CITY COMMISSION MINUTES

January 15, 2013 7:00p.m.

CALL TO ORDER

The regular meeting of the Junction City Commission was held on Tuesday, January 15, 2013 with Mayor Pat Landes presiding.

The following members of the Commission were present: Cecil Aska, Scott Johnson, Pat Landes, Jim Sands and Jack Taylor. Staff present was: City Manager Vernon, City Attorney Logan, and City Clerk Ficken.

PUBLIC COMMENT

Larry Ruiz requested that the Commission approve a resolution to support tax credits for low income housing; he would like to have a special meeting. Commissioner Johnson stated that the proposed development would be at the American Dream Development. City Attorney Logan stated that she knows nothing about the proposed project. Planning & Zoning Director Yearout stated that this proposal would provide tax credits to investors, and is not eligible for other tax incentives. Mayor Landes stated that the Commission needs to see more information. Larry Ruiz stated that the planning process has taken time, and if the application is not approved now, the October is the next opportunity. Tom Weigand Chamber Director stated that the resolution is not binding. Mr. Ruiz stated that he would provide material for review prior to the proposed meeting time next Tuesday, January 29, 2013 at Noon.

Gerald Gerloff stated that the MPO does not make sense because projects are finished developing between Junction City and Manhattan. A lot of funds will be spent for nothing because growth is limited.

Earl McIntosh of 4208 SW Stony Brook, Topeka KS stated that he is with the Libertarian Party, and he is attending the meeting to discuss a potential lawsuit against the City regarding the open carry restrictions. Mr. McIntosh stated that other communities previously opposed to the change to open carry have changed their positions. Mr. McIntosh asked where the Commission stands on the issue. Lucas Thompson of 3613 Terrace, Topeka KS stated that materials have been provided to the City, and adequate notice has been provided to avoid a lawsuit. Commissioner Johnson stated that he is an NRA member and he hopes this issue gets fixed. Mr. Thompson stated that he hopes for a compromise so that tax payer money is not wasted. Commissioner Aska inquired as to why the presenters are not taking this issue to Topeka and their legislators. City Attorney Logan stated that a compromise presented by Lenexa follows that individuals with conceal carry permits could open carry. Mr. Thompson stated that compromise is not sufficient because it limits the age group of open carry.

City Attorney Logan stated that there is the policy presented by Lenexa, and they are not being sued; she also provided that Attorney General Opinions on this issue are not binding. Mr. Thompson stated that they are working in good faith with Lenexa. Commissioner Taylor stated that there is always a struggle balancing freedom and security. Mr. Thompson suggested that the Junction City Police Department contact other Kansas Chiefs regarding this issue.

Randy Testa stated that he is in favor of the K-18 pathway project, and this path would be good for the Helland Park project.

John Stewart stated that the Public Works Department is doing its best work in 20 years; vehicles are not broken down. The trail to the middle school is a good idea. Mr. Stewart stated that the MPO should be a County expense.

CONSENT AGENDA

Consideration of Appropriation Ordinance A-1 & 2 dated December 14, 2012 to January 8, 2013 in the amount of $1,092,867.83. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Appropriation Ordinance A-1 & 2. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and approval of minutes for Commission Meetings held on December 18, 2012 & January 8, 2013. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Award of Bid to Van-Wall Equipment of Olathe, KS in the amount of $12,500.00 for one John Deere 7500 Precision Cut Fairway Mower. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and adoption of an Ordinance Amendment for the School Zone and Speed Limits – Westwood Elementary School. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

The consideration and approval to solicit bids for the demolition of the property at 1309 Johnson Dr, being a condemned structure. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

The consideration and approval to solicit bids for the demolition of the property at 712 W. 10th St, being a condemned structure. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

The consideration and approval to solicit bids for the demolition of the property at 311 W 8th St, being a condemned structure. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as amended. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

PUBLIC HEARING

A public hearing to consider submission of a CDBG Grant to the Kansas Department of Commerce (617 N. Washington). Mayor Landes opened the public hearing. Commissioner Johnson moved, seconded by Commissioner Aska to close the public hearing. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

A public hearing to consider condemnation of property at 508 W 10th St. and approval of Resolution 2679. Mayor Landes opened the public hearing. Barbara Smith expressed concern that condemning this person's home will put someone on the street that is not there now. City Attorney Logan stated that if the property is deemed unsafe, the City has the authority to condemn and demolish the property. Senior Inspector Karmann stated that he has communicated with the resident on more than one occasion, and he is aware of the proceedings. Commissioner Taylor moved, seconded by Commissioner Johnson to close the public hearing. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Johnson moved, seconded by Commissioner Taylor to approve Resolution R-2679. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

APPOINTMENTS

Consideration to appoint three Economic Advisory Board members as City representatives. Commissioner Johnson stated that he would like Alan Bontrager, Leon Osborn, and Ben Kitchens appointed to the board. Commissioner Aska stated that Ty Arneson and Leonetta Bibby should be considered. Commissioner Johnson stated that Mrs. Bibby would be better suited for the Arts Council. Commissioner Sands stated that Mrs. Bibby is rock solid and has a good resume. Commissioner Johnson moved, seconded by Commissioner Taylor to approve the appointment of Alan Bontrager for one year, Leon Osborn for two years, and Ben Kitchens for three years. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of an appointment to the Housing Authority Board. Commissioner Taylor stated that it would be a good to have a young person on the board. Commissioner Aska moved, seconded by Commissioner Johnson to appoint Mike Heldstab to the Housing Authority Board. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

PROCLAMATIONS

Martin Luther King proclamation. Mayor Landes presented the proclamation.

NEW BUSINESS

Consideration to approve purchase option contract between the City and Gatherings on the Prairie, LLC. Commissioner Taylor moved, seconded by Commissioner Johnson to approve the purchase option contract between the City and Gatherings on the Prairie, LLC. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to submit a CDBG Grant to the Kansas Department of Commerce (617 N. Washington). Commissioner Taylor asked when the grant is due. Susan Jagerson stated that the grant is due February 1, 2013; $900,000 is going to be allocated for the State. Commissioner Sands moved, seconded by Commissioner Aska to approve submission of a CDBG Grant to the Kansas Department of Commerce for the 617 N. Washington project. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of agreements concerning the Flint Hills Metropolitan Planning Organization. Planning and Zoning Director Yearout provided background information on the organization and how it would function. Commissioner Taylor asked Mr. Yearout if he has seen the planning software. Planning & Zoning Director Yearout stated that much of the planning cost is to develop the traffic model, and he has not seen the software. Planning & Zoning Director Yearout stated that the City would be spending pennies on the dollar for planning. Commissioner Johnson stated that he needs to see a guarantee and be assured that the City can remove itself from the planning process in the future. City Manager Vernon added that expenditures for planning are based on population, and projects can be planned much further out such as the US-77 bypass. Mayor Landes stated that participating would give Junction City a seat at the table for future planning and expenditures. Commissioner Aska stated that when it comes to federal and state funding, long term planning will become a prerequisite to funding. Commissioner Taylor stated that he believes the model could become a problem if controlled by Manhattan. Commissioner Johnson stated that the City is the same population now as it was in 1959, and working with representatives will get more done. Commissioner Taylor asked how expensive the project will be once the model is completed. City Manager Vernon stated that the annual cost is estimated at $7,000 to $10,000 per year. Planning & Zoning Administrator Yearout stated that the model is for 20 years out, and a large part of the cost is the initial purchase of the model and software. Commissioner Sands stated that the likes the longer planning vs. the current 3 to 5 year plans; this would allow for better access to KDOT and funding. Commissioner Johnson stated that what once was an Indian trail became a wagon trail and now it's a road so forget the

studies. Mayor Landes stated that the regional approach is important, and the model can be used to justify programs that are important to Junction City, but not the State. Commissioner Taylor stated that he worries this will become yet another layer of bureaucracy. Commissioner Johnson stated that Junction City will always receive transportation dollars because of Ft. Riley. Leon Osborne stated that if you do not have a seat at the table, then you have no input on projects, and additional access to I-70 form Ft. Riley is important. Commissioner Sands moved, seconded by Commissioner Aska to approve R-2683. Ayes: Aska, Landes, Sands, Taylor. Nays: Johnson. Motion carried.

Consideration of award of bid for banking services to Kansas State Bank for a three year term. Commissioner Sands moved, seconded by Commissioner Johnson to approve award of bid to Kansas State Bank for a three year term. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the 2013 Contract for Jail Services. Chief Brown stated that the City negotiated with the County to reduce the Jail Services contract to the current price from $700,000 per year. Commissioner Johnson stated that a bond was issued to pay for the City, and the County residents as a whole should pay for the costs. Finance Director Beatty stated that the courts would fall on the side of the county on funding. Chief Brown stated that the City typically has 14 to 15 people incarcerated at any given time. Commissioner Sands moved, seconded by Commissioner Taylor to approve 2013 contract for Jail Services. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and adoption of a resolution of support for the Kansas Department of Transportation 2014 Transportation enhancement Project K-18 Pathway. Commissioner Taylor suggested that the School District be contacted to discuss their participation in helping to fund the project match. Public Services Director McCaffery stated that he would discuss funding with Mrs. Teenor and seek a resolution of support from the County. Finance Director Beatty stated that Special Highway funds could be used for the project and not the General Fund. Commissioner Sands moved, seconded by Commissioner Taylor to approve R-2682. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and approval of the City Staff recommendation for the 2013 Street Maintenance Improvement Program. Mayor Landes asked if the plan is to give up on Jackson Street, because it is bad. Public Services Director McCaffery stated that crack sealing is going to be substantial as well as micro-surfacing going forward. The cost of micro-surfacing is $4 per square yard vs. $40 to $50 for mill and overlay. Commissioner Taylor stated that East Street needs to be addressed; people are looking toward future development in that area. Commissioner Sands moved, seconded by commissioner Aska to approve the 2013 Street Maintenance Improvement Program. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and Recommendation for the River Walk Landing Pond Improvements. Commissioner Sands moved, seconded by Commissioner Aska to proceed with bidding for the River Walk Landing Pond Improvements. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

A discussion of City Code Section 215.040 including "Certain Dangerous Animals" (Pit Bull ban). Commissioner Johnson suggested that people look to Google to get an understanding of the damage a pit bull can do; death results more often from pit bull attacks than other breeds. Chief Brown stated that the Police Department considers a dog a pit bull if it looks like a pit bull. Finance Director Beatty stated that the animal ordinance policy committee discussed the potential to allow ownership of one pit bull with strict restrictions. Some on the committee believed the proposed restrictions to be too severe. Commissioner Taylor stated that criminals will not follow the law, and only responsible owners would be impacted. Commissioner Johnson stated that he supports continuing the ban. Chief Brown stated that he has seen first-hand the damage that a pit bull can do; a woman was recently killed by a pit bull in Topeka. Commissioner Sands stated that the Military outlaws pit bulls. Chief Brown stated that the dangerous dog proposal addresses the issue too late because a tragedy would have to occur before action is taken.

UNFINISHED BUSINESS

Consideration of owner's Request for Annexation of the property at 1205 Hoover Road and approval of the Annexation Agreement concerning connection to City utilities. Commissioner Johnson asked if the property owner would pay for the water. Planning & Zoning Administrator Yearout stated that the project is not near completion, and updated documents will provided at a future meeting.

Consideration of written request of the property Owner to Deannex Property on South Side of Rucker Rd. at the west City limit line. Commissioner Johnson stated that this is clearly a rural property, and does the City want an open sewage lagoon with the City? Mayor Landes stated that the property has City land on three sides. Commissioner Aska stated that the City is looking to clean up the City border. Planning & Zoning Administrator Yearout stated that a property this size more than 5 acres allows for the uses proposed by the owner. Commissioner Johnson stated that the owner would need to purchase expensive fencing since barbed wire is not allowed within City limits. Mayor Landes suggested and Commissioner Taylor concurred that the MPC should consider the issue. Commissioner Sands moved, seconded by Commissioner Taylor to send the request to the Metropolitan Planning Commission for consideration. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

EXECUTIVE SESSION

An executive session to discuss issues of attorney client privilege. Commissioner Sands moved, seconded by Commissioner Johnson to adjourn to executive session at 10:49 p.m.to include the City Manager and City Attorney. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Aska moved, seconded by Commissioner Taylor to adjourn form executive session at 11:15 p.m. where no decisions were made and not actions were taken. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Aska stated that Martin Luther King celebration events will be held at the Marriott on Saturday.

ADJOURNMENT

Commissioner Sands moved, seconded by Commissioner Taylor to adjourn at 11:18 p.m. Ayes: Aska, Johnson, Sands, Taylor. Nays: none. Motion carried.

APPROVED AND ACCEPTED THIS 5th DAY OF FEBRUARY AS THE OFFICIAL COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR JANUARY 15, 2013.

Tyler Ficken, City Clerk

Pat Landes, Mayor