

## CITY COMMISSION MINUTES

June 19, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, June 19, 2007 with Mayor Rhodes 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 and City Clerk Colleen Woodruff.

### **PLEDGE OF ALLEGIANCE**

### **CONSENT AGENDA**

Items 3d, q and y were pulled from the Consent agenda to be considered as regular items.

Commissioner Talley moved, seconded by Commissioner Heldstab 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 June 12, 2007 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 S-2951, requesting rezoning approval from general residential to neighborhood commercial for a portion of property located on the north side of Strauss Blvd. The property is owned by Strauss and would be developed into a neighborhood business from the location. The MPC recommends approval by a unanimous vote. (Second Reading).

d. The consideration of Ordinance S-2952, requesting rezoning approval from multiple-family residential to service commercial restricted for a portion of property located at 115 E 15<sup>th</sup> Street. The property is owned by Neil Lee and will be used to expand his used care business to the location. MPC

recommends approval by unanimous vote. (Second Reading) **REMOVED FROM CONSENT AGENDA**

- e. The consideration of Ordinance G-1022 initiating a text amendment hearing to add a new conditional use to the suburban residential district to Chapter 405 Article 1 to read as follows: Agriculture, as a necessary use, from two up to five acres as defined in Section 400.030 of this Title. Applicant will specify details of proposed crops to be grown or animals to be sheltered. One hundred (100) foot restriction from lot line may not apply. MPC recommends by unanimous vote. (Second Reading).
- f. The consideration of Ordinance G-1023 considering a request to review the new Junction City-Geary County Comprehensive Plan. (Second Reading).
- g. The consideration of Ordinance G-1024 revising Section 600.235 of the Transient Merchant Ordinance to include Junction City residents, revising the permit fees and adding a provision for making allowances for special events. (Second Reading).
- h. Moved to 8B
- i. The consideration of Resolution R-2366 requesting 18 street lights in the Eagle Landing Addition.
- j. The consideration of Pay Request #1, submitted by Kaw Valley, in the amount of \$18,731.00 for services through May 21, 2007 at Spring Valley Road and Rucker Road.
- k. The consideration of Pay Request #2, submitted by Midlands Contracting, in the amount of \$379,985.67 for street, sewer and water improvements to serve Deer Creek #3.
- l. The consideration of Pay Estimate #7, submitted by Emerson Construction, in the amount of \$226,230.23, for work completed at Oakwood Village.
- m. The consideration of Pay Request #7, submitted by Emerson Construction, in the amount of \$570,251.50 for work completed at AC Development.
- n. The consideration of a Consent Agreement with Westar Energy and Embarq to install an underground communications line from Rucker Road through Westar Easement to Hunters Ridge no cost involved.
- o. The consideration of Pay Request #14, submitted by Konza Construction, in the amount of \$46,840.40 for the 2005 Street Maintenance Project.
- p. The consideration of Pay Request #1, in the amount of \$1,013,930.00 for work completed at American Dream Development through June 6, 2007.
- q. The consideration of Pay Request #1, submitted by Big D Development, in the amount of \$5,977,180.00 for Sutter Highlands Subdivision. **(REMOVED FROM CONSENT AGENDA)**

- r. The consideration of Pay Request #5, submitted by Midlands Contracting, in the amount of \$208,622.37 for work done at the Hidden Valley Addition.
- s. The consideration of Pay Request #7, submitted by Midlands Contracting, in the amount of \$601,775.70 for work completed at Deer Creek #2.
- t. Moved to 9E
- u. The consideration of Pay Request #13, submitted by Burns & McDonnell, in the amount of \$10,400.00 for water plant improvements at Well #18.
- v. The consideration of Resolution R-2373, authorizing the sale and conveyance of certain land by the City of Junction City, Kansas to Genmar Manufacturing of Kansas, LLC.
- w. The consideration of Appropriations Ordinance dated June 14, 2007 in the amount of \$4,958,084.35.
- x. The consideration of Resolution R-2374 authorizing the City of Junction City to sell property located at 1735 N Washington to DEL Motors.
- y. The consideration of a pay request #1 submitted by Big D Developers in the amount of \$6,043,513.00 for Sutter Woods sub-division. **(REMOVED FROM CONSENT AGENDA)**

#### **ORDINANCE S-2952**

Ordinance S-2952, requesting rezoning approval from multiple-family residential to service commercial restricted for a portion of property located on the north side of Strauss Blvd was presented on final reading.

Commissioner Taylor stated that he had talked with some of the neighbors and they were worried that the area would become a salvage yard. Dave Hurley, Codes Administrator stated that the purpose of the construction of a new building is to have storage for the cars and parts.

Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-2952 on second reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **PAY REQUESTES TO BIG D DEVELOPMENT-SUTTER HEIGHTS AND SUTTER WOODS**

Items 3q and 3y were discussed. Assistant City Manager Guinn stated that the pay requests were for infrastructure on Sutter Heights and Sutter Woods sub divisions. He stated that the engineer's estimate for the entire project was \$9,107,387.00. The soft costs (those for which the City does not pay) and the 15% retention fee were deducted from that estimate to leave a balance of \$5,590,782.00 to be paid by the city.

Commissioner Talley moved, seconded by Commissioner Taylor to table any action on this issue until July 10. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **SPECIAL PRESENTATIONS**

Kevin Connell, presented a plaque to the City of Junction City by for their support of the HOG Rally.

## **DEVELOPMENT AGREEMENT CHANGES-EDENSPACE**

Josh McKim, Economic Development Director stated that the Development Agreement of Edenspace had two proposed changes specifying the Design Team and that the project will be sent out for bids. The changes being that the design team of Deam and Deam and Kaw Valley Engineering had been determined and that the construction will be taken out for bid.

Commissioner Talley moved, seconded by Commissioner Heldstab to approve the changes in the development agreement and to authorize that the bids be requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **ORDINANCE G-1025- FIREWORKS – 2<sup>nd</sup> FINAL READING**

Ordinance G-1025 was presented for final reading. Police Chief Story stated that the following changes were made to the ordinance: The hours for shooting fireworks were added and that no fireworks were to be shot 300 feet away from Heritage Park.

G-1025

AN ORDINANCE AMENDING SECTION 210.270 OF THE JUNCTION CITY CODE REGARDING AN EXCEPTION TO THE PROHIBITION AGAINST THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS.

Commissioner Heldstab moved, seconded by Commissioner Wunder to approve Ordinance G-1025 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **SUB DIVISION UPDATE**

Leon Osbourn, Kaw Valley Engineering briefed the City Commission on the sub-division development in Junction City.

## **AWARD OF BID-DEMOLITION 326 S WASHINGTON**

David Hurley, Code Enforcement Director stated that one bid had been received for the demolition of 326 S. Washington. It was staff's recommendation to award the bid to Blixt Construction at a cost \$20,400. Commissioner Taylor asked why the bid was higher than most. Mr. Hurley stated that there may be fuel tanks located under the concrete.

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

**HOME PROGRAM**

Joni Hernley, Hernley and Associates requested approval of bids for 3 homes under HOME program and 2 homes under CDBG program. The bids are as follows:

**CITY OF JUNCTION CITY - TABULATION OF BIDS**

CDBG Housing Rehabilitation - Buffalo Soldier Park

BID OPENING DATE: May 23, 2007

ITEM No.	DESCRIPTION	Inspector Estimate	Ben Kitchens Painting	Craig Wolfe Painting	Greenstone Remodeling
1	1912 N Adams	\$17,535.00	\$18,490.00	No bid	\$19,295.00
2	1820 N Madison	\$20,540.00	\$20,180.00	No bid	\$20,275.00

**CITY OF JUNCTION CITY - TABULATION OF BIDS**

HOME Rehabilitation Program

Bid Opening: May 23, 2007

No.	Address	Inspector Estimate	Ben Kitchens Painting	Craig Wolfe Painting	Greenstone Remodeling
1	130 E Ninth	\$23,967.00	No Bid	No Bid	\$29,835.00
2	135 East 15th	\$28,552.00	No Bid	\$33,156.00	No Bid
3	1221 West 21st	\$22,555.00	\$25,000.00	No Bid	No Bid

Commissioner Wunder moved, seconded by Commissioner Taylor to approve the award of bid to Ben Kitchens Painting for 1912 N. Adams at a cost of \$18,490.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Wunder moved, seconded by Commissioner Talley to approve the award of bid to Ben Kitchens Painting for 1820 N Madison at a cost of \$20,181.00 Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award of bids to Greenstone Remodeling for 130 E 9<sup>th</sup> at a cost of \$29,835.00 and 1221 West 21<sup>st</sup> to Ben Kitchens Painting at a cost of \$25,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Ms Hernley stated that the bid for 135 E 15<sup>th</sup> came in at a cost that exceeded what could be spent on the home and recommended that it be denied.

## **ORDINANCE S-2954 INDUSTRIAL REVENUE BONDS FIRST READING**

Ordinance S-2954 was presented on first reading.

Assistant City Manager Guinn stated that the City would just be a pass through for the funding. There would be no financial obligation to the City.

### **ORDINANCE NO. S-2954**

AN ORDINANCE AUTHORIZING THE CITY OF JUNCTION CITY, KANSAS TO ISSUE ITS INDUSTRIAL REVENUE BONDS, SERIES A, 2007 AND SERIES B, 2007 (NEW HORIZON RV PROJECT) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$1,975,000 FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING AND EQUIPPING A MANUFACTURING FACILITY; AUTHORIZING EXECUTION OF A BOND AGREEMENT BY AND BETWEEN THE CITY, TCM EXCHANGE, LLC AND UMB BANK, N.A., WICHITA, KANSAS; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO TCM EXCHANGE, LLC, AUTHORIZING EXECUTION OF A BUILDING LEASE BETWEEN SAID CITY AND TCM EXCHANGE, LLC AND AUTHORIZING EXECUTION OF AN EQUIPMENT LEASE BETWEEN SAID CITY AND TCM EXCHANGE, LLC; AUTHORIZING EXECUTION OF A TAX COMPLIANCE AGREEMENT BETWEEN THE CITY, TCM EXCHANGE, LLC AND UMB BANK, N.A.; APPROVING THE FORM OF A GUARANTY AGREEMENT BY AND BETWEEN DEC CORP., OTHER GUARANTORS AND UMB BANK, N.A.; AND AUTHORIZING THE EXECUTION OF ADDITIONAL DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY.

Commissioner Heldstab moved, seconded by Commissioner Talley to approve Ordinance S-2954 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Nays: Wunder Motion carried.

### **GENERAL DISCUSSION**

Mayor Rhodes opened the meeting for general discussion.

Jeff Burton, American Dreams thanked everyone that participated in the celebration on Saturday.

Rick Dykstra, Convention and Visitors Bureau stated that he CVB had equipment to create professional videos if the City desired to utilize their services.

### **COMMISSIONER COMMENTS**

Mayor Rhodes opened the meeting for Commissioner Comments.

Commissioner Heldstab thanked the Fire Department for inviting the Commission to participate in a Day in the life of a Fireman in Topeka.

Commissioner Taylor asked Connie Hall if the Symphony on the Prairie could be held in Geary County. Ms Hall stated that they were working on getting them here.

Vice Mayor Wunder asked Assistant City Manager Guinn about the signalization on Ash and Highway 77. Mr. Guinn stated that the project was progressing and that construction should begin in July.

Mayor Rhodes invited all citizens to get out and enjoy the Sundown Salute.

#### **STAFF COMMENTS**

Mayor Rhodes opened the meeting for staff comments.

Assistant City Manager Guinn also invited all to enjoy the Sundown Salute.

#### **EXECUTIVE SESSION**

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn into executive session 8:05. to reconvene at 8:20p.m. to discuss matters related to corporations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

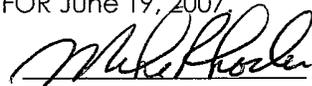
Included in the executive session were: City Manager, Assistant City Manager, and Economic Development Director Josh McKim. Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene into regular session having taken no action nor made any decisions while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **ADJOURNMENT**

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn at 8:17 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 10<sup>th</sup> DAY OF July 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR June 19, 2007.

  
Colleen Woodruff, City Clerk

  
Mike Rhodes, Mayor