

## CITY COMMISSION MINUTES

December 4, 2007

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 4, 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, City Engineer Christina Cook and City Clerk Tricia Gowen.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Item 3m was removed from the agenda for separate action.

Commissioner Talley 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. Approval of the **November 20, 2007**, City Commission meeting minutes.
- b. The consideration of **S-2985** to authorize the issuance of Taxable Revenue Bonds, Series 2007, (Capgemini Equipment Project), in the amount of \$1,325,000.00. (Final Reading)
- c. The consideration of **S-2987** to authorize the issuance of Taxable Industrial Revenue Bonds, Series 2007, (Capgemini Building Project), in the amount of \$4,675,000.00. (Final Reading)
- d. The consideration and approval of **S-2986**, final plat of Nitin Addition located at 1133 South Washington Street (The MPC unanimously voted to approve the final replat). (Final Reading)
- e. The consideration and approval of **G-1034**, amending Ordinance Section 315.010 of the Junction City Code, to say that the City Manager or his/her designee may declare a traffic emergency and City Ordinance Section 315.030 to add streets to the existing snow emergency routes. (Final Reading)
- f. The consideration and approval of 2007 Longevity Pay in the amount of \$49,431.00.
- g. The consideration and approval of **Payroll #24** in the amount of \$217,050.56.
- h. The consideration and approval of **Pay Request #11 and #12** by Kaw Valley Engineering, for professional services completed through August 26, 2007, for Doc Hargraeves Addition #5, in the amount of \$10,906.60.
- i. The consideration and approval of **Pay Request #8, #9, and #11**, by Kaw Valley Engineering, for professional services completed through October 22, 2007, for Mann's Ranch Addition Unit #1, in the amount of \$13,923.80.

- j. The consideration and approval of **Pay Request #12 and #13** by Kaw Valley Engineering, for professional services completed through August 26, 2007, for Prairie Ridge Addition Unit #2, in the amount of \$14,082.00.
- k. The consideration and approval of **Pay Request #2** by Smoky Hill Construction, for services completed through October 31, 2007, for interceptor sewer to serve Tom Neal Business and Technology Park, in the amount of \$84,672.90. (Services 47.4% complete).
- l. The consideration and approval of **Pay Request #1** by Walters Morgan Construction, for services completed through November 20, 2007, on the K-57 Channel and Pedestrian Trail Improvements, in the amount of \$200,905.35. (Services are 6.3% complete).
- m. The consideration and approval of **Pay Request #2 (Final)** by J&K Construction, for services completed through November 11, 2007, on Spring Valley & Rucker Road Water Main Extension, in the amount of \$150,973.45. (This is 100% complete). **(REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION.)**
- n. The consideration and approval of 2008 Cereal Malt Beverage Licenses for the following businesses:
 

1. Dillon's	618 W. 6 <sup>th</sup> Street
2. Food-4-Less	1025 S. Washington Street
3. Casey's General Store	624 S. Washington Street
4. Handy's #2	30 Grant Avenue
5. Handy's #4	124 S. Washington Street
6. Handy's #5	1101 Whitney
7. Wal-Mart	521 E. Chestnut Street
8. Alco	520 E. Chestnut Street
9. Handy's Express	1734 W. Ash Street
10. My Place	1000 Grant Avenue
11. Pizza Hut	407 S. Washington Street
12. Wood Mini Mart	431 W. 18th Street
13. Chinese Chief	1317 N. Washington Street
14. G&S Convenience Store	813 S. Washington Street
15. Good Price Cigarettes	711 W. 6th Street
16. Wheat State Pizza	631 W. 6th Street
17. Shop Quick #4	1839 N. Washington Street
18. Shop Quick #2	340 W. 6th Street
19. Shop Quick #5	1121 S. Washington Street
20. Shop Quick #7	1802 N. Washington Street
21. Shop Quick #6	821 E. Chestnut Street
- o. The consideration and approval of **Pay Request #1** for Gene Fritzel Construction for services completed through November 20, 2007, on Rucker Road Street Improvement Project from Faith Tabernacle Church to Olivia Farms, in the amount of \$133,009.20. (Services are 20% complete)
- p. The consideration and approval of **Pay Request #2 (Final)** by American Dream Development for Village at Freedom Place, Replat of Lots 1 through 9, Block 1, Commonwealth Addition and Lot 1, Block 1, Henderson Addition, in the amount of \$67,200.00.

- q. The request to set a **public hearing** date of December 18th, 2007, to amend the 2007 City budget.

### SEPARATE ACTION

- m. The consideration and approval of **Pay Request #2** (Final) by J&K Construction, for services completed through November 11, 2007, on Spring Valley & Rucker Road Water Main Extension, in the amount of \$150,973.45. (This is 100% complete). Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Pay Request #2 (Final) by J & K Construction for services completed through November 11, 2007 on Spring Valley and Rucker Road Water Main Extension in the amount of \$150,973.45 contingent upon the City receiving the necessary affidavit by December 5, 2007. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### APPOINTMENTS

- a. The consideration of appointments of the following persons to the Junction City Arts Council Board of Directors.
  1. Paula Jarrot for a full three-year term that will expire in December 2010.
  2. Carol Gould to a second term that will expire in December 2010.
  3. Jim Sands for a three-year term that will expire in December 2010.
  4. William Edward Hooker to the vacated position previously held by Jo Vega, for a term that will expire in December 2009.

Commissioner Heldstab moved, seconded by Commissioner Talley to approve the appointments of Paul Jarrot, Carol Gould, Jim Sands and William Edward Hooker to the Arts Council Board of Directors. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

### SPECIAL PRESENTATIONS

- a. A special presentation in honor of the late John Leonard for his service and commitment to the Tree and Flower Board from December 1, 2001, through 2006. Mayor Rhodes presented Mrs. Leonard a plaque honoring John Leonard's service and commitment to the Tree and Flower Board.

### PUBLIC HEARINGS

- a. Mayor Rhodes opened a public hearing to consider the application to the City to vacate a 20-foot wide alley located in block Twenty-Seven (27), Railroad Addition to the City of Junction City. Mayor Rhodes closed the public hearing.
  1. The consideration and approval of **S-2988** for the City to vacate a 20-foot wide alley located in block Twenty-Seven (27), Railroad Addition to the City of Junction City. (First Reading). Commissioner Talley moved, seconded by Commissioner Wunder to approve **S-2988** for the City to vacate a 20-foot wide alley located in block Twenty-Seven (27), Railroad Addition to the City (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## YOUTH COMMISSION COMMENTS

Kyle Glaser informed the Commission that the Youth Commission has finished with the Clean Air Association for the year and they plan to continue after the first of the year. The Youth Commission has oriented all of their new members. They want to utilize Spin City and plan a "Half Way Over" celebration just for high school students on December 20, 2007 at the facility. This will be a celebration for getting half way through the school year.

## UNFINISHED BUSINESS

- a. The consideration of **R-2406** determining the advisability of issuing Taxable Multifamily Revenue Bonds for Deer Trail in the amount of \$11,673,000.00. Lee Aumen with Craft Builders informed the Commission that Dalmark would manage the properties in Deer Trail. Craft Builders would construct a pool, club house, play ground and create a bus stop area. They plan to reduce the rent costs. Mr. Aumen asked for the Commission to approve a 95% tax abatement over a 10-year period. Mr. Aumen also informed the Commission that he would secure an irrevocable letter of credit. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve R-2406 with a 95% tax abatement with an irrevocable letter of credit to be supplied from Craft Builders (Lee Aumen). Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two.

## NEW BUSINESS

- a. The consideration of **R-2420** to set a public hearing date to discuss the establishment of a Star Bond District for the Smoky Hill Marketplace. Commissioner Wunder moved, seconded by Commissioner Taylor to approve **R-2420** to set a public hearing for January 8, 2008 to discuss the establishment of a Star Bond District for the Smoky Hill Marketplace. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration of **R-2421** to set a public hearing date to discuss the establishment of a Tax Increment Financing (TIF) District for the Smoky Hill Marketplace. Commissioner Wunder moved, seconded by Commissioner Talley to approve **R-2421** to set a public hearing for January 8, 2008 to discuss the establishment of a Tax Increment Financing (TIF) District for the Smoky Hill Marketplace. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of a 20-foot utility easement to Kaw Valley Engineering abutting Elmdale on City property west of the old Pepsi Cola building for water and sanitary sewer improvements. Commissioner Talley moved, seconded by Commissioner Taylor to approve the 20-foot utility easement to Kaw Valley Engineering abutting Elmdale on City property west of the old Pepsi Cola building for water and sanitary sewer improvements. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- d. The consideration of **Change Order #1** by Walters Morgan Construction for the K-57 Channel and Pedestrian Trail Improvements, in the amount of \$4,572.00, for extra piling used in the construction of the pedestrian bridge as a result of rock being different from the geology report. Christina Cook, City Engineer, informed the Commission that the City's cost of this change order would be 10%. Commissioner Taylor moved, seconded by Commissioner Wunder to approve **Change Order #1** by Walters Morgan Construction for

the K-57 Channel and Pedestrian Trail Improvements in the amount of \$4,572.00 for extra piling used in the construction of the pedestrian bridge as a result of rock being different from the geology report. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- e. The consideration to set a **public hearing** date for January 8, 2008, for application of loan for \$674,081.00, to be taken by the City from the Kansas Public Water Supply Loan Fund, for well field related design and construction of Water Supply Well #18, to include installation of well field piping improvements. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the public hearing date for January 9, 2008 for application of loan not to exceed \$674,081.00 to be taken by the City from the Kansas Public Water Supply Loan Fund for well field related design and construction of Water Supply Well #18 to include installation of well field piping improvements. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration of a request for a December 11, 2007, bid date by Kaw Valley Engineering for a contract for improvements of the water and sanitary sewer that serves the old Pepsi Cola building. Award of contract will be considered on the December 18, 2007, Commission agenda. Commissioner Wunder moved, by Commissioner Talley to approve the request for a December 11, 2007 bid date by Kaw Valley Engineering for a contract for improvements of the water and sanitary sewer that serves the old Pepsi Cola building. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration of a request of a December 11, 2007, bid date by Kaw Valley Engineering for a contract for improvements of various storm sewer projects to serve W. Ash Street, McFarland Road, Lockstone Court, Republican River and Wal-Mart. Award of contract will be considered on the December 18, 2007, Commission agenda. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the request of a December 11, 2007 bid date by Kaw Valley Engineering for a contract for improvements of various storm sewer projects to serve W. Ash Street, McFarland Road, Lockstone Court, Republican River and Wal-Mart. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval for the City to purchase property at 909 S. Washington for the purpose of economic development. Rod Barnes, City Manager, informed the Commission that this is a vacant lot west of Spin City and will be utilized for customer parking. If approved, the purchase will close in January, 2008. Commissioner Wunder moved, seconded by Commissioner Talley to approve the City to purchase property at 909 S. Washington for the purpose of economic development; purchase price not to exceed \$355,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration of **Change Order #1** by Gene Fritzel Construction for the Rucker Road – Church to Olivia Farms sanitary sewer to serve future Sutter Highlands Unit #2, for the extension of storm sewers under Faith Tabernacle Church driveway to prevent damage to driveways in the future, in the amount of \$38,870.00 and five additional working days. Commissioner Wunder moved, seconded by Commissioner Taylor to approve **Change Order #1** by Gene Fritzel Construction for the Rucker Road – Church to Olivia Farms sanitary sewer to serve future Sutter Highlands Unite #2 for the extension of storm sewers under Fail Tabernacle Church driveway to prevent damage to driveways in the future in

the amount of \$38,870.00 and five additional working days. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- j. The consideration and approval of Monday, December 24, 2007, to have City offices closed for the Christmas Holiday. Rod Barnes, City Manager, informed the Commission that this was a one-time only request. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the closing of City offices for the Christmas Holiday on Monday, December 24, 2007. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration and approval of **S-2991**, a Home Rule Ordinance, authorizing the acquisition of property from New Horizons for Industrial Park use and the issuance of General Obligation Bonds (First Reading). Josh McKim, Economic Development Director, asked that the City Commission approve **S-2991** on first reading and declare an emergency for the approval of **S-2991**. It is therefore expedient at this time that the City Commission finds and declares that a public emergency exists by reason of the foregoing and that the above entitled ordinance be finally adopted on this day of its introduction. Commissioner Talley moved, seconded by Commissioner Heldstab to approve **S-2991** Home Rule Ordinance authorizing the acquisition of property from New Horizons for Industrial Park use and the issuance of General Obligation Bonds (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  - 1. Request for Declaration of Emergency. Request the Mayor of the City of Junction City, Kansas for the declaration by the City Commission of said City of the existence of a public emergency requiring the final passage of an ordinance below designated.
  - 2. The consideration and approval of **S-2991**, a Home Rule Ordinance, authorizing the acquisition of property from New Horizons for Industrial Park use and the issuance of General Obligation Bonds (Final Reading). Commissioner Talley moved, seconded by Commissioner Wunder to approve **S-2991** Home Rule Ordinance authorizing the acquisition of property from New Horizons for Industrial Park use and the issuance of General Obligation Bonds (Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- l. The consideration of **R-2422** issuing Temporary Notes (Series 2007E) in the amount of \$1,615,000.00, for New Horizons purchase. (Documentation of this will be distributed by Monday, December 3, 2007, for Commissioner's review.) Commissioner Talley moved, seconded by Commissioner Heldstab to approve R-2422 issuing Temporary Notes (Series 2007E) in the amount of \$1,615,000.00 for New Horizons purchase. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### COMMISSIONER COMMENTS

Commissioner Talley congratulated the City staff on their work with the lights at Heritage Park. He stated that the lights look beautiful. Commissioner Talley stated that the Commission didn't go out any further with the action regarding Deer Trail than with any other agreement.

Commissioner Taylor congratulated Gail Parsons and the Art Council on the Art Gallery Walk. He also stated that when the Commission votes, the Commissioners may not be in agreement, however, the vote is final and then the Commission moves one and does the

best they can do based on the information they receive and they try to do the best for the community.

Commissioner Wunder thanked Ed Lazear, Water Utility & Parks Director, and his staff for preparing the Commissioner's float for the Christmas parade and he complimented the Commission on their positive attitude.

Mayor Rhodes thanked Ed Lazear and his staff for the preparation of the float and he stated that he appreciates all of the concerns and input from the Commission and work with them. Mayor Rhodes invited the public to view the "Mike & Mick Show" on the City's web site.

#### **STAFF COMMENTS**

City Manager Rod Barnes complimented the "Mike & Mick Show". He informed the Commission that the City has received an award from the Kansas Concrete Association for the round-a-bout at South Washington. Mr. Barnes thanked Ed Lazear and his staff for the lighting in Heritage Park and the downtown area.

Assistant City Manager Mike Guinn informed the Commission that he welcomed the National Geographic display at the Art Gallery.

City Clerk Tricia Gowen reminded the Commission about the City Employee Christmas Party scheduled for Friday, December 7, 2007 at 6 p.m. in the Municipal Building.

City Engineer Christina Cook informed the Commission and the public that property owners will be notified prior to their driveways being repaired for the pavement patching project.

Captain Tim Brown invited the Commission to attend Lieutenant Phil Waters' retirement reception on Thursday, December 6<sup>th</sup> at 3 p.m. at the Police Department.

#### **ADJOURNMENT**

Commissioner Wunder moved, seconded by Commissioner Heldstab to adjourn at 8:11 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 18<sup>th</sup> DAY OF DECEMBER, 2007 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR DECEMBER 4, 2007.

  
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Tricia Gowen, City Clerk

  
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Mike Rhodes, Mayor