

City Commission Minutes

October 16, 2007

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, October 16, 2007, with Mayor Rhodes presiding.

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

Pledge of Allegiance

CONSENT AGENDA

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

- a. Approval of the October 2, 2007, City Commission meeting minutes.
- b. The receipt of the following monthly reports:
 1. Junction City Fire Department/EMS
 2. Rolling Meadows Golf Course
 3. Codes Department
 4. Personnel Report
 5. Water Department Report
 6. Police Department
 7. Recreation
- c. The consideration to approve Kaw Valley Engineering to perform construction inspection services for the improvements to Sunset Addition (Turkey Ridge Addition), not to exceed \$29,900.00.
- d. The consideration to approve Kaw Valley Engineering to perform construction inspection services for new development, Sunrise Addition (Turkey Hollow Addition), in the amount of \$58,900.00.
- e. The consideration of a **Final Pay Request #18** by Walters-Morgan Construction for Southwest Wastewater Treatment Plant Upgrade, in the amount of \$106,365.00.

- f. The consideration of **Pay Request #4** by Midlands Contracting for Deer Creek Addition Unit #3, in the amount of \$602,414.34.
- g. The consideration of **Pay Request #1** by Smoky Hill Construction for Interceptor Sewer Tom Neal Industrial Park, in the amount of \$102,278.70.
- h. The consideration of **Pay Request #2** by Konza Construction Company, Inc., for 2007 KLINK Improvements construction services, in the amount of \$29,772.53.
- i. The consideration of **Final Pay Request #3** by Konza Construction Company, Inc., for 2007 KLINK Improvements construction services, in the amount of \$72,095.38.
- j. The consideration to process payment of defibrillator equipment in the amount of \$117,805.00.
- k. The consideration to approve **Payroll #21** in the amount of \$203,931.33.
- l. The consideration of **Final Pay Request #8** by Midlands Contracting for Deer Creek Addition, Unit No. 2, for installation of infrastructure, in the amount of \$48,431.30.
- m. The consideration of **S-2974** to rename Bryan Drive in Sutter Woods Subdivision to Karen Drive. (First Reading)
- n. The consideration of **S-2975** to rename Bryan Lane in Sutter Woods Subdivision to Karen Lane. (First Reading)
- o. The consideration of **S-2976** to rename Lawrence Avenue in Olivia Farms Subdivision to Fort Avenue. (First Reading)
- p. The consideration of award of bid for CDBG Housing Rehabilitation-Buffalo Soldier Park bid to Ben Kitchens Painting for 1804 North Madison in the amount of \$18,688.00; 1819 North Madison in the amount of \$18,188.00; and 1832 North Adams in the amount of \$19,798.00.

4. APPOINTMENTS:

5. SPECIAL PRESENTATIONS:

- a. On behalf of the Police Department a presentation by Mayor Rhodes and Captain Leithoff was presented to Ronald and Marie Dokken, 1302 Caroline, for Yard of the Year.
- b. The Mayor and Dave Hurley presented Frank Wadsworth with a Certificate of Appreciation for his outstanding service for his mowing contract since April of 2003.
- c. A special presentation was presented to Ruth Murray by Mayor Rhodes for being voted the "Kansas Oldest Worker Award"
- d. Mayor Rhodes presented Gregg Van De Creek, Matt Jackson, Les Flower and Billy Thomas Valor Awards for their action and rescue from a fire on September 26, 2007.
- e. Mayor Rhodes presented to Gertie Williams the Proclamation for Breast Cancer Awareness Month, officially for October 2007.

6. PUBLIC HEARINGS:

a. Mayor Rhodes opened a public hearing in regards to consider authorizing issuance of Industrial Revenue Bonds, Series 2007, not to exceed \$5,500,000.00, for the Ventria Bioscience Project. Comments were given by Josh McKim. Mayor Rhodes closed the public hearing.

1. The consideration of **S-2979** to authorize the issuance of Taxable Industrial Revenue Bonds, Series 2007 (Ventria Bioscience Project), in the amount of \$5,260,000.00. (First Reading) Commissioner Talley moved, seconded by Commissioner Taylor to approve **S-2979** authorizing issuance of taxable industrial revenue bonds in the amount of \$5,260,000.00, for Ventria Bioscience Project. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

b. Mayor Rhodes opened a public hearing to consider authorizing issuance of Taxable Multifamily Revenue Bonds (Deer Trail Project) in an approximate amount of \$11,673,000.00. **(Tabled)**

1. City Manager, Rod Barnes presented the consideration of **R -2406** determining the advisability of issuing Taxable Multifamily Revenue Bonds for Deer Trail for approximately \$11,673,000.00. Commissioner Talley moved, seconded by Commissioner Taylor to disapprove **R-2406**. Ayes: Talley and

Taylor. Nays: Heldstab, Rhodes, Wunder. Mayor Rhodes tabled this item, Deer Trail, to a future Commission Meeting. Motion failed two to three.

7. YOUTH COMMISSION COMMENTS:

Kyle Glaser gave an update with the activities of the Youth Commission. He stated that at the meeting on Monday, October 15, 2007, there were eight in attendance, stating it was a "full house". Kyle presented information on the Haunted House they are having at Grandview Plaza Community Center. Proceeds of this event will go to The Boys and Girls Club. Tickets are \$5.00 per person, or \$25.00 for six tickets. Kyle also stated that the Youth Commission will be at the Spin City dedication.

8. UNFINISHED BUSINESS:

a. The consideration of a **Final Pay Request** by Land Rush Developers for Mann's Ranch No. 1, in the amount of \$124,323.97. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve final pay request by Land Rush Developers for Mann's Ranch No. 1, in the amount of \$124,323.97. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

b. The consideration of a **Final Pay Request** by Land Rush Developers for Mann's Ranch No. 2, in the amount of \$574,685.54. Commissioner Talley moved, seconded by Commissioner Heldstab to approve final pay request by Land Rush Developers for Mann's Ranch No. 2, in the amount of \$574,685.54. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: none. Motion carried five to zero.

9. NEW BUSINESS:

a. The consideration of **Ordinance S-2973** to authorize the issuance of Taxable Industrial Revenue Bonds for Capgemini Project, not to exceed \$6,000,000.00. (First reading). Josh McKim presented overview of Capgemini Project, a 600 seat call center to employ 200 plus employees. Project is almost complete with an Open House/Grand Opening scheduled for November 6, 2007, at 10:00 a.m. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve **Ordinance S-2973**, authorization of issuance of taxable industrial revenue bonds not to exceed \$6,000,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

- b. The consideration of **Ordinance S-2977** to consider a rezoning request in Oakwood Village from Plan Development District (PDD) to Duplex Residential (RD). (The MPC unanimously voted to approve the rezone) (First Reading). Leon Osbourn representing Kaw Valley, presented rezoning request to the Mayor and Commissioners. Discussion presented that Plan Development District (PDD) to Duplex Residential (RD) would hold developer to single family home and duplex construction only, not 4, 6 or 8 plex construction. Commissioner Heldstab moved, seconded by Mayor Rhodes to approve **Ordinance S-2977** for the rezoning request in Oakwood Village from Plan Development (PDD) to Duplex Residential (RD). Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two.
- c. The consideration of **Ordinance S-2978** to consider a rezone of a portion of Oakwood Village from Plan Development District (PDD) to General Residential (RG). (The MPC unanimously voted to approve the rezone) (First Reading). Leon Osbourn representing Kaw Valley, presented rezoning request to the Mayor and Commissioners. Discussion presented that Plan Development District (PDD) to General Residential (RG) would hold developer to single family home and duplex construction only. Commission Heldstab moved, seconded by Commissioner Talley to approve **Ordinance S-2978** for rezoning a portion of Oakwood Village from Plan Development District (PDD) to General Residential (RG). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.
- d. The consideration of **R-2408**, amending and supplementing R-2250 authorizing improvements to Prairie Ridge #2, proposing a modification of the improvement district, amending the method of assessment and apportionment of improvements. Leon Osbourn presented the request to amend R-2250, authorizing improvement to Prairie Ridge #2, by removing one lot to build Club House for development. Development has potential of being rental properties for awhile and this will add amenities for renters. Commissioner Talley moved, seconded by Commissioner Heldstab to approve **R-2408**, amending and supplementing R-2250, authorizing improvements to Prairie Ridge #2, proposing the modification of the improvement district. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.
- e. The consideration of **Ordinance S-2980** to authorize the issuance of Taxable Industrial Revenue Bonds, Series 2007 (Edenspace Project), not to exceed \$3,000,000.00 (First Reading). Josh McKim provided an outline of the project. Edenspace is a Biofuels Research and Development Company. The facility will allow for 30-60 jobs with an economic impact

over the next 10 years of approximately \$2,000,000.00. Commissioner Talley moved, seconded by Commissioner Heldstab to approve **Ordinance S-2980** to authorize the issuance of taxable industrial revenue bonds, series 2007, for Edenspace Project, not to exceed \$3,000,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

- f. The consideration of **Ordinance S-2981** to authorize issuance of Taxable Industrial Revenue Bonds, Series 2007 (Eagle Landing Partners, L.L.C.), not exceeding \$1,000,000.00. (First Reading). Commissioner Heldstab moved, seconded by Commission Wunder to approve **Ordinance S-2981** to authorize the issuance of taxable industrial revenue bonds for Edenspace Project, not to exceed \$3,000,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero
- g. The consideration of **Ordinance S-2982** to authorize Consent for Annexation of County property and VFW property into the City of Junction City. (First Reading) City Manager, Rod Barnes, presented request to authorize Consent for Annexation of County property and VFW property into the City of Junction City. Commissioner Talley moved, seconded by Commissioner Wunder to approve **Ordinance S-2982** to authorize Consent for Annexation of County property and VFW property into the City of Junction City. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.
 1. Mayor Rhodes declared Declaration of Emergency and **Ordinance S-2982** considered on second reading.
 2. The consideration of **Ordinance S-2982** to authorize Consent for Annexation of County property and VFW property into the City of Junction City. (Final Reading) Commissioner Talley moved, seconded by Commissioner Wunder to approve **Ordinance S-2982**, authorizing Consent for Annexation of County property and VFW property into the City of Junction City. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.
- h. The consideration for Neighborhood Revitalization for Junction City, USD 475 Home Building Program for 1123 Haven, was presented by City Manager, Rod Barnes, requesting approval for the high school students to build house since they are applying for a late application. Commissioner Talley moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization for Junction City and USD 475 Home Building Program for 1123 Haven. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

- i. The consideration of an Interlocal Service Agreement between the cities of Milford, Grandview Plaza, and Junction City, and Geary County Kansas for the purpose of providing services for the regulation and control of animals in Geary County, Kansas. City Manager, Rod Barnes presented to the Mayor and Commissioners the request for an Interlocal Service Agreement between the cities of Milford, Grandview Plaza, Junction City and Geary County. It was stated that the veterinarian that previously housed the animals has closed, leaving a need for relocation of animals in Milford and Grandview Plaza. This request was approved by the County on October 15, 2007, and sent for consideration of the City by Florence Whitebred, County Commissioner. Commissioner Taylor did comment on a request to look into an ordinance of the number of dogs allowed in apartment complexes. Commissioner Talley stated this may be an issue for the Retreat; also Commissioner Wunder would bring this up at the Board Meeting. Commissioner Talley moved, seconded by Commissioner Wunder to approve the request for an Interlocal Service Agreement between the cities of Milford, Grandview Plaza, Junction City and Geary County for the purpose of providing services for the regulation and control of animals in Geary County. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried five to zero.

10. GENERAL DISCUSSION:

Marion Thompson spoke in regards to receiving a letter from the City for too many garage sales in a year. She stated that she has not exceeded the Ordinance. She suggested possibility of buying permits to have garage sale to ensure all residents are treated fairly. Per Mayor Rhodes, Dave Hurley is to address Ms. Thompson on this issue.

11. COMMISSIONER COMMENTS:

Commissioner Wunder brought up the mud and erosion problem at Falcon Ridge (Ehler's Hilltop), causing mud on driveways and sidewalks. He stated That there is no erosion control and this needs immediate action. Per Dave Hurley, Code Administrator, a stop-work order has been issued and a \$50.00 Fine will be issued October 17, 2007. Commissioner Wunder addressed this and that clean-up should be within a 30 day timeframe, or begin to pull permits.

Commissioner Wunder also brought up the lights on Highway 18 in Manhattan. Signal lights were put up by KDOT, and there is no residential

housing there. He requested City Manager, Rod Barnes, follow-up with KDOT on the installation of traffic signal lights for Ash & Highway 77 and for Highway 18.

Commissioner Taylor stated concern about apartments he has heard that are being leased by Base Housing. City Manager, Rod Barnes, stated that Base Housing works with all Landlords in the City for housing, not specific to only having military tenants.

Mayor Rhodes commented on the Ordinances in place for having signs in your yard, for example real estate, or political signs.

Mayor Rhodes also extended congratulations to the Police Department for the apprehension of the fugitive criminals. Also, commented on the General's Tour and its success.

12. STAFF COMMENTS:

City Manager, Rod Barnes, updated the Mayor and Commissioner with the following items: Saturday, October 20, 2007, Spin City Dedication and Thursday, October 18, 2007, is Junction Function. Information given for Commissioners Work Sessions scheduled Monday, October 22, 2007, and Friday, October 26, 2007. October 22, 2007, work session at 12:00 p.m., is for Cedar Creek Development Agreement with Tim Malone. The Friday, October 26, 2007, work session at 12:00 p.m. is with Melody Saxton with the Department of Health, regarding the tobacco issue. It was requested at that time if the County could be invited for their consideration as well.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Wunder, to adjourn the meeting at 8:20 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 30th DAY OF OCTOBER 2007, AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 16, 2007.


Tricia Gowen, City Clerk


Mike Rhodes, Mayor