CITY COMMISSION MINUTES

July 1, 2008 7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, July1, 2008 with Mayor Mick Wunder 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, City Attorney Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

a. Approval of the **June 17, 2008**, City Commission meeting minutes.

b. The consideration of **Appropriation Ordinance** dated June 11, 2008, through June 25, 2008, in the amount of $800,827.38.

c. The consideration and approval of **Grant of Easements, Dedication of Right of-Ways, Donation of Right-of-Ways and Grant of Construction Easements** for Spring Valley Road Corridor Improvements.

d. The consideration and approval of **Pay Request #12** by HNTB for services retained to do the US 77 and K-18 Corridor Study through a partnership with KDOT, Geary County and City of Milford, in the amount of $6,758.94. (Reimbursement of 60% from KDOT and 20% from Geary County.)

e. The consideration and approval of **Request for Bid and Notice of Award** for advertisement of bid on July 11, 2008, and notice of award on July 15, 2008, for water main improvements Phase 2 to serve West Acres Addition.

f. The consideration and approval of **Deed for Right-of-Way** of land for public road on Rucker Road for Corridor Improvement.

g. The consideration and approval of **Pay Request #8** by BG Consultants, Inc., for professional services completed through May 31, 2008, for KDOT Ditch Drainage with Patch Project, in the amount of $15,412.80. (KDOT will reimburse $11,559.60.)

h. The consideration and approval of **Pay Request #10** by BG Consultants for services completed through May 31, 2008, for Rucker Road – US 77 to Whitney, in the amount of $12,454.76.

i. The consideration and approval of **Department of Army Permit** for construction of a boat access ramp on the Republican and Kansas River banks, off of Grant Avenue, for public access to the rivers. Funds for project will be through donations and funds available through the State.

j. The consideration and approval of **Pay Request #8** by Walters-Morgan Construction for services through June 20, 2008, on the KDOT Drainage Ditch Improvements Project, in the amount of $227,686.49 (KDOT will reimburse 75% or $170,764.86). Also consideration and approval of additional 18 work days (which is 25 calendar days) for weather related delays.

k. The consideration and approval of **Payroll #12 and #13** for the month of June in the amounts of $232,598.49 (Payroll #12-June 6, 2008) and $245,357.47 (Payroll #13 – June 20, 2008.)

l. The consideration and approval of **R-2471** to purchase property at 215 E. 14th Street for Self Help Housing, in the amount of $12,600.00.

m. The consideration and approval of **Pay Request** by Walters-Morgan Construction for K-57 Drainage Ditch Improvements Project-Tree Removal, in an amount of $11,983.69 (final payment.)

n. The consideration and approval of **Pay Request #2** by Kaw Valley Engineering for services completed through May 25, 2008, for the City Recreation Building-Rucker Road, in an amount of $16,863.00.

o. The consideration and approval of **R-2474** to sell property located at 1123 Haven Drive (High School House), to Police Officer Tommy Lee Harmon in the amount of $108,141.71

p. The consideration and approval of **R-2475** authorizing and providing for the making of street, storm sewer, sanitary sewer and water improvements for Hickory Hills Addition.

q. The consideration and approval of **R-2476** authorizing and providing for the making of storm water sewer improvements for Deer Creek Addition.

r. The consideration and approval of **R-2477** authorizing and providing for the making of street, storm sewer, sanitary sewer and water improvements for Tom Neal Industrial Park.

s. The consideration and approval of a **Petition** for construction of sanitary sewer and water improvements to serve Lots 1 through 9, inclusive Garfield Garden Homes, at an estimated cost of $115,000.00.

t. The consideration and approval of **R-2478** authorizing and providing for the making of sanitary sewer and water improvements for Garfield Garden Homes.

APPOINTMENTS

a. The consideration and approval of the appointment of Michael Life to the Housing Authority Board for a three-year term beginning July 1, 2008. Commissioner Heldstab moved, seconded by Commissioner Talley to approve the appointment of Michael Life to

the Housing Authority Board for a three-year term beginning July 1, 2008. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

b. The consideration and approval of the appointments of the following persons to the Junction City Airport Advisory Board for three-year terms beginning July 1, 2008.
   1. Mr. Jim Taylor
   2. Mr. Marvin Hornbostel

   Commissioner Talley moved, seconded by Commissioner Rhodes to approve the appointments of Jim Taylor and Marvin Hornbostel to the Junction City Airport Advisory Board for three-year terms beginning July 1, 2008. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

c. The consideration and approval of the appointment of Brandon Dibben to the Board of Zoning Appeals (BZA) for a three-year term beginning July 1, 2008. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the appointment of Brandon Dibben to the Board of Zoning Appeals (BZA) for a three-year term beginning July 1, 2008. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

a. Special presentation by Carolyn Gaston of sponsorship check for the 4th of July celebration. Ms. Gaston presented City Manager, Rod Barnes, with a $2,000.00 check for Sundown Salute and thanked the City for all of their volunteerism in the community. Mr. Barnes presented Ms. Gaston with a plaque for Embarq's sponsorship of the Sundown Salute.

PUBLIC HEARINGS

a. Mayor Wunder opened to **Public Hearing** to establish a Redevelopment District within the City. (Goldenbelt Plaza Retail Project). Mr. Kirk Short informed the Commission that they have closed on the ground. The project will include five strip center buildings and three pads for restaurants and a bank. Mr. Short stated that the TIFF is absolutely needed in order to do the project. They plan to utilize the funds obtained from the property taxes only. The sales tax will not be utilized. If at a later date they would like to utilize the sales tax, the Commission would have to take action at a later date for that issue. Mr. Short stated that Goldenbelt Plaza, LLC has been in effect approximately five to six days. The LLC is a way to separate the project when dealing with partners. They plan to finance the project through local financial institutions. City Attorney, Katie Logan, informed the Commission that she has reviewed the process. Once this action is approved, there will be a 30-day protest period in which USD 475 and the County have the opportunity to veto the action for the TIFF. If either entity takes no action, the next step is to have the developer present a more detailed plan of the project. The plan will then be subject to another public hearing. The ordinance will be sent to USD 475 and the County for their review. The developer will fund the improvements upfront with their own money. Leon Osbourn, Kaw Valley Engineering, presented the Commission with the outlined boundaries for the TIFF. More land was included in the boundaries so that the traffic signals at US-77 and Goldenbelt Boulevard could be included. Mr. Osbourn reviewed the information he sent to Mr. Theron Froggatte with Froggatte & Company with regards to the area begin designated as a "blighted area". Mayor Wunder requested that Mr. Osbourn meet with the media to inform and educate them on the process so that they

can get the information out to the public. Mr. Short stated that they would like to complete the project by the fall of 2009. One of their goals is to encourage existing businesses to open a satellite shop in the development. Mayor Wunder closed the public hearing.

1. The consideration and approval **Ordinance S-3015** establishing a Redevelopment District within the City (Goldenbelt Plaza Retail Project). (**First Reading**). Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Ordinance S-3015 establishing a Redevelopment District within the City (Goldenbelt Plaza Retail Project). (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

UNFINISHED BUSINESS

a. The consideration and approval of **Revisit Bid Award** for the properties at 514 W. 11th Street and 524 W. 11th Street to Davis Construction to complete demolition. Acting Codes Administrator, Mark Karmann, informed the Commission that Mr. McMillan was given 30 days to complete the demolition; he actually had almost 60 days. The original bid from Davis Construction was $6,475.00. Davis Construction told Mr. Karmann that they could complete the rest of the work for $3,600.00. This would include removing the foundations, capping the sewers, and the dirt fill and compaction. Mr. Karmann stated that he could get documentation from Davis Construction for the offer. Commissioner Talley moved, seconded by Commissioner Rhodes to authorize the staff to renegotiate with the five original bidders and accept the lowest bid for the remaining demolition work at 514 W 11th Street and 524 W. 11th Street. The award of the bid does not need to come back to the Commission for further action as long as it is under $10,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEW BUSINESS

a. The consideration and approval of **Transportation Revolving Loan Fund Application** for 2009, in the amount of $6 million dollars, to be paid back twice annually over the period of 20 years. City Engineer, Christina Cook, informed the Commission that the bids will have costs for asphalt and concrete construction. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Transportation Revolving Loan Fund Application for 2009 in the amount of $6 million dollars to be paid back twice annually over the period of 20 years. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried.

b. The consideration and approval of **Change Order #3, Construction Engineering Supplemental**, by HWS Consulting Group for Ehler's Hilltop/Doc Hargreaves Pavement Patching Project, in the amount of $38,063.00. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Change Order #3, Construction Engineering Supplemental, by HWS Consulting Group for Ehler's Hilltop/Doc Hargreaves Pavement Patching Project in the amount of $38,063.00. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried. Commissioner Talley stated that he voted no because he believes the City should have a stopping point on this issue.

c. The consideration and approval of **Expert Consulting Services Agreement** with HWS Consulting Group to assist with preparation of claims, respond to needs of legal counsel

and city relating claims, meet with counsel and/or City regarding claims and attend any mediation, depositions associated with the Junction City Pavement Patching Project at Ehler's Hilltop/Doc Hargreaves. Contract shall be on a time and materials basis with upper compensation set at $15, 000.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Expert Consulting Services Agreement with HWS Consulting Group to assist with preparation of claims, respond to needs of legal counsel and city relating claims, meet with counsel and/or City regarding claims and attend any mediation, depositions associated with the Junction City Pavement Patching Project at Ehler's Hilltop/Doc Hargreaves. (Contract shall be on a time and materials basis with upper compensation set at $15,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

d. The consideration and approval of **Ordinance S-3013** authorizing and providing for construction of main sewer improvements in the City and improvements to the City public water supply system for Pepsi-Cola Addition and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

   1. The **Request for Declaration of Emergency** authorizing and providing for construction of main sewer improvements in the City and improvements to the City public water supply system for Pepsi-Cola Addition and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

   2. The consideration and approval of **Ordinance S-3013** authorizing and providing for construction of main sewer improvements in the City and improvements to the City public water supply system for Pepsi-Cola Addition and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof. **(First and Final Reading).** Commissioner Rhodes moved, seconded by Commissioner Talley to approve Ordinance S-3013 authorizing and providing for construction of main sewer improvements in the City and improvements to the City public water supply system for Pepsi-Cola Addition and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof. (First and Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

e. The consideration and approval of **Ordinance S-3014** authorizing and providing for the construction of storm water drainage improvements in the City for West Ash Street, McFarland Road, Lockstone Court, Republican River, and Wal-Mart and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

   1. The Request for **Declaration of Emergency** authorizing and providing for the construction of storm water drainage improvements in the City for West Ash Street, McFarland Road, Lockstone Court, Republican River, and Wal-Mart and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof.

   2. The consideration and approval of **Ordinance S-3014** authorizing and providing for the construction of storm water drainage improvements in the City for West Ash Street, McFarland Road, Lockstone Court, Republican River, and Wal-Mart and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof. **(First and Final Reading).** Commissioner Rhodes moved, seconded by Commissioner Taylor to approve Ordinance S-3014 authorizing and providing for the construction of storm water drainage improvements in the City for West Ash Street, McFarland Road,

Lockstone Court, Republican River, and Wal-Mart and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof. (First and Final Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

f. The consideration and approval for **advertising for the bid and bid date for K-18 and Karnes**. City Engineer, Christina Cook, stated that the bids will include costs for asphalt and concrete construction. USD 475 and KDOT are funding 1/3 each of the project costs. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the advertising for the bid and bid date for K-18 and Karnes. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

COMMISSIONER COMMENTS

Commissioner Taylor thanked the Mayor and the Commissioners and the EMS staff for their care of him when he wasn't feeling well at the last meeting. He thanked the hospital staff, friends and colleagues for their well wishes.

Commissioner Talley asked that status of the blight situation in Sutterwoods, Sutter Heights, etc. City Manager, Rod Barnes, stated the staff is taking bids and proposals for the clean up and plan to bring the proposals to the July 15th Commission meeting. Mr. Barnes stated that he is not aware if the banks are taking these properties back. Mr. Barnes stated that stop work orders can be issued and applied to all projects in the community that the developer is working on. The staff is exploring all avenues for compliance before spending City funds. Mayor Wunder requested a status update on stop work orders that have been issued.

Commissioner Rhodes thanked the staff for their involvement with Sundown Salute. He also stated that he appreciates the businesses downtown cooperating for the event. He wished everyone a Happy and safe 4th of July. Also, he reminded everyone that the City allows fireworks to be set, however, please be respectful of your neighbors. Commissioner Rhodes said that we're not celebrating the 4th of July, we're celebrating our independence.

Commissioner Heldstab wished everyone a Happy and safe 4th of July and thanked the City staff and all of the volunteers for their time.

Mayor Wunder also thanked everyone involved with the Sundown Salute activities. Mayor Wunder informed the public of the following upcoming events:
July 2nd – Sundown Salute Gala, Municipal Building
July 8th @ 7:00 p.m. – Mayor's Task Force public meeting at the Municipal Building
July 11th – City of Junction City night at the General Baseball Game
September 16-50 – Annual Sister City visit to Hopkinsville
October 3-8 – AUSA, Washington, DC
Mayor Wunder congratulated Mahinda Abeykoon, GIS Director, upon becoming a United States Citizen.

STAFF COMMENTS

City Manager, Rod Barnes stated that Mr. Abeykoon is very proud to be a US Citizen. Mr. Barnes thanked all of the volunteers for Sundown Salute the businesses for the sacrifice for the event.

City Attorney, Katie Logan, stated that the condemnation petition has been filed from the June 17, 2008 Commission meeting. The staff will review and make recommendations to amend the ordinance.

City Engineer, Christina Cook, stated that the work at 6th & Webster and 6th & Jackson are still under construction and asked the public to stay out of the construction area during the 4th of July parade. A pre-construction conference will be held for the East Chestnut project and Ms. Cook will give an update at the July 15, 2008 Commission meeting.

ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Heldstab to adjourn at 8:27 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 15th DAY OF JULY, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR JULY 1st, 2008.

Tricia Gowen, City Clerk

Mick Wunder, Mayor