

CITY COMMISSION MINUTES

October 30, 2007

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, October 30, 2007 with Mayor Mike 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, Assistant City Manager Mike Guinn and City Clerk Tricia Gowen.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Items 3i was removed from the agenda for separate action.

Commissioner Talley moved, seconded by Commissioner Taylor 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. Approval of the October 16, 2007, City Commission meeting minutes.
- b. The consideration of **S-2974** to rename Bryan Drive in Sutter Woods Subdivision to Karen Drive. (Final Reading)
- c. The consideration of **S-2975** to rename Bryan Lane in Sutter Woods Subdivision to Karen Lane. (Final Reading)
- d. The consideration of **S-2976** to rename Lawrence Avenue in Olivia Farms Subdivision to Fort Avenue. (Final Reading)
- e. The consideration of **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 rezoning) (Final Reading)
- f. The consideration of **S-2978** to consider rezoning of a portion of Oakwood Village from Plan Development District (PDD) to General Residential (RG). (The MPC unanimously voted to approve the rezoning.) (Final Reading)
- g. The consideration of **Pay Request #3** by TransSystems Corporation for services completed through September 21, 2007, on US 77/Ash Street Traffic Signal in the amount of \$6,625.00.

- h. The consideration of **Pay Request #2** by BG Consultants for services completed through September 30, 2007, for Rucker Road-Whitney Road to US Hwy 77, in the amount of \$16,795.86.
- i. The consideration of Pay Request #1 by Fort Development (Olivia Farms) for street improvements in the amount of \$3,321,400.26, and water, sewer and storm sewer in the amount of \$3,469,866.90, for a total of \$6,791,267.16, which retains 10% of the project cost. **(REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION.)**
- j. The consideration of **Final Pay Request #9** by Midlands Contracting for Deer Creek Addition Unit No. 2, in the amount of \$61,225.95. Payment is for installation of the infrastructure that is now complete.
- k. The consideration of **Final Pay Request #7** by Midlands Contracting for Hidden Valley Addition, in the amount of \$26,424.94. Payment is for Services completed through October 22, 2007.
- l. The consideration of **Pay Request #6** by Burns & McDonnell Engineers for Water Plant Improvements including Well Piping for Well #19, in the amount of \$7,850.00, for services through September 30, 2007. The design work on this project is now 55% complete.
- m. 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. (Final Reading)
- n. The consideration of **Final Pay Request #5** by Ebert Construction Co, Inc., for Hickory Hill Addition Replat Lot 1, Block 5, for services completed through October 9, 2007, in the amount of \$66, 209.81. Project is 100% complete.
- o. The consideration of approval of **Payroll #22** in the amount of \$202,656.90.
- i. The consideration of **Pay Request #1** by Fort Development (Olivia Farms) for street improvements in the amount of \$3,321,400.26, and water, sewer and storm sewer in the amount of \$3,469,866.90, for a total of \$6,791,267.16, which retains 10% of the project cost. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve Pay Request #1 by Fort Development (Olivia Farms) for street improvements in the amount of \$3,321,400.26, and water, sewer and storm sewer in the amount of \$3,469,866.90 for a total of \$6,791,267.16. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one.

APPOINTMENTS

- a. The consideration of the appointment of Adam Litzinger to the Dorothy Bramlage Public Library Board of Trustees for the remainder of a term, expiring April 2010. He will also be eligible to serve two full four-year terms in his own right. Commissioner Talley moved, seconded by Commissioner Wunder to approve the appointment of Adam Litzinger to the Dorothy Bramlage Public Library Board of Trustees for the remainder of a term expiring April 2010. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

- a. The presentation of Service Awards as designated by the League of Kansas Municipalities for loyal and dedicated officials and employees for their years of service. Awards are presented for 10 years, 15 years, 20 years, 25 years, 30 years, 35 years and for 40 years. Mayor Rhodes presented service awards to the following employees for their years of service with the City:

10 Years James Lundeen, Fire Department
 John Mike Pender, Fire Department
 Chris Schroeder, Fire Department
 Shadd Snyder, Fire Department

15 Years David Hurley, Codes Administration
 Nickie Walker, Police Department

20 Years Doug Fisher, Fire Department
 Jordi Hester, Police Department
 Craig Walsh, Fire Department

30 Years Orin Auld, Fire Department

UNFINISHED BUSINESS

- a. The consideration of a Purchase Contract Agreement with Ink-Way-Ink, LLC, for purchase of City land located in the 300 Block of South Washington. (Purchase price \$381,570.00) City Manager Rod Barnes and City Attorney Catie Logan informed the Commission that this agreement includes the demolition and land acquisition costs and includes language that the \$5,000 earnest money will not be refunded if the sale doesn't go through unless there is a title default. The agreement will close no later than November 30, 2007. Commissioner Talley moved, seconded by Commissioner Wunder to approve the purchase contract agreement with Ink-Way-Ink, LLC. For the

purchase of City land located in the 300 Block of South Washington for a purchase price of \$381,570.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

- a. The consideration of a request by Kaw Valley Engineering, Inc. to award contract to J&K Contracting for construction services on street, water, and sewer improvements at the Tom Neal Industrial Park, Replat Lot 1, Block 1, in an amount not to exceed \$674,150.00. City Engineer Christina Cook made the recommendation to the Commission to approve this request. Commissioner Heldstab moved, seconded by Commissioner Taylor to award the contract to J&K Contracting for construction services on street, water and sewer improvements at the Tom Neal Industrial Park, Replat Lot 1, Block 1, in an amount not to exceed \$674,150.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration of an HWS request to award contract to J&K Contracting for Thompson Drive pavement patching, in an amount not to exceed \$33,690.00. City Engineer Christina Cook informed the Commission that once the failed areas are opened, a cause of failure will be determined. If it is determined that another entity is responsible for the failure, that entity will be responsible for the repairs. A pavement inspector will be contracted to inspect the failed areas to make the determination. The inspector costs will also be reimbursed. Commissioner Wunder moved, seconded by Commissioner Taylor to approve the award of contract to J&K Contracting for Thompson Drive pavement patching in an amount not to exceed \$33,690.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration of Award of bid to JS Signs for Industrial Park signage, in the amount of \$38,175.00. Commissioner Wunder moved, seconded by Commissioner Talley to table the consideration of award of bid for the Industrial Park signage until the November 6, 2007 Commission meeting. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration of a request by HB Construction, Inc. for approval of the following properties for the Neighborhood Revitalization Plan at 95% for years 1-3; 80% for year 4; 70% for year 5; 60% for year 6; 50% for year 7; 40% for year 8; 30% for year 9 and 20% for year 10. (Economic Development Commission recommends approval unanimously)

1. 1714 14th St. Place, approximate cost \$118,860.00
Commissioner Talley moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization Plan application for 1714 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
2. 1720 14th St. Place, approximate cost \$135,240.00
Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization Plan application for 1720 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
3. 1728 14th St. Place, approximate cost \$125,265.00
Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization Plan application for 1728 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
4. 1740 14th St. Place, approximate cost \$134,820.00
Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization Plan application for 1740 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
5. 1748 14th St. Place, approximate cost \$108,900.00
Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization Plan application for 1748 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
6. 1758 14th St. Place, approximate cost \$125,265.00
Commissioner Wunder moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization Plan application for 1758 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
7. 1764 14th St. Place, approximate cost \$134,820.00
Commissioner Heldstab moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization Plan application for 1764 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

8. 1772 14th St. Place, approximate cost \$118,860.00
Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization Plan application for 1772 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
9. 1780 14th St. Place, approximate cost \$109,000.00
Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the Neighborhood Revitalization Plan application for 1780 14th St. Place. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration of designating a voting delegate and an alternate for the National League of Cities Annual Business Meeting, Saturday, November 17, 2007, in New Orleans. **(REMOVED FROM AGENDA)**
- f. The consideration of a request by New Horizons RV, Inc. for approval of dedication of road right-of-way for extension of Lacy Drive that the street be dedicated as an extension of Lacy Drive, and that New Horizons complex be given a Lacy Drive address. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the request by New Horizons RV, Inc. for approval of dedication of road right-of-way for extension of Lacy Drive, that the street be dedicated as an extension of Lacy Drive, and that New Horizons complex be give a Lacy Drive address. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration of a request by Gene Fritzel Construction for a change of survey company for the Rucker Road Improvements from Spring Valley Road west to Olivia Farms Subdivision, from Kaw Valley Engineers to Landplan Engineers. Commissioner Talley moved, seconded by Commissioner Wunder to approve the request by Gene Fritzel Construction for a change of survey company for the Rucker Road Improvements from Spring Valley Road west to Olivia Farms Subdivision, from Kaw Valley Engineers to Landplan Engineers. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration of a request by Kaw Valley Engineering for approval of an updated petition for Eagle's Landing – Tackwell Road in the amount of \$455,463.40. **(TABLED)**
- i. The consideration of **R-2410** to discuss the establishment of a Star Bond District for the Smoky Hill Marketplace and to set a public hearing date. City Attorney Catie Logan informed the Commission that if approved, the public hearing will be scheduled for December 4, 2007. She also stated that she will meet with USD 475 and the County to discuss this issue and they will be

notified of the public hearing date. Commissioner Talley moved, seconded by Commissioner Wunder to approve R-2410 to establish a Star Bond District for the Smoky Hill Marketplace and to set a public hearing date. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- j. The consideration of **R-2411** to discuss the establishment of a Tax Increment Financing (TIF) District for the Smoky Hill Marketplace and to set a public hearing date. City Attorney informed the Commission that if approved, the public hearing date will be scheduled for December 4, 2007 and that USD 475 and the County will be notified in the meeting as mention in item 9i. Commissioner Talley moved, seconded by Commissioner Wunder to approve R-2411 to establish a Tax Increment Financing (TIF) District for the Smoky Hill Marketplace and to set a public hearing date. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration of **S-2940** to approve annexation and rezoning by Big D Development for portion of property generally located south of Rucker Road and west of Spring Valley Road (Sutter Highlands Addition #2). The MPC unanimously approved on April 12, 2007, annexation and rezoning to Duplex Residential (RD) District. (First Reading) Commissioner Wunder moved, seconded by Commissioner Heldstab to approve annexation and rezoning by Big D Development for portion of property generally located south of Rucker Road and west of Spring Valley Road (Sutter Highlands Addition #2). Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two. Commission Talley stated that the doesn't believe that this annexation is a good idea.

GENERAL DISCUSSION

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

Damien Zimmerman – Mr. Zimmerman requested a waiver from the City Commission to reopen his haunted house at Eighth and Washington. Fire Chief Mike Ryan informed the Commission that in 2003, the State Fire Marshal sent a letter to all Kansas Fire Departments with the State's interpretation of the fire protection needs that a haunted house will require. The building located at Eighth and Washington does not meet fire code. Chief Ryan also explained to the Commission that once a building's occupancy changes, the facility must be brought up to fire code and is no longer grandfathered. City Attorney Catie Logan agreed with Chief Ryan's recommendation and informed Mr. Zimmerman that the City Commission does not have the legal right to grant his request. Mayor Rhodes informed Mr. Zimmerman that he feels that the liability to the City is too great to grant his request.

COMMISSIONER COMMENTS

Commissioner Talley expressed his concern for the Al Simpler family in Mr. Simpler's passing.

Commissioner Wunder asked the media to research the issue of Picerne Housing and the rumor that they will be building housing outside of the Fort Riley reservation. Mr. Barnes has received a letter from Picerne confirming that they have no interest in building housing outside of Fort Riley and they will begin a media campaign to inform citizens of the projects they are working on and the status of the projects. Commissioner Wunder asked the media to research the cost of building units in Junction City compared to the costs at Fort Riley and to look at the cost of the land as well. Commissioner Wunder asked Economic Development Director Josh McKim to prepare a list of companies who have received incentives.

Mayor Rhodes expressed his condolences to the Al Simpler family. He also commented on the ten students who received leadership awards through the Embarq/USD 475 program.

Mayor Rhodes and Commissioners Talley, Taylor and Wunder congratulated Commissioner Heldstab on his son, Michael, receiving a \$1,000 scholarship through the Embarq/USD 475 leadership program.

STAFF COMMENTS

Chief Story invited everyone to attend the Mayor's Roast on Saturday, November 3rd at 6:00 p.m. in the Municipal Building. The proceeds will benefit the Sundown Salute.

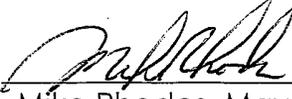
ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Talley, to adjourn the meeting 8:10 p.m. Ayes: Heldstab, Rhodes, Taylor, Talley, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 6th DAY OF NOVEMBER, 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 30, 2007.



Tricia Gowen, City Clerk



Mike Rhodes, Mayor