

CITY COMMISSION MINUTES

January 16, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, January 16, 2007 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 was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Charles Zimmerman and City Clerk Colleen Woodruff.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

- a. Approval of the January 2, 2007 and Commission meeting minutes and the January 8, 2007 Special City Commission meeting minutes.
- b. Monthly reports:
 - 1) Engineering/Project Status Report
 - 2) Fire
 - 3) EMS Department
 - 4) Inspection Department
 - 5) Personnel/EEO
 - 6) Police Department
 - 7) Water Administration; Parks, Grounds & Facilities Maintenance
 - 8) Veolia Water
 - Water Treatment Plant
 - Public work
 - 9) Rolling Meadows Golf Course
 - 10) Rolling Meadows Golf Course Maintenance Section Activity Report
 - 11) Self Help Housing
 - 12) Recreation
- c. The consideration of Ordinance G-1013, use of right-of-ways prohibiting structures, fences, driveways, plants and vegetation. (Second Reading)
- d. The consideration of Ordinance S-2908, requesting annexation and rezoning for property generally located on the northeast corner of I70 and Taylor Road and referred to as AC Development Addition #2 from county agricultural (A) to City general residential (RG). (Second Reading) MPC recommends unanimous.
- e. The consideration of Ordinance S-2909, requesting annexation and rezoning for property generally located on the northeast corner of I70 and Taylor Road and referred to as AC Development Addition #2 from county agricultural (A) to City Central Commercial Special (CCS). (Second Reading) MPC recommends approval.

- f. The consideration of Resolution R-2322 authorizing the mayor to sign a deed selling property located at 332 16th Street Circle to Rachel Jones as part of the City's Self Help Housing Program.
- g. The consideration of Pay Request, submitted by Kaw Valley Engineering for services through December 29, 2006 on the 2007 KLINK project.
- h. The consideration of Pay Request #4, submitted by Burns & McDonnell, in the amount of \$13,376.00 for preparation of the Operation Maintenance Manual for the SWWTP.
- i. The consideration of Pay Request #3, submitted by Rothwell Landscape, in the amount of \$21,350.61 for Landscaping Plans for Riverwalk Landing.
- j. The consideration of Pay Request #2, submitted by Emerson Construction, in the amount of \$247,898.07 for a re-plat of Oakwood Village.
- k. The consideration of Pay Request #2, submitted by Emerson Construction, in the amount of \$104,508.80 for work at AC Development.
- l. The consideration of 2007 Cereal Malt beverage license for Wood Oil Inc, located at 413 W 18th Street, owner Charles R. Wood.
- m. The consideration of Appropriation Ordinance dated 01-11-2007 in the amount of \$1,795,791.89.

APPOINTMENTS

Mayor Heldstab requested Commission approval of the appointment of Mr. Rick Ziegler serve another three year term on the Board of Zoning Appeals. The County has agreed to re-appoint Mr. Ziegler. The term will run from January 1, 2007-December 31st, 2009. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the appointment as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Mayor Heldstab requested Commission approval of the appointments of three individuals to the Golf Advisory Board, David Craft, Frank Robbins and Charlie Williams to serve a three year term from January 1, 2007-December 31, 2009. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the appointments as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Mayor Heldstab requested Commission approval of the appointment of Cheryl Lynn Higgins to the Junction City Arts Council Advisory Board to serve from January 1, 2008 through December 31, 2008. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the appointment as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

SUB-DIVISION UPDATE

Leon Osbourn, Kaw Valley Engineering presented an update on sub-division development.

Commissioner Wunder asked City Manager Barnes if the street signs were being completed for the new sub-divisions. City Manager Barnes stated that they are being worked on at the present time. Commissioner Wunder also asked about the status of the utilities placing equipment in the back of the new sub-division homes in the easement. City Manager Barnes stated that there will be a work session with the Commission and the utilities companies.

CHANGE ORDER #7 BURNS AND MCDONNELL

Christina Cook, City Engineer asked for the consideration of Change Order# 7, submitted by Burns & McDonnell, in the amount of \$20,984.00 for work to complete material testing, electrical wiring and influent pump controls.

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

CHANGE ORDER #1 EMERSON CONSTRUCTION

Christina Cook asked for the consideration of Change Order #1, submitted by Emerson Construction, in the amount of \$11,264.37 for the addition of sanitary sewer risers to aid plumbing contractor excavating in sandy soil at AC Development.

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

CHANGE ORDER #1 EMERSON CONSTRUCTION

Christina Cook asked for the consideration of Change Order #1, submitted by Emerson Construction, in the amount of \$12,051.72 for sanitary sewer risers to aid plumbing contractor excavating in sandy soil at Oakwood Village.

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

CHANGE ORDER #1 J & K CONTRACTING

Christina Cook asked for the consideration of Change Order #1, submitted by J&K Contracting, in the amount of an increase in the decrease of \$17,438.87 for street and water improvements west of Nicole Lane and adding drainage improvements.

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

POLICE VEHICLES

Police Chief Story requested the replacement of three vehicles and reallocation of one vehicle at the Police Department, in an amount of \$55,366.08 to be funded from the drug seizure money.

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

CONSIDERATION OF A LEASE

City Manager Barnes asked for the consideration of a lease for space to operate the City store in downtown Junction City. The store will be a soda fountain and selling promotional items for the local area located at 710 N Washington. The store will be managed by students of the Junction City High School Business in Technology. They will develop a management plan. Commissioner Taylor asked if the lease had an early out clause if the store didn't work out. City Manager Barnes stated that the lease was for three years and did not have an early out option. The store will open in the fall of 2007.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the signing of a lease as requested by staff. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

REVISED PETITION-PATRIOT POINT

Christina Cook, City Engineer asked the City Commission to consider a revised petition for improvements and living unit lay out of Patriot Pointe, basing on 258 living units instead of 247. The developer will pay for all additional needed water and sewer lines.

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

AWARD OF CONTRACT HICKORY HILL ADDITION

Leon Osbourn, Kaw Valley Engineering asked for consideration of award of contract, submitted by Kaw Valley Engineering, to Ebert Construction, in the amount of \$573,734.70 for re plat of Hickory Hill Addition Lot 1 Block 5.

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

ORDINANCE S-2910 REZONING RIVENDELL ADDITION

Ordinance S-2910 was presented for consideration on first reading.

ORDINANCE NO. S-2910

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF SOUTH SPRING VALLEY ROAD AND STRAUSS BOULEVARD AND MORE PARTICULARLY DESCRIBED AS LOT ONE (1) AND LOT TWO (2), BLOCK ONE (1), RIVENDELL ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS. REZONING SAID PROPERTY FROM GENERAL RESIDENTIAL (RG)

DISTRICT TO GENERAL COMMERCIAL (CG) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

City Manager Barnes states that this ordinance would change the zoning from General residential to general commercial. He stated that general commercial allows almost any type of business to locate there. He stated that the City Attorney and staff were working on a zone change to suburban commercial that would strictly limit the type of business. The MPC recommended a denial of this ordinance as it stands at the present.

Mr. Willie Thornburg, 2021 Spring Valley Road stated that he was opposed the change to general commercial.

Mick McCallister 1705 Spring Valley Road stated that he is opposed to the zone change.

Ron Strauss 1903 1804 1900 Spring Valley Road stated that he only wants what is best for the community and feels that the ordinances should be change to reflect a stricter zone and returned to the MPC.

Mayor Heldstab moved, seconded by Commissioner Taylor to direct staff to notify home owners that would be affected by the zone change and have a meeting with all concerned to discuss alternatives. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Wunder. Motion carried.

ORDINANCE S-2911

Ordinance S-2911 requesting rezoning approval from multiple-family residential to planned development for Olivia Farms northwest corner of intersection of Rucker Road and US 77 Hwy was presented on first reading. The property is owned by Fort Development, LLC. (The MPC recommends approval. Janelle Phillips, Land Plan Engineering stated that the development is a 221 unit addition. The price for homes will be in a range of \$99,000 to \$150,000.

ORDINANCE NO. S-2911

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF US-77 HIGHWAY AND RUCKER ROAD AND MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 11 SOUTH, RANGE 5 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN GEARY COUNTY, KANSAS. REZONING SAID PROPERTY FROM MULTIPLE-FAMILY RESIDENTIAL (RM) DISTRICT TO PLANNED DEVELOPMENT (PDD) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-2911 on first reading. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Motion carried.

ORDINANCE S-2912

Ordinance S-2912 was presented on first reading.

ORDINANCE NO. S-2912

AN ORDINANCE RELATING TO PLATTED LAND WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS: APPROVING AND ACCEPTING THE FINAL (REPLAT) PLAT OF SAID LAND, THE PUBLIC DEDICATIONS, STREETS, BUILDING LIMIT LINES AND UTILITY EASMENTS SHOWN THEREON AS THE FINAL REPLAT PLAT OF LOTS 1, 2 AND 3, BLOCK 1, AND ALL OF LACY DRIVE RIGHT-OF-WAY, TOM NEAL ADDITION TO JUNCTION CITY, KANSAS.

Leon Osbourn, Kaw Valley Engineering requested consideration of Ordinance S-2912, requesting final plat approval for Tom Neal Industrial Park re-plat for property located west of south Spring Valley Road, property is owned by Spirit of 76 on first reading. The MPC recommends acceptance.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-2912 on first reading. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried.

ORDINANCE S-2913

Ordinance S-2913 was presented on first reading.

ORDINANCE NO. S-2913

AN ORDINANCE RELATING TO UNPLATTED LAND WITHIN 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 EASMENTS SHOWN THEREON AS THE FINAL PLAT OF MANN'S RANCH ADDITION UNIT NO. 2 TO JUNCTION CITY, KANSAS.

Janelle Phillips, Land Plan Engineering asked for consideration of Ordinance S-2913, requesting final plat approval for Mann's Ranch Addition #2, located south of Rucker Road and west of North Spring Valley Road. Property is owned by Dave Alexander/Alexander Land on first reading. The MPC recommends acceptance. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance S-2913 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE s-2914

Ordinance S-2914 was presented on first reading.

ORDINANCE NO. S-2914

AN ORDINANCE RELATING TO PLATTED AND UNPLATTED LAND WITHIN 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 EASMENTS SHOWN THEREON AS THE FINAL PLAT OF BCS ADDITION A REPLAT OF ALL OF BLOCK 4, A PORTION OF BLOCK 3, AND A PORTION OF ADJACENT RIGHTS-OF-WAY OF CUDDY'S ADDITION, A SUBDIVISION IN THE CITY OF JUNCTION CITY, GEARY COUNTY, KANSAS.

Staff asked for consideration of Ordinance S-2914, requesting final re-plat approval for BCS Addition located north of 14th Street and west of Jackson Street. Property is owned by Jeff Shinkle, BCS Design, Inc. on first reading. MPC recommends acceptance.

Commissioner Talley moved, seconded by Commissioner Wunder to approve Ordinance S-2914 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-1014

Ordinance G01014 was presented on first reading.

ORDINANCE NO. G-1014

AN ORDINANCE AMENDING TITLE IV. LAND USE, CHAPTER 400: ZONING – GENERAL PROVISIONS, CHAPTER 405: DISTRICT REGULATIONS, ARTICLE II. COMMERCIAL DISTRICTS, SECTION 405.070 OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

City Manager Barnes stated that the ordinance would amend land use to include medical and dental clinics.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance S-1014 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AWARD OF BID

Christina Cook, recommended the award of bid to Harold Glessner, in the amount of \$12,800.00 to remove 1650 linear feet of trees and repair fences along I-70 right of way. Commissioner Talley moved, seconded by Commissioner Taylor to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ECONOMY GRANT

City Manager Barnes asked for consideration of a request for an Economy Grant in the amount of \$40,000.00 and Neighborhood Revitalization of 95% for ten years to assist Heartland Wheat, Inc in locating a store in Junction City. The stipulations set forth must be met in order to complete grant request. The construction of firm could begin in September of 2007. Commissioners Wunder and Taylor asked why the date was moved from June to September. Rose Palmer stated that the client needed to provide corporate headquarters will all of the documents and that would delay the start of construction.

No action was taken.

AWARD OF BID-HOME GRANT

Joni Hernly, Hernly and Associates requested approval of the HOME grant funds. The bid for the properties located at 130 E 9th, 135 E 15th and 1221 W 21st came in higher than the grant would allow to be spent. It was here recommendation that the projects be re-bid. Commissioner Talley moved, seconded by Commissioner Rhodes to re-bid the

projects ad requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

It was Ms Hernly's recommendation to award the bid for 522 W 2nd to Ben Kitchens Painting at a cost of \$18,900.00. Commissioner Wunder moved, seconded by Commissioner Taylor to award the bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

It was Ms Hernly's recommendation to award the bid for 4354 W 7th to Craig Wolfe Painting at a cost of \$26,238.00. Commissioner Wunder moved, seconded by Commissioner Taylor to award the bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

It was Ms Hernly's recommendation to award the bid for 127 E 2nd to Ben Kitchens Painting at a cost of \$25,888.00. Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the award of bid as recommended. 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 Taylor thanked the citizens for voicing concerns and desires for the rezoning of Spring Valley Road.

Commissioner Heldstab also stated that he appreciated input from the citizens of Junction City.

STAFF COMMENTS

Mayor Heldstab opened the meeting for staff comments

City Manager Barnes stated there will be a meeting with the EDC and County on January 29th at 5:50 p.m.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Rhodes to adjourn into executive session at 8:30 p.m. to reconvene at 8:40 p.m. to discuss matters relation to confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships. Included in the executive session were Rose Palmer, City Attorney, City Manager, City Attorney.

Commissioner Taylor moved, seconded by Commissioner Wunder to reconvene into regular session at 8:40 p.m. having made no decisions not taken any action while in

executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

City Manager Barnes requested approval of an economic development grant in the amount of \$250,000.00 to held Lead Horse Technology, a bio science firm. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the request as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

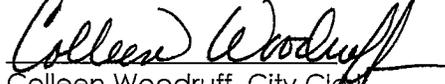
Commissioner Wunder moved, seconded by Commissioner Rhodes to adjourn into executive session at 8:40 p.m. to reconvene at 8:50 p.m. to discuss matters relating to acquisition of property. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Talley moved, seconded by Commissioner Rhodes to reconvene into regular session at 8:50 p.m. having taken no actions nor made any decisions while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Rhodes to adjourn at 8:50 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 30th DAY OF JANUARY 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR January 16, 2007.


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor