

CITY COMMISSION MINUTES

February 20, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, February 20, 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

Mayor Heldstab requested that item 3a-City Commission Minutes -02-06-07 be removed to be considered on the regular agenda.

Commissioner Talley stated that the minutes did not reflect the correct statements for the approval of Ordinance S-2907 and the Development Agreement for Cedar Creek Addition. He stated that Ordinance S-2907 was for Phase I only of the development. He also stated that the development agreement should have the word **temporary** removed from the financing aspect. Also Mr. Malone will only pay for the cost of normal water and sewer lines, the over sizing of the lines will be at the expense of the City. He also stated that in item 8, section 1c, the entrance monument, trees and shrubs have been removed. The agreement has eliminated the section dealing with the development of a park. (section 9). Mr. Malone has agreed to develop the park and include the maintenance and upkeep as part of the homeowner's association responsibility. Commissioner Talley asked that his questions and comments to Mr. Malone be added to the minutes verbatim.

City Manager Barnes stated that it is not the practice to have verbatim minutes.

Commissioner Talley moved to have the comments and questions added to the minutes of February 6, 2007. Motion died for lack of second.

Commissioner Talley moved, seconded by Commissioner Rhodes to direct staff to make the corrections to the minutes. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

CONSENT AGENDA

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 February 6, 2007 Commission meeting minutes. **REMOVED FROM CONSENT AGENDA**
- 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-1015, amending Section 105.060 of the code of the City of Junction City, KS to add the fifth Tuesdays in a month as a regular meeting dates for the City Commission. (Second Reading).

d. The consideration of Ordinance G-1016, amending section 700.090 of the code of Junction City, KS to provide for certain water main tapping fees. (Second Reading).

e. The consideration of Pay Request #3, submitted by J&K Contracting, in the amount of \$22,273.20 for street, sewer and water to serve Indian Ridge #6.

f. The consideration of a Petition for Deer Creek Addition #3, in an amount not to exceed \$2,439,949.91 for street, sewer, water, storm sewer and administration and inspection. Kaw Valley is requesting a bid date of February 27, 2007.

g. The consideration of Pay Request #2, submitted by J&K Contracting, in the amount of \$90,049.50 for street, sewer and water improvements to Rivendell Addition.

h. The consideration of Pay Request #4, submitted by J&K Contracting, in the amount of \$116,897.40 for improvements to the Prairie Ridge Addition #2.

i. The consideration of Resolution R-2325 requesting six street lights in the Hickory Hill Addition at \$8.31 per month.

j. The consideration of Pay Request #3, submitted by Emerson Construction, in the amount of \$278,778.57 for work completed at AC Development.

k. The consideration of Pay Request #3, submitted by Emerson Construction, in the amount of \$294,029.07 for work completed at Oakwood Village.

l. The consideration of Ordinance S-2918, levying special assessments on certain property to pay the costs of internal improvements in the City of Junction City, KS. (First Reading). Detailed information to follow later.

m. The consideration of Pay Request #3, submitted by Midlands Contracting, in the amount of \$100,868.40 for work at the Hidden Valley Addition.

n. The consideration of Pay Request #4, submitted by Midlands contracting, in the amount of \$110,172.60 for work at Deer Creek #2.

o. The consideration of Pay Request #2, submitted by Midlands Contracting, in

the amount of \$162,708.75 for work at the Mann's Ranch Interceptor Sewer.

- p. The consideration of a request for payment, submitted by Joni, on behalf of Ben Kitchens, in the amount of \$26,600.00 for work completed at 127 East Second Street.
- q. The consideration of Appropriations Ordinance dated February 16, 2007 in the amount of \$1,103,768.51.
- r. The consideration of Pay Request #4, submitted by Smoky Hill, LLC, in the amount of \$40,853.47 for construction on the Northwest Interceptor Sewer for the Middle School.
- s. The consideration of a Petition and Cost Estimate for Village at Freedom Place re-plat, in the amount of \$1,277,785.57.

APPOINTMENTS

Mayor Heldstab asked for consideration of the appointment of Ken Mortensen to the Airport Advisory Board to serve a three (3) year term beginning 12-31-06 thru 12-31-09. Commissioner Talley moved, seconded by Commissioner Taylor to approve the appointments as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

John Moyer addressed the City Commission about the new organization of the Farm service Agency office combining the Geary County and Riley County services to Manhattan. He was asking for the Mayor and City Commission support for retaining the agency in Geary County. He stated that there will be a meeting on February 27, 2007 2:00 pm. At the Convention Center to meet with Mr. Fuller and present a case as to why the organization should remain in Junction City.

Commissioner Rhodes moved, seconded by Commissioner Talley to authorize the Mayor to sign a letter of support. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PUBLIC HEARINGS

Mayor Heldstab opened a public hearing concerning the proposed annexation, including extension of services for lands adjoining the City and roadways abutting the city. City Manager Barnes stated that the City is developing zoning changes to allow the current residents to remain as they are, (livestock, equipment, business), unless the property is sold. The residents will have police and fire protection. KDOT will maintain the roads and have control over the speed limits on the road. There will eventually be signalization on Spring Valley and K-18.

Commissioner Winder stated that KDOT needs to make a speed limit change on K-18 since there will be a school.

Mayor Heldstab closed the public hearing.

Ordinance S-2919 was presented on first reading.

ORDINANCE S-2919

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

City Attorney Zimmerman stated that Ordinance S-2919 would authorize the annexation of properties of Jehovah Witness Church Tract, Higgins Tract, Rothwell Tract, Thornberg Tract, Meyer Tract, Pringle Tract, Tholstrup Tract, Wells Tract and Gunderson Tract. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance S-2919 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Ordinance S-2920 was presented on first reading.

ORDINANCE S-2920

AN ORDINANCE ANNEXING CERTAIN ROADWAYS ABUTTING 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-2920 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2894

Ordinance S-2894 was presented on first reading.

ORDINANCE NO. S-2894

AN ORDINANCE RELATING TO CERTAIN UNPLATTED LAND OUTSIDE THE CORPORATE LIMITS OF 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 asked for City Commission approval of Ordinance S-2894 annexing a portion of land into the city. He stated that there is 160 acres to be developed. Bud Salisbury, Enterprise Ventures stated that the property would be developed in clusters. Homes and infrastructure would only be developed on an as needed basis. The homes would sell for \$152,000.00 to \$140,000.00. The cost of the sewer and storm sewer would be at the expense of the developer. The cost of the water lines would be at the cost to the City. The funding for the development will be by the Rural Housing Development Bonds.

Commissioner Rhodes moved, seconded by Mayor Heldstab to approve Ordinance S-2894 on first reading subject to a development agreement be

developed prior to the final reading of the Ordinance. . Ayes: Heldstab, Rhodes.
Nays: Talley, Taylor, Wunder. Motion failed.

UPDATE ON SUBDIVISION PROGRESS

Leon Osbourn, Kaw Valley Engineering updated the City Commission on the sub-division development.

ORDINANCE G-1019

Ordinance G-1019 amending section 565.015 paragraph 9 of the International Fuel Code requested that every meter be equipped with a shut off valve on the supply side of the meter and on the customer side before it enters the structure was presented for consideration on first reading.

G-1019

AN ORDINANCE AMENDING SECTION 565.015 TO CODIFY CERTAIN ADDITIONS TO THE INTERNATIONAL FUEL GAS CODE

David Hurley, Codes Administrator stated that Kansas gas has asked that we amend our fuel gas code require that there be a shut off on the customer side of the meter before it penetrates the structure. This is because customers and emergency personal have a habit of shutting off the gas at the meter and breaking the valve on the supply side and Kansas Gas feels that this is safer and less costly. He stated that the installation of the valve would be at the customer's expense. Vice Mayor Rhodes stated that he would like more information from Kansas Gas.

Commissioner Rhodes moved, seconded by Commissioner Wunder to table any action on this ordinance until more information could be gathered from Kansas Gas. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

BID DATE-PICKUP FOR THE CODES DEPARTMENT

David Hurley, Codes Administrator stated that when conducting construction inspections in the County and on Commercial sites when there has been rain or snow it is impossible for the inspector to reach the site in his vehicle. In the County some driveways could be as long as ½ mile. A 4 x 4 would make it possible for the inspector to drive into the job sites. The funds have been budgeted.

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

NEIGHBORHOOD REVITALIZATION APPLICATION

Rose Palmer, Retail Specialist requested the consideration of a Neighborhood Revitalization Application, submitted by Ahmad and Renjarett Abdulrahman to remove existing building and construct a new three unit multi-family apartment building for property located at 615 W 13th Street. This qualifies for a tax rebate of 95% for year 1&2, 85% for year 3&4 and 75% for year 5. Approximate construction costs are \$175,000.00.

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

AMENDING WESTAR AGREEMENT

Christina Cook, City Engineer stated that Westar requested that City of Junction City enter into an amended agreement to replace the existing steel structure with a new wood structure at Chestnut Street. The estimated cost of this project was originally \$65,000. Weststar would like to amend the amount to \$81,250.00 to allow for no change orders. When the work is completed, Westar will then bill the City for the total cost of the project. The construction will occur between February 19th thru April 27. Commissioner Wunder felt that the agreement should be left as is and if the cost goes up, Westar can present a change order to explain the difference.

Commissioner Wunder moved, seconded by Commissioner Taylor to keep the agreement at a cost of \$65,000.00 agreement as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

REQUEST TO PURCHASE NEW MOWER FOR RATHERT STADIUM

Ed Lazear stated that currently the City is using a 1993 60 inch Grasshopper mower to mow three fields (Cleary 1 and 2 and Rathert Stadium). Staff requested approval of the City Commission to replace this mower with a new 72 inch mower with a striping kit.

The expected benefit of using a new mower with the striping kit will be to acquire a higher cutting quality and a nicer looking field.

Staff provided area equipment dealers the specifications for what we are looking for and we received bids from two different companies: KanEquip Inc. in Herington and Concordia Tractor in Abilene.

KanEquip Inc. submitted two bids:

New Holland Model MC28 (w/o striping kit) = \$14,250.00

Grasshopper Model 928D2 (w/o striping kit) = \$12,450.00

Concordia Tractor submitted one bid:

John Deere 997ZTRAK 72" SIDE DISCHARGE (w/striping kit) = \$11,687.17

Staff recommended the purchase of the John Deere 997ZTRAK 72" (w/striping kit) from Concordia Tractor. (Ten (10) year life expectancy)

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

DONATION-TRAFFIC CIRCLE LANDSCAPING

Jim Waters, Waters True Value and a landscaper presented a landscaping plan for the Washington Street Roundabout. Mr. Waters stated that the cost estimate for the project excluding the monument would be approximately \$68,000.00. The funding for the monument would be raised in fund raising efforts. He stated that he would be willing to pay half of the cost.

Jason Rothwell, Rothwell Landscaping presented his plan for the Roundabout project. The cost for his plan was approximately \$39,000.00.

Christina Cook, City Engineer stated that both plans would need to have KDOT review them. The height of the memorial and wall and plants needed to be reviewed.

ORDINANCE G-1018

Ordinance G-1018 was presented on first reading.

G-1018

AN ORDINANCE AMENDING SECTION 215.040 OF THE ANIMAL CONTROL REGULATIONS (CHAPTER 215, TITLE I) TO PERMIT THE SALE OF CERTAIN ANIMALS

David Hurley, Codes Administrator asked for consideration of amending Ordinance G-1018. The current ordinance doesn't allow for anyone to sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl, under two (2) months of age. The new ordinance will reflect the following change: unless being sold by a business at a permanent location. Commissioners asked if the ordinance could state AG businesses only. Staff replied that the City does have pet stores also. City Attorney Zimmerman stated that the city does have an ordinance that stated that fowl can not be kept in the city limits. Commissioner Rhodes asked if the businesses could post signs stating that it was illegal to own fowl as pets.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Ordinance G-1018 on first reading subject to adding wording to the ordinance before the final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AGREEMENT WITH BD CONSTRUCTION-SMOKY HILL MARKET PLACE

City Manager Barnes asked for approval of an agreement with BD Construction, Kearney NE for conceptual design of the arena at Smoky Hill Market Place. The cost will be a not to exceed amount of \$50,000.00. The financing will be funded by STAR Bonds. Commissioner Wunder moved, seconded by Commissioner Taylor to approve the agreement as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Mayor Heldstab opened the meeting for general discussion.

John Stuart asked if the city was going to purchase the Country Club. Commissioner Wunder stated that a task force is meeting to discuss options. He said that nothing definite has happened and the public will be kept informed. Mr. Stuart also asked why the stop and yield signs are not consistent on the streets running east and west.

COMMISSIONER COMMENTS

Mayor Heldstab opened the meeting for Commissioner Comments.

Commissioner Wunder expressed sympathy to Police Chief Story on the loss of his father. He also asked about the evaluation process for the Military Affairs Director.

He asked about the signalization on Ash and 77.

Commissioner Rhodes asked about the pot holes. He stated that the cold winter weather was causing them and asked that the citizens be patient and let the city about any pot holes they observe.

STAFF COMMENTS

Mayor Heldstab opened the meeting for staff comments

There were no staff comments.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Talley to adjourn into executive session at 9:35 pm to reconvene at 9:55 pm. To discuss confidential matters 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, Assistant City Manager, City Attorney and Economic Development Director Josh McKim and Retail Specialist Rose Palmer.

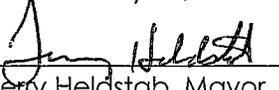
Commissioner Wunder moved, seconded by Commissioner Talley to reconvene into regular session at 9:55 pm having made nor decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn at 9:55 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 6th DAY OF MARCH, 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR February 20, 2007.


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor