

CITY COMMISSION MINUTES

March 6, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, March 6, 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

Items K and N were removed from the consent agenda to be considered on the regular agenda.

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Taylor 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 and February 20, 2007 Commission meeting minutes.
- b. Moved to 6a1.
- c. The consideration of Ordinance G-1018, amending section 215.040 of the animal control regulations to permit sale of certain animals (baby chicks, ducklings, or other fowl under two months of age, unless being sold by a business at a permanent location. (Second Reading).
- d. The consideration of Ordinance S-2919, annexing properties of Jehovah Witness Church tract, Higgins Tract, Rothwell Tract, Thornberg Tract, Meyer Tract, Pringle Tract, Tholstrup Tract, Wells Tract, and Gunderson Tract. (Second Reading).
- e. The consideration of Ordinance S-2920, annexing Highway right of way of Kansas Hwy 18. (Second Reading).
- f. The consideration of Pay Request #11, submitted by BG Consultants, in the amount of \$18,058.40 for enhancement of the N. Jackson Drainage Ditch.
- g. The consideration of Resolution R-2327, requesting a street light at the intersection of Tackwell Road and Jackson Street.
- h. The consideration of Resolution R-2328, requesting a street light in the 700 Block of Cypress Street.
- i. The consideration of Resolution R-2329, requesting installation of a street in

Mann's Ranch #2.

j. The consideration of Appropriations Ordinance dated 03-02-07 in the amount of \$1,820,088.80 and Payroll Ordinance dated 03-02-07 in the amount of \$208,238.51.

k. The consideration of Resolution R-2330 authorizing purchase of properties located at 315 S Washington and 325 S Washington and authorizing the Mayor to sign a deed for both properties. Paperwork to follow later.

(REMOVED FOM CONSENT AGENDA)

l. The consideration of Resolution R-2331, for authorizing street, sanitary sewer, storm sewer and water main improvements to Deer Creek Addition #3.

m. The consideration of Resolution R-2332, for authorizing street, sanitary sewer, storm sewer and water improvements to Village at Freedom Place.

n. The consideration of Resolution R-2334 authorizing the purchase of property located at 326 S. Washington. **(REMOVED FROM CONSENT AGENDA)**

RESOLUTION R-2330

Resolution R-2330 authorizing the purchase of properties located at 315 S Washington and 325 south Washington was presented for consideration. Assistant City Manager Mike Guinn stated that the City will purchase the property and then sell it to a developer. The City is just acting as a conduit for the financing. Commissioner Talley moved, seconded by Commissioner Wunder to approve Resolution R-2330 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION R-2334

Resolution R-2334 authorizing the purchase of property located at 326 S. Washington was presented for consideration. Assistant City Manager Mike Guinn stated that the City will purchase the property and then sell it to a developer. The City is just acting as a conduit for the financing. Commissioner Talley moved, seconded by Commissioner Wunder to approve Resolution R-2334 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

Mayor Heldstab proclaimed the Month of March 2007 as Red Cross Month.

PUBLIC HEARINGS- PROPOSED SPECIAL ASSESSMENTS

Mayor Heldstab opened a public hearing to receive any oral and written objections to proposed assessments.

City Manager Barnes stated that the special assessments are based on the total actual cost of the water, sewer, storm sewer, street and sidewalk improvements for the subdivision. The owner of the property has a 30 day period in which they can pay the total assessment

off without any interest. If not paid, the assessment will be spread over a twenty (20) year period with interest added. The interest will be determined at the time of the bond sale, approximately June 1, 2007.

Vice Mayor Rhodes asked if this process is the same as it has been in previous developments. City Manager Barnes stated that it is. The City is following state statute for special assessments. City Manager Barnes stated that the developer has a choice as to having the assessments spread over twenty years or including it in the price of the lot.

Jacquese Kuntz, McCluskey #4 stated that she already has special assessments coming out of her mortgage payment and wondered if these were additional one. City Manager Barnes stated that it was possible that they may increase, decrease or stay the same, depending on what the interest rate will be.

SSG Levi, 14th Street Commons Addition asked in there was a breakdown of the cost of individual improvements (street, sewer etc). City Manager Barnes stated that there was not. He also stated that he was not connected to the new sewer line, but to the existing one and felt that he should not pay as much as the homes that were connected to the new one. City Manager Barnes stated that all of the homes in the subdivision were paying equally as stated in the developer's petition.

SSG Niekiewicz, 14th Street Commons asked why a new sewer land water line was installed since the property used to be a trailer court and the existing lines were already there. Leon Osbourn, Kaw Valley Engineering stated that the lines were substandard and not to code and needed to be replaced. She also stated that she was not made aware by the realtor that there would be any specials on the property.

SSG Osa, Spring Valley Addition stated that she was not objecting to the special assessments, but would like to have the drainage problem fixed at her home.

Timothy Peterson, 1404 Malstead Way asked if there was a standard for building roads for drainage. He stated that the entire street drains into his yard. He also asked if the street was maintained by the snowplow and street sweeper. He also asked if there were to be sidewalks on the street. Codes Enforcer, David Hurley stated that cul-de-sac with fewer than 9 units were not required to have sidewalks.

Edward Tully, Ehlers Hilltop Addition #5 asked if each lot is assessed the same amount. City Manager Barnes stated that yes, the lots are charged equally.

City Manager Barnes stated that the city is making no profit for the assessments. The funds will pay off the cost of the bonds.

Don Boyer, Faith Tabernacle Addition stated that when they started the petition for the construction of the school, it was a 53-47 split and he wondered that now with the growth occurring so rapidly if the cost could be assessed to some of the home owners now. City Manager Barnes stated that it could not, since the petition was written with the split into it.

Scott Davis, 1305 Marshall Court stated that they had drainage issues in his subdivision and asked that if improvements to correct that would increase his specials later on. City Manager Barnes stated that any further improvements would not increase the assessments.

Mayor Heldstab closed the public hearing.

ORDINANCE S-2918 LEVYING SPECIAL ASSESSMENTS

Ordinance S-2918 levying special assessments on certain property to pay the costs of internal improvements in the City of Junction City was presented on final reading.

ORDINANCE NO. S-2918

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY
TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF

JUNCTION CITY, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. R-2195, R-2205, R-2206, R-2208, R-2182, AS AMENDED BY R-2245, R-2244, AS AMENDED BY R-2323, R-2222, R-2225, R-2231, R-2243, AS AMENDED BY R-2270, R-1984, R-2035, R-2034, R-2036, R-2048, R-2103, R-2102, R-2177, R-2173, R-2181, R-2127, R-2178, R-2174, R-2179, R-2175, R-2176, R-2128, OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-2918 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-1019-INTERNATIONAL FUEL CODE

Ordinance G-1019 was presented on final 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 asked if Kansas Gas had requested this in any other City. Mr. Hurley stated that it was just requested in Junction City.

Died for lack of motion.

TRAFFIC CIRCLE LANDSCAPING

Christina Cook, City Engineer stated that Earthcare and Rothwell would present their landscape proposals. The proposal from earth care was \$60,000.00 with \$30,000.00 being donated and the remaining was to be paid by the City of Junction City. The proposal from Rothwell Landscaping was \$38,268.00.

Commissioner Rhodes moved, seconded by Commissioner Taylor to award the project to Earthcare with a \$30,000.00 donation from Mr. Waters. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

DEVELOPMENT AGREEMENT-CASTLE DEVELOPMENT-CEDAR CREEK ADDITION

Resolution 2333, Development Agreement with Castle Development was presented for consideration.

City Manager Barnes stated that this Resolution would enable a new agreement be drafted to meet the requirements of the cities bound counsel and Castle Development's legal counsel for the development of Cedar Creek Addition.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Resolution R-2333 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2924 REZONING

Ordinance S-2924 changing the zoning from general commercial to multiple family residential for property located at 1216 North Jefferson was presented on first reading. The property is owned by Gary Junghans. The MPC recommended approval by unanimous vote.

Commissioner Wunder moved, seconded by Commissioner Taylor to approve Ordinance S-2924 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2925-REZONING

Ordinance S-2925 changing the zoning from central commercial special to light industrial for property located in the 200 block East 7th Street. The property is owned by MOM Enterprises/Orville Nelson. The MCP recommended approval by unanimous vote.

City Manager Barnes stated that he was opposed to the change in zoning. He stated that there were residential homes around and with the light industrial zone, many types of business could locate there that were not conducive to a residential area.

Brad Bolland stated that he wanted to construct a 50 x 72 steel building that would be used for lawn equipment storage.

Commissioner Talley stated that was cautious of spot zoning.

Mr. Gery Schoenrock asked the Commission to seriously consider not approving the change in zoning until after the Executive Session.

Commissioner Taylor moved, seconded by Commissioner Rhodes to approve Ordinance S-2925 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2926-REZONING

Ordinance S-2926 requesting rezoning final replat approval for property located in the 100 block of East 7th Street was presented on first reading. The property is owned by Jeff Shinkle, BCS Design, Inc. The MPC recommends approval by an unanimous vote.

Commissioner Wunder moved, seconded by Commissioner Taylor to approve Ordinance S-2926 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PAY REQUEST #8 MIDLANDS CONTRACTING

Christina Cook, City Engineer requested approval of the final payment to Midlands Contracting for work completed on Prairie Ridge Unit #1. The amount due is \$89,252.64 and the project is 100% complete. Staff is requesting to assess liquidated damages at a cost of \$400.00 per day (\$13,200) for the 33 days that the contract went over the original contract limit of days. The adjusted cost of the pay request is \$76,052.64.

Brad Wagner, President of Midland's Contracting asked why the Commission was just now enforcing the liquated damage policy. Christina Cook stated that in the time that she has been City Engineer, the policy was not necessary.

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

AWARD OF CONTRACT

Leon Osbourn, Kaw Valley Engineering requested approval of the award of contract to Midlands Contracting in the amount of \$1,482,550.95 for street, sewer and water improvements in the Deer Creek Addition #3. 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-2927 CREATING A PUBLIC BUILDING COMMISSION

Ordinance S-2927 creating a public building commissioner and establishing the purpose, composition, powers, functions and duties was presented for consideration on first reading.

ORDINANCE NO. S-2927

AN ORDINANCE CREATING THE CITY OF JUNCTION CITY, KANSAS PUBLIC BUILDING COMMISSION AND ESTABLISHING THE PURPOSE, COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.

Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-2927 on first reading. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor Motion carried.

GENERAL DISCUSSION

Mayor Heldstab opened the meeting for general discussion.

A representative from The Bluffs stated that they are approximately 85% leased. The playground and trails are being worked on and the pool will open in April.

COMMISSIONER COMMENTS

Mayor Heldstab opened the meeting for Commissioner Comments.

Commissioner Wunder directed staff to work on the ordinance whereby the City is not obligated to accept the low bid on projects. He also asked the engineering staff to concentrate on the drainage issues in the city.

Vice Mayor Rhodes asked when the pond on East Ash would be filled. Assistant City Manager Guinn stated that the City could start filling the pond in approximately two (2) weeks and would take 2 months to fill.

Mayor Heldstab congratulated the Lady Jays and coach on a great season.

STAFF COMMENTS

Mayor Heldstab opened the meeting for staff comments

There were no staff comments

EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner Rhodes to adjourn into executive session at 9:03 p.m. to reconvene at 9:13 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

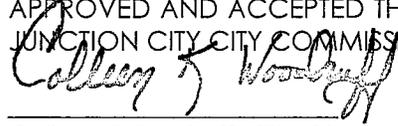
Included in the executive session were the City Manager, Assistant City Manager, City Attorney, Economic Development Director and Mr. Gery Schoenrock.

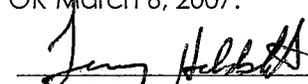
Commissioner Rhodes moved, seconded by Commissioner Wunder to reconvene into regular session at 9:13 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Wunder to adjourn at 9:13 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

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


Colleen Woodruff, City Clerk


Terry Heldstab, Mayor