

## CITY COMMISISON MINUTES

September 18, 2007

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, September 18, 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: Assistant City Manager Mike Guinn and City Clerk Tricia Gowen.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

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

- a. The consideration of Payroll #19 in the amount of \$209,748.69.
- b. The receipt of the following monthly reports:
  1. Junction City Fire Department/EMS
  2. Personnel Report for August, 2007
  3. Rolling Meadows Golf Course
  4. Water Utility Department
- c. The consideration of payment request #1 to Sherbert LLC in the amount of \$29,000 for 14<sup>th</sup> Street Alley improvement.
- d. The consideration of **Ordinance G-1033** changing the school speed zone ordinance for streets located near the Spring Valley Elementary School. (First Reading)
- e. The consideration of a payment estimate to Ben Kitchens Painting for 1820 N. Madison (CDBG Housing Grant) in the amount of \$20,180.00.
- f. The consideration of **payment estimate #4** in the amount of \$20,141.80 for Spring Valley Road (Old 40 to K-18) to **Kaw Valley Engineering**.
- g. The consideration of **payment estimate #1 to BG Consultants Inc.**, in the amount of \$34,588.83 for services on Whitney Road to US Highway 77.

- h. The consideration of amended special assessment petitions for street improvements, sanitary sewer, storm sewer and water improvements for Sutter Woods Subdivision.
  - 1. The consideration of **Resolution R-2392** amending Resolution R-2354 modifying the proposed method of assessment for Sutter Woods Street Improvements.
  - 2. The consideration of **Resolution R-2395** amending Resolution R-2347 modifying the proposed method of assessment for Sutter Woods Sanitary Sewer, Storm Sewer and Water Main.
  
- i. The consideration of amended special assessment petitions for street improvements, sanitary sewer, storm sewer and water improvements for Sutter Highlands Subdivision.
  - 1. The consideration of **Resolution R-2393** amending Resolution R-2346 modifying the proposed method of assessment for Sutter Highlands Sanitary Sewer, Storm Sewer and Water Main improvements.
  - 2. The consideration of **Resolution R-2394** amending Resolution R-2355 modifying the proposed method of assessment for Sutter Highlands Street Improvements.
  
- j. The consideration of **Ordinance S-2969** authorizing Home Rule Ordinance for the New Horizons Building Project authorizing economic development grants to Spirit of 76. (Final Reading)
  
- k. The consideration of the approval of minutes for the City Commission meetings as follows:
  - 1. City Commission meeting minutes for September 4, 2007
  - 2. Special City Commission meeting minutes for September 11, 2007
  
- l. The consideration to allow fireworks following the conclusion of the National Anthem at the Junction City High School for the following football games: September 21, October 5, October 19, and October 26.
  
- m. The consideration of certifying the 2006 – 2007 unpaid blights in the amount of \$33,768.60 to the County Clerk for inclusion on the 2007 property tax statements.

**SPECIAL PRESENTATIONS**

- a. Presentation of yard of the month to the following:
 

1. Southwest (August)	Leis Family, 1021 W. Ash
2. West of Highway 77 (Sept.)	James Stewart, 316 S. Kaw
3. Southeast (Sept.)	Robert Schmoekel, 336 W. Chestnut
4. Southwest (Sept.)	Weldon Folwell, 927 Hemlock

5. Northeast (Sept.)

Jackie Redman, 231 E. 16<sup>th</sup>

6. Northwest (Sept.)

Lawrence Barnes, 1426 Bel Air Drive

Mayor Rhodes presented each home owner with a certificate and gift cards.

## **PUBLIC HEARINGS**

- a. Mayor Rhodes opened a public hearing in regards to consider the issuance of \$1,975,000 in tax exempt industrial revenue bonds for New Horizons RV new facility on Jack Lacy Drive. (Previously Conducted, Being Held to Correct Notice Requirements). Mayor Rhodes closed the public hearing.
- b. Mayor Rhodes opened a public hearing in regards to consider the issuance of taxable industrial revenue bonds for Central National Bank operations center in the amount \$2,000,000. (Previously approved at \$1,500,000). Mike Guinn, Assistant City Manager, informed the Commission that the City is a conduit only and there is no expense to the City. Mayor Rhodes closed the public hearing.
  1. The consideration of **Resolution R-2397** amending Resolution R-2276 Intent resolution for taxable industrial revenue bonds to pay the cost of expanding and further improving and furnishing existing commercial office building facility at 100 Rimrock. (Central National Bank). Commissioner Wunder moved, seconded by Commissioner Heldstab to approve Resolution R-2397 amending Resolution R-2276 an intent resolution for taxable industrial revenue bonds to pay the cost of expanding and further improving and furnishing existing commercial office building facility at 100 Rimrock. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to one.

## **YOUTH COMMISSION COMMENTS**

Kyle Glaser, Youth Commission, reported that the Youth Commission has six new members, bringing to board total to nine students. The Youth Commission is working on the haunted house that will be held in Grandview Plaza. The next Youth Commission meeting is September 24, 2007 and they plan to meet quarterly.

## **UNFINISHED BUSINESS**

- a. 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) (This item was tabled from the August 21st City Commission Meeting). Josh McKim, Economic Development Director, informed the Commission that Katie Logan has issued a legal opinion regarding this issue. Ms. Logan recommended that the program language should be clarified. Commissioner Heldstab moved, seconded by Commissioner Taylor, to approve all pending applications at 27 Fuller Circle through 53 Fuller Circle in Villages at Freedom Place for the Neighborhood Revitalization Program with the exception of existing structure. Ayes: Heldstab, Rhodes, Taylor. Nays: Talley, Wunder. Motion carried three to two.

- b. The consideration of **Ordinance G-1031** controlling the sale of puppies and kittens from non-fixed locations. (Requested by Commissioner Wunder (Final Reading). Commissioner Wunder requested that the staff address the issue of animals having their vaccines. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance G-1031 controlling the sale of puppies and kittens from non-fixed locations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration of **Ordinance G-1032** establishing a policy that all property taxes must be current to receive a building permit from the City of Junction City. (Requested by Commissioner Wunder) (Final Reading). Mike Guinn, Assistant City Manager, informed the Commission that a person desiring a building permit is required to complete a form and have it notarized, making it a legal document, that states they do not owe any property taxes. This ordinance will go into effect after it has been published which should be September 21, 2007. Commissioner Heldstab moved, seconded by Commissioner Taylor, to approve Ordinance G-1032 establishing a policy that all property taxes must be current to received a building permit from the City of Junction City to include special assessments. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration of **Ordinance S-2967** authorizing the issuance of general obligation bonds for an economic development grant to be used in connection with the renovation of the Junction City Opera House. (Final Reading). Katie Logan, City Attorney, informed the Commission that the grant is scheduled to close next week. Bond payment resources are to be in the form of Federal Historical tax credit in the amount of \$3.2 million and \$1.8 million in donations and pledges. Ms. Logan clarified that if pledges aren't made as promised, it may be possible that the City would have the responsibility to cover that amount. However, pledges and donations can be received at any time to cover the bond payment. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance S-2967 authorizing the issuance of general obligation bonds for an economic development grant to be used in connection with the renovation of the

Junction City Opera House. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to one.

- e. The consideration of **Ordinance S-2968** authorizing the issuance of \$5,500,000 taxable industrial revenue bonds for the Opera House project. (Final Reading). Commissioner Taylor moved, seconded by Commissioner Wunder to approve Ordinance S-2968 authorizing the issuance of taxable industrial revenue bonds for the Opera House project not to exceed \$5,500,000. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to one.
- f. The consideration of **Resolution R-2396** authorizing and directing the issuance, sale and delivery of \$26,225,000 principal amount of General Obligation Temporary Notes, Series 2007-C, and \$4,500,000 principal amount of taxable general obligation temporary notes. Commissioner Heldstab moved, seconded by Commissioner Taylor to retain Lathrop & Gage, LC to act as legal representation for the City. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Wunder moved, seconded by Commissioner Talley to approve Resolution R-2396 authorizing and directing the issuance, sale and delivery of \$26,225,000 principal amount of General Obligation Temporary Notes, Series 2007-C and \$4,500,000 principal amount of taxable general obligation temporary notes. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one. Commissioner Taylor stated that although he is in overall favor of this action, he voted no because he is opposed to the Olivia Farms project.

## **NEW BUSINESS**

- a. The consideration of award of bid for the construction of Spring Valley Road street improvements to one of the following bidders:
  - 1. Low Bidder for Asphalt – J & K Contracting \$564,101.60
  - 2. Low Bidder for Concrete – Middlecreek Corporation - \$660,131.00Mike Guinn, Assistant City Manager, informed the Commission that this is Phase One of the project and will run from Jack Lacy Drive to Strauss Boulevard. Mr. Guinn stated that the Engineer's recommendation is to approve the bid for asphalt. Commissioner Heldstab moved, seconded by Commissioner Taylor, to approve the bid for asphalt from J & K Contracting in the amount of \$564,101.60. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration of Kaw Valley Engineering for construction inspection services on Rucker Road improvements from Spring Valley Road west to Olivia Farms subdivision in an amount not to exceed \$58,600.00. Commissioner Talley moved, seconded by Commissioner Taylor to approve

Kaw Valley Engineering for construction inspection services on Rucker Road improvements from Spring Valley Road west to Olivia Farms subdivision in an amount not to exceed \$58,600.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- c. The consideration of amendment to the Kaw Valley Engineering design services for Spring Valley Road upgrade in the amount of \$131,392.00. **(TABLED)**
- d. The consideration of amendment to the Junction City Housing Plan. (Sarah Talley presenting.) Sarah Talley, Grant Administrator, informed the Commission that this consideration is a result of a recent audit and she recommends the changes so that the City will be in compliance with the requirements of the CDBG Grant. Commissioner Heldstab moved, seconded by Commissioner Wunder, to approve the amendment to the Junction City Housing Plan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration of amendment to the Junction City Procurement Policy. (Sarah Talley presenting.) Sarah Talley, Grant Administrator, informed the Commission that this consideration is a result of a recent audit and that she recommends to changes so that the City's actual practices are put into writing. Commissioner Wunder moved, seconded by Commissioner Heldstab, to approve the amendment to the Junction City Procurement Policy. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration of neighborhood revitalization applications as follows:
  - 1. 13<sup>th</sup> & Madison Streets, Quinton Properties, LLC for the construction of an apartment complex with an approximate amount of \$2,000,000. The project qualifies for 95% rebate for years 1-10. (The EDC recommended unanimous approval). The Commission was informed by Steve Sims with Quinton Properties, LLC that construction will begin in approximately 60 days and completion will be in 12 to 15 months. Commissioner Talley moved, seconded by Commissioner Wunder, to approve the Neighborhood Revitalization application for 13<sup>th</sup> & Madison Streets, Quinton Properties, LLC for the construction of an apartment complex with an approximate amount of \$2,000,000. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one. Commissioner Taylor stated that he voted no due to the single family residents in the area and their opposition to this project.
  - 2. Lot 1, Block 1, Village Freedom Place, Phase 2, Lexington Building Group/American Dream Development for the construction of a

commercial building in the amount of \$2,000,000. The project qualifies for 95% rebate for years 1-10. (The EDC recommended unanimous approval). The Commission was informed that construction should begin in approximately 60 days. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Neighborhood Revitalization application for Lot 1, Block 1, Village Freedom Place, Phase 2, Lexington Building Group/American Dream Development for the construction of a commercial building in the amount of \$2,000,000. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

3. 53 – 78 Fuller Circle, Village Freedom Place, Lexington Building Group/American Dream Development for 26 single family homes, valued at \$140,000 each. The project qualifies 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. (The EDC recommended unanimous approval.) Commissioner Heldstab moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization application for 53 – 78 Fuller Circle, Village Freedom Place, Lexington Building Group/American Dream Development for 26 single family homes, valued at \$140,000 each. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
4. 410 N. Jefferson, M&M Investments for a two month extension for the neighborhood revitalization application for the completion date to be extended from October 18, 2007 to December 18, 2007. Josh McKim, Economic Development Director, informed the Commission that M&M Investments is requesting the extension as a preemptive measure. The original deadline has not occurred, however, M&M Investments knows they will be unable to meet the original deadline and ask for an extension to December 18, 2007. Commissioner Taylor moved, seconded by Commissioner Talley, to approve a two month extension for the neighborhood revitalization application for 410 N. Jefferson (M&M Investments) for the completion date to be extended from October 18, 2007 to December 18, 2007. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration of R-2398 authorizing the purchase of 210 E. 11th Street from Gloria Estell for Self-Help Housing for the purchase price of \$9,300. Commissioner Heldstab moved, seconded by Commissioner Wunder, to approve R-2398 authorizing the purchase of 210 E. 11th Street from Gloria Estell for Self-Help Housing in the amount of \$9,300. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- h. The consideration to temporarily waive the City Ordinance against parking on the grass during construction at 100 Rimrock (Central National Processing). Commissioner Wunder moved, seconded by Commissioner Taylor, to approve a temporary waiver of the City Ordinance against parking on the grass during construction at 100 Rimrock. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Abstention: Talley. Motion carried four to one.

## **GENERAL DISCUSSION**

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

1. Fort Riley Boy Scout Troop 60 attended the Commission meeting as part of obtaining a merit badge. In attendance were: Rodrick Thompson, Matthew Miller, Richard Bragg and Evan Mahoney. Accompanying the scouts was: Terri Miller, Stephanie Mahoney and Valerie Thompson.
2. A representative from The Bluffs informed the Commission that the housing complex is at 98% occupancy. Construction has begun on Building L and the park is 85% complete. Some residents are upset because the school district does not provide busing for students from The Bluffs to the middle school and high school. Commissioner Taylor inquired about a pet area. The Commission was informed that there is not a formal "pet area"; however, residents are informed where they can take their pets and residents are fined if they do not pick up after their pets. Pet pots will be installed on the grounds of The Bluffs. The Commission recommended that The Bluffs inform their residents of the new City Ordinance regarding the requirement of City residents to clean up after their pets.
3. Blaine Burton, President Junction City Business Association. Mr. Burton updated the Commission on the JCBA's current projects that include sponsoring All Treats Day in the downtown area. The JCBA is also working with KJCK on the Christmas Parade and Santa's House. Santa's House will be moved each week between the Christmas Parade and December 20, 2007. It is hoped that this will encourage residents to visit the businesses in that area.
4. Krista Galbreath, 809 W. Elm. Ms. Galbreath stated that she has lived in Junction City since 1974 and the town has grown and is getting better. She listed several concerns that she requested the Commission to look into. There is a cottonwood tree at Garfield and Elm Streets that is causing issues. There is a vacant house at 810 W. Pine that a dog is in the back yard. The dog has no fresh water or food and appears to be abandoned. The last concern is

that she has not seen the street sweeper clean her street except for two times this summer.

5. Dennis Westover, 849 Cypress. Mr. Westover requested that the Daily Union print a correction to his statements at the last Commission meeting. Mr. Westover stated that after reading the contract, he is not in favor of Olivia Farms. Mr. Westover stated that he would research past projects in regards to rural housing incentives. All he asks for is free access to all records as listed under the Open Records Act. Mike Guinn, Assistant City Manager, asked Mr. Westover to put his request in writing and submit it to the City.

### **COMMISSIONER COMMENTS**

Commissioner Wunder requested that City staff schedule a community meeting some time in October at Eisenhower School to update the citizens.

Commissioner Heldstab stated that he had heard comments from the merchants in the downtown area regarding pigeon problems. He suggested that the JCBA and the City meet to discuss possible solutions. Commissioner Heldstab also stated that he did not feel that removal of the pigeons was the City's responsibility.

Commissioner Taylor thanked everyone for the comments. He requested that City staff look into cars being parked on the grass on East 8<sup>th</sup> Street. Captain Leithoff stated that the owner is a licensed car dealer. Captain Leithoff and police personnel will look into the matter and resolve the issue.

Mayor Rhodes stated that he had had a question posed to him regarding businesses being in compliance with the City's sign ordinance. Dave Hurley, Code Director, informed the Commission that Vernon Jeweler's had gone through the proper process for signage. Mayor Rhodes stated that the remodeling contractor at Ventria complimented the Code Department.

### **STAFF COMMENTS**

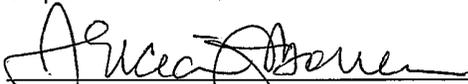
Mike Guinn, Assistant City Manager, informed the Commission that Rod Barnes, City Manager, had given a presentation at Fort Sill, OK on our community's preparation and growth. The City is hosting the Flinthills Leadership class on Thursday, September 20<sup>th</sup>. The class will gather at Rather Stadium at 11:15 for a tour, then lunch, then a walking and driving tour of the community. Volunteers are welcomed and needed at Spin City on September 22<sup>nd</sup> beginning at 8 a.m. to work on the completion of the renovation. The joint City/County Commission meeting is September 24<sup>th</sup> at 4 p.m.

Carol Gould, Public Relations Director, reminded the Commission that the EDAW meeting for the impact of growth on our community will be September 24<sup>th</sup> from 6 to 8 p.m. in the Municipal Building auditorium. The Daily Union and KCJK will be sent a meeting notice.

### ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder, to adjourn the meeting 8:55 p.m. Ayes: Heldstab, Rhodes, Taylor, Talley, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF October \_\_\_\_\_, 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR September 18, 2007.

  
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Tricia Gowen, City Clerk

  
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Mike Rhodes, Mayor