

CITY COMMISISON MINUTES

August 21, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, August 21, 2007 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jacky Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn and City Clerk Tricia Gowen.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Items 3e and 3g were tabled.

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

- a. The consideration of **Ordinance S-2956** requesting that a section of street in Deer Creek Add #2 dedicated as Sumner Dr be renamed Woodstock Dr. (Final Reading)
- b. The consideration of Ordinance S-2962 requesting a street name change in Sampson Addition renaming Wildcat Drive to Cottey Lane. (Final Reading)
- c. The consideration of Ordinance S-2960 requesting the property on K-18 (former West Acres) rezoned from Commercial District (CS) to Neighborhood Commercial District (CN). (Final Reading)
- d. The consideration of Ordinance G-1028 an ordinance amending Title IV Land Use, Chapter 400: Zoning –General provision, Article VII. Fees, Penalties and Enforcement and Chapter 435: Planned Development Districts. (Final Reading)
- e. The consideration of Ordinance G-1029 changing Zoning and Subdivision Regulations. (Final Reading) **(TABLED)**
- f. The consideration of payment to Ben Kitchens Painting Co. Inc in the amount of \$25,000 for HOME grant work at 1221 W. 21st Street. (Grier)

- g. The consideration of a cereal malt beverage license for G & S Convenience Store, 813 S. Washington. **(TABLED)**
- h. The consideration of Ordinance S-2963 changing the street name of Hunter Land, located in Deer Creek Addition Unit #3 between Sumner Drive and Wyatt Lane to Wyatt Lane. (First Reading)
- i. The consideration of Ordinance S-2964 changing the street name of Wolf Trail, located in Deer Creek Addition Unit #3 to Wyatt Lane. (First Reading)
- j. The acceptance of the monthly department reports as follows:
 - 1. Junction City Fire/EMS Department
 - 2. Rolling Meadows Golf Course
 - 3. Codes Administration
 - 4. Personnel
 - 5. Recreation
- k. The consideration of approval to set a bid date of August 28, 2007 for Rucker Road Street Improvements.

APPOINTMENTS

- a. The consideration of the appointment of Earl Stackhouse to the Golf Advisory Board for a three year term beginning September 1, 2007 and ending September 1, 2010. Commissioner Talley moved, seconded by commissioner Wunder to approve the Consent Agenda as amended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

- a. The presentation of a proclamation declaring September as National Alcohol and Drug Addiction Recovery Month. Mayor Rhodes presented the proclamation.
- b. **(Removed from agenda at the request of Josh McKim, Economic Development Director)** A presentation by Economic Development Director Josh McKim on proposed changes to the Neighborhood Revitalization Program.
- c. A presentation by Kansas Wildscape saluting the partnership between the City of Junction City and Kansas Wildscape. City Manager Rod Barnes

presented the Commission with a shadow box from the Kansas Wildscape for their appreciation of the City's assistance with their annual event.

- d. A housing update presented by Leon Osbourn of Kaw Valley Engineering. Mr. Osbourn presented the Commission with a status update on the housing projects. There are five active projects at this time.
- e. Yard of the Month Presentations. Captain Chuck Leithoff presented Yard of the Month to the following citizens:

North East Section – The Printny Family – 1612 N. Pierce Street

South East Section – The Hauserman Family – 602 S. Madison

West of Hwy 77 – Ms. Sheila Burdett – 517 Wheatland

North West Section – Ms. Marion Thompson – 1313 W. 16th Street

South West Section – The Leis Family – 1021 W. Ash

PUBLIC HEARINGS

- a. Mayor Rhodes opened a public hearing in regards to consider the request by Spirit of 76 to issue industrial revenue bonds for the Ventria Bioscience project in the amount of \$5,500,000. Economic Development Director Josh McKim informed the Commission that this action would secure the final funding for this project. Mayor Rhodes closed the public hearing.
 - 1. **(Removed from the agenda at the request of the City's bond attorney)**
The consideration of **Ordinance S-2966** authorizing the issuance of industrial revenue bonds for Ventria Bioscience on first reading.
 - 1a. Declaration of public emergency by Mayor Rhodes.
 - 2. **(Removed from the agenda at the request of the City's bond attorney).**
The consideration of Ordinance S-2966 authorizing the issuance of industrial revenue bonds for Ventria Bioscience on final reading.
- b. A public hearing to consider the issuance of industrial revenue bonds for the New Horizons Recreational Vehicle Corporation in the amount \$1,600,000. **(Removed from the agenda.)**
 - 1. The consideration of Ordinance S-2965 authorizing the issuance of industrial revenue bonds for the purpose of acquiring the New Horizons Manufacturing facility. (First Reading) **(Removed from the agenda)**
 - 2. The consideration of an agreement between the City of Junction City and Spirit of 76 for an economic development grant to fund the acquisition of the New Horizons Manufacturing facility. Economic Development Director

Josh McKim explained that this agreement outlines the responsibility of each entity involved. Commissioner Heldstab moved, seconded by commissioner Talley to approve the agreement between the City of Junction City and Spirit of 76 for an economic development grant to fund the acquisition of the New Horizons Manufacturing facility. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Wunder. Motion carried four to one.

- c. Mayor Rhodes opened a public hearing to consider the issuance of industrial revenue bonds for the Junction City Opera House project in the amount of \$5,000,000. City Manager Rod Barnes informed the Commission regarding the issuance. Mayor Rhodes closed the public hearing.
 1. The consideration of **Resolution R-2384** authorizing the intent to issue the revenue bonds. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Resolution R-2384 authorizing the intent to issue the revenue bonds. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

UNFINISHED BUSINESS

- a. Report on East Ash Lift Station. Brad Gross with Kaw Valley Engineering presented the Commission with an update on the East Ash Lift Station. The Commission was given reports prior to the meeting to review. The electrical connection has been fixed since July 12, 2007. Veolia Water has purchased an impellor that is to be delivered and installed next week according to Steve Hoambrecker with Veolia Water.
- b. Report on Marshall Court. **(Request an Executive Session for 15 minutes to discuss attorney/client privilege to include City Attorney Katie Logan, City Prosecutor Ralph DeZago, City Manager Rod Barnes, Assistant City Manager Mike Guinn and Leon Osbourn of Kaw Valley Engineering)**. Commissioner Wunder moved, seconded by Commissioner Talley to move into Executive Session no longer than 15 minutes. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Talley moved, seconded by Commissioner Wunder to end the Executive Session. No action was taken. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

- a. The consideration of a funding agreement between D. J. Christie and the City of Junction City for Smoky Hill Marketplace. (Documents to be provided Tuesday). City Attorney Katie Logan recommended that the Commission

approve the funding agreement. The agreement would reduce the initial deposit to \$50,000. The developer requests prior approval of expenses over \$5,000. Commissioner Talley moved, seconded by Commissioner Wunder to approve the funding agreement between D. J. Christie and the City of Junction City for the Smoky Hill Marketplace. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- b. The consideration of ratification of two year agreement with the Junction City Fire Department Local 3309. City Manager informed the Commission that the two year agreement calls for a three percent increase in wages for both the 2007 and 2009 contract years. Commissioner Talley moved, seconded by Commissioner Wunder to approve the two year agreement with the Junction City Fire Department Local 3309. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration of application to the Department of Homeland Security for the SAFER grant to add six firefighter/emt's to the City staff. Fire Chief Mike Ryan informed the Commission on the details of the SAFER Grant. The grant would provide funding for wages for the additional firefighter/emt's. The grant would pay 90% the first year, 80% the second year, 50% the third year, and 30% the fourth year. The fifth year the City will take full responsibility of the wages. The grant does not cover any additional equipment and gear. Commissioner Wunder moved, seconded by Commissioner Taylor to approve the application to the Department of Homeland Security for the SAFER Grant. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. **(Removed from the agenda at the request of the City Attorney.)** The consideration of an agreement with Ink Way Ink for the purchase of property located in the 300 block of South Washington.
- e. The consideration of **Ordinance G-1030** modifying **Section 215.040** of the City Code controlling or protecting animals prohibiting dog waste to be deposited upon public or private property without being removed. (First Reading). Commissioner Heldstab moved, seconded by Commissioner Wunder to approve Ordinance G-1030 modifying Section 215.040. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration of the 2008 proposed annual budget. City Manager Rod Barnes informed the Commission that the 2008 budget is 47.537 mils which represents a reduction of .20 mils from the 2007 budget. Commissioner Heldstab moved, seconded by Commissioner Talley to approve proposed 2008 budget. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- g. The consideration of neighborhood revitalization applications for homes being constructed at 27 Fuller Circle through 53 Fuller Circle in Villages at Freedom Place (26 properties). The addresses qualify for 95% for the first 3 years, 80% year 4, 70% year 5, 60% year 6, 50% year 7, 40% year 8, 30% year 9, 20% year 10. (The Economic Development Commission did not make a recommendation). Economic Development Director Josh McKim explained that the Economic Development Commission felt that these addresses were not eligible for the program because construction (concrete has been poured) began before the application was submitted. The program does have provisions that allow for prep work before the application is submitted. Prep work is usually defined as dirt work. Katie Logan, City Attorney, stated that from a legal standpoint, she was uncomfortable with the City Commission taking action until she has had the opportunity to review the issue. Commissioner Taylor moved, seconded by Commissioner Talley to table the consideration of neighborhood revitalization applications for homes being constructed at 27 Fuller Circle through 53 Fuller Circle at Villages at Freedom Place (26 properties). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration of award of bid for Turkey Ridge Addition for street, sewer and water improvements to the low bidder, J & K Contracting in the amount of \$315,694.30. **(Requested to be Tabled by Developer)** Big D Development wants to review and possibly come in with a lower amount. The Commission was informed that the bids from J & K Contracting are good for 60 days. Commissioner Heldstab moved, seconded by Commissioner Wunder to table the consideration of award of bid for Turkey Ridge Addition for street, sewer, and water improvements to the low bidder, J & K Contracting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration of award of bid for Turkey Hollow Addition for street, water and sewer improvements to the low bidder, J & K Contracting in the amount of \$604,228.04. **(Requested to be Tabled by Developer)**. Commissioner Talley moved, seconded by Commissioner Wunder to table the consideration of award of bid for Turkey Hollow Addition for street, sewer, and water improvements to the low bidder, J & K Contracting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- j. The consideration of Neighborhood Revitalization application for properties located at 326 16th Street Circle and 318 16th Street Circle for the construction of residential homes. The homes qualify for 95% rebate for years 1-3, 80% rebate for year 4, 70% rebate for year 5, 60% rebate for year 6, 50% rebate for year 7, 40% rebate for year 8, 30% rebate for year 9, 20% rebate for year 10. (Junction City Economic Development Commission Approved Unanimously). Economic Development Director Josh McKim informed the

Commission that these properties are part of the Self-Help Housing Program. Commissioner Heldstab moved, seconded by Commissioner Wunder to table the consideration of Neighborhood Revitalization application for the properties located at 326 16th Street Circle and 318 16th Street Circle. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- K. The consideration of a recommended solution for correcting the erosion and leaking at the Riverwalk Landing Lake. City Manager Rod Barnes informed the Commission that Blixt Construction can begin work immediately and the cost will be \$60,000. Kaw Valley Engineering will share in the cost to fix the lake. The City has until June 2008 to fill the lake. Commissioner Talley moved, seconded by Commissioner Heldstab to approve Blixt Construction to correct the erosion and leaking at the Riverwalk Landing Lake. Ayes: Heldstab, Rhodes, Talley. Nays: Taylor, Wunder. Motion carried three to two.
- I. The consideration of **Resolution R-2387** authorizing an agreement with the Kansas Department of Transportation for funding of intersection improvements at East Street and East Chestnut in the amount of \$725,000. (Agreement has been reviewed by City Engineer and City Attorney). Commissioner Talley moved, seconded by Commissioner Taylor to approve **Resolution R-2387** authorizing an agreement with the Kansas Department of Transportation for funding of intersection improvements at East Street and East Chestnut in the amount of \$725,000. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

The Commission requests that comments be limited to a maximum of five minutes for each person.

Jeff Burton – American Dream Development. Mr. Burton stated that he represented the new group of Young Professional through the Chamber of Commerce and thanked Rod Barnes for speaking at their meeting. He also stated the importance of these types of programs for our community.

Blaine Burton – Junction City Business Association President. Mr. Burton stated that the Self-Help Housing Program is a great program. However, he has been approached by local businesses stating that they have not had the opportunity to bid on lumber for the Self-Help Housing program. Mr. Burton asked the Commission to look into this issue and encourage the program to keep their business local.

COMMISSIONER COMMENTS

Commissioner Wunder asked Rod Barnes and Ralph De Zago to develop an ordinance that would prevent the sale of animals on street corners. He is concerned with the number of animals that end up at the Animal Shelter because people can't sell them. He is also concerned with the issue of disease and lack of vaccinations. Commissioner Wunder was concerned with people soliciting donations for various causes on City streets. He asked Rod Barnes and Ralph De Zago to look into this issue.

Mayor Rhodes welcomed Rebecca Biehl of Lathrop & Gage, LLC to the City. Ms. Biehl will assist the City in legal matters. Mayor Rhodes invited the public to attend the Law Enforcement Memorial dedication on Wednesday, August 22nd at 5:30 p.m.

EXECUTIVE SESSION

1. Legal Matters related to attorney/client relationship not to exceed ten minutes and to include City Attorney Katie Logan, City Prosecutor Ralph DeZago, Police Chief Bob Story, Assistant City Manager Mike Guinn, Administrative Services Director Tricia Gowen, and City Manager Rod Barnes. **(Post-poned)**
2. Personnel Matters of non-elected personnel not to exceed 20 minutes for the Semi-annual Review of the City Manager. Commissioner Talley moved, seconded by Commissioner Wunder to move into executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene the Commission meeting. No action was taken. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn the meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 4th DAY OF September _____, 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR August 21, 2007.



Tricia Gowen, City Clerk



Mike Rhodes, Mayor