGENT; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO CENTRAL NATIONAL BANK AND AUTHORIZING EXECUTION OF A LEASE BETWEEN SAID CITY AND CENTRAL NATIONAL BANK; AND AUTHORIZING THE EXECUTION OF ADDITIONAL DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance S-2898 on final reading. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstain: Talley. Motion carried.

**EXECUTIVE SESSION**

Commissioner Talley moved, seconded by Commissioner Taylor to adjourn into executive session at 7:40 p.m. to reconvene at 7:55 p.m. to discuss matters concerning 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 Attorney, Economic Development Director, Acting City Manager, Commissioners Talley, Taylor and Heldstab, Leon Osburn.

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

#### **DEVELOPMENT AGREEMENT-UNPLUGGED CITIES**

Josh McKim, Economic Development Director asked the City Commission to approve a development agreement with Unplugged Cities. Unplugged Cities wishes to open a customer care center for a wireless internet service. The project would open approximately 30 jobs in a three year time frame.

Commissioner Taylor moved, seconded by Commissioner Talley to approve the development agreement between the City of Junction City and Unplugged Cities. Ayes: Heldstab, Talley, Taylor. Nays: None. Abstain: Rhodes, Wunder. Motion carried.

#### **PUBLIC HEARING**

Mayor Heldstab opened a public hearing for the purpose of considering an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the Economic Development category.

Josh McKim, Economic Development Director stated that Unplugged Cities (customer service call center) with the proposed location of the Genmar Building at 2323 N. Jackson. The funds will be used for capital for equipment and building and will create 30 jobs. The estimated project cost is \$600,000 of which \$200,000 will be requested from the CDBG program.

Commissioner Taylor moved, seconded by Commissioner Talley to direct the City to apply for the grant as requested. Ayes: Heldstab, Talley, Taylor. Nays: None. Abstain: Rhodes, Wunder. Motion carried.

#### **AWARD OF BID --INTERCEPTOR SEWER--MANN'S RANCH**

Leon Osbourn, Kaw Valley Engineering requested approval of award of bid to Midlands Contracting, in the amount of \$346, 732.50 for the interceptor sewer to serve Mann's Ranch.

Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the award of bid as requested. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Wunder. Motion carried.

#### **ORDINANCE S-2904—REZONING PROPERTY-FIRST READING**

Ordinance S-2904 requesting rezoning from duplex residential to multiple family residential for property located at 928 and 932 W 8<sup>th</sup>. The MPC unanimously voted to recommend the rezoning. There will be two 3-plexes built on the property.

#### ORDINANCE NO. S-2904

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 928 AND 932 WEST EIGHTH STREET AND MORE PARTICULARLY DESCRIBED AS LOT ONE (1) AND LOT TWO (2), BLOCK ONE (1), TIMMONS FAMILY ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS. REZONING SAID PROPERTY FROM DUPLEX RESIDENTIAL (RD) DISTRICT TO MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Wunder moved, seconded by Commissioner Taylor to approve Ordinance S-2904 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **ORDINANCE G-1007-CARRYING CONCEALED WEAPONS-FIRST READING**

##### G-1007

AN ORDINANCE REGULATING THE CARRYING OF CONCEALED WEAPONS WITHIN THE CITY OF JUNCTION CITY AND IMPLEMENTING K.S.A. 75-7c01 et seq., THE PERSONAL AND FAMILY PROTECTION ACT

City Attorney Zimmerman stated that the city should adopt the State's policies of where a concealed weapon can and cannot be carried. Commissioner Talley moved, seconded by Commissioner Wunder to approve Ordinance G-1007 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **CHANGE ORDER #3-REVISING PAY REQUEST**

Christina Cook, City Engineer asked for City Commission approval of change order #3, revising the amount of a pay request from Middlecreek Corporation for work completed at the Ash Street Extension Project in an amount of \$36,000.00 for installation of a 12" clay soil liner. Staff was recommending denial of this request, as it was actually included in the original bid costs.

Commissioner Rhodes moved, seconded by Commissioner Talley to deny the change order as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **CHANGE ORDER #4 REVISING PAY REQUEST**

Christina Cook, City Engineer asked for City Commission approval of change order #4 submitted by Middlecreek Corporation in the amount of \$23,656.25 for improvements adjacent to KJCK Southwind Drive.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the change order as requested. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried.

## **POLICY RESOLUTION-PR-06-11**

Tricia Gowen, Administrative Services Director requested approval of Policy Resolution PR-06-11 authorizing a cost of living increase. This resolution will provide for a 2% increase for all general employees including the City Manager and Economic Development Director. It also sets the minimum and maximum of all pay grades within the City.

Commissioner Talley moved, seconded by Commissioner Wunder to approve Policy Resolution PR-06-11 as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **REQUEST-GRANDFATHER HIS MECHANICAL LICENSE**

Greg DeBacker requested an exception to the mechanical license for new home construction to be grandfathered in without requiring the testing. He stated that he is licensed in the City of Topeka and wants to be able to practice his trade in Junction City without being block tested. No action was taken on this issue.

## **ORDINANCE S-2905 --**

Ordinance S-2905 authorizing the issuance of general obligation bonds to provide funding for economic development grants for development and construction of commercial and office facilities was presented on first reading.

### **ORDINANCE NO. S-2905**

A HOME RULE ORDINANCE OF THE CITY OF JUNCTION CITY, KANSAS, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS FOR ECONOMIC DEVELOPMENT GRANTS TO BE USED IN CONNECTION WITH THE DEVELOPMENT AND CONSTRUCTION OF CERTAIN COMMERCIAL PROCESSING AND OFFICE FACILITIES LOCATED IN THE CITY.

Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-2905 on first 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 congratulated the City Manager and staff for organizing the City Commission retreat.

Commissioner Rhodes congratulated the city employees on receiving years of service awards.

#### **STAFF COMMENTS**

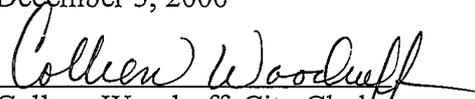
Mayor Heldstab opened the meeting for staff comments

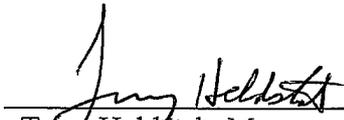
Acting City Manager Gowen stated that the annual City employee Christmas Party will be held on December 8, 2006.

#### **ADJOURNMENT**

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn at 8:45 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

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

  
Colleen Woodruff, City Clerk

  
Terry Heldstab, Mayor