

**CITY COMMISSION MINUTES**

March 19, 2013

7:00p.m.

**CALL TO ORDER**

The regular meeting of the Junction City Commission was held on Tuesday, March 19, 2013 with Mayor Pat Landes presiding.

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

**PUBLIC COMMENT**

Commissioner Johnson stated that he doesn't think people can be sued for telling facts. City Attorney Logan stated that her prior advice was for any letter from the Commission to be factual. Commissioner Johnson stated that big law firms are always looking out for the bigger fish, and things are always the taxpayers fault. City Attorney Logan stated that the distribution of specials at the Olivia Farms development were legal. Commissioner Johnson stated that the City needs a local law firm.

A representative from the engineering firm HDR stated that they are looking forward to working with the local engineering firm Kaw Valley.

A representative from AMEC stated that they will use expert advice to modernize the storm water system and provide a more equitable fee system. They will work toward helping the City run the storm water system as a business.

Deb Johnston stated that she hopes someone running for office will bring Commissioner Johnson's ideas to the table. She congratulated Commissioner Johnson on becoming a Grandfather.

**CONSENT AGENDA**

Consideration of Appropriation Ordinance A-6 dated February 26, 2013 to March 11, 2013 in the amount of \$395,466.57. Commissioner Johnson moved, seconded by Commissioner Aska to approve the consent agenda. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration to approve the City Commission Minutes for March 5, 2013. Commissioner Johnson moved, seconded by Commissioner Aska to approve the consent agenda. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration and approval of voluntary refund to Medicare in the amount of \$6,156.62. Commissioner Johnson moved, seconded by Commissioner Aska to approve the consent agenda. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration to allow the Mayor to sign the Operations and Maintenance Assurance Statement for the Land Water Conservation Fund. Commissioner Johnson moved, seconded by Commissioner Aska to approve the consent agenda. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration of Award of Bid Fertilizer and Herbicide Application Junction City, Parks. (Bid NO – PR 13-002) for a total amount of \$17,124.54. Commissioner Johnson moved, seconded by Commissioner Aska to approve the consent agenda. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

### **NEW BUSINESS**

Consideration of a Memorandum of Understanding between the City of Junction City and the Junction City Community Baseball Club for use of Rathert Stadium. Parks & Recreation Director Lazear stated that the agreement would generate \$3,000.00 in revenue. Mayor Landes asked how many games would be played. Mike Heldstab stated that 21 games will be played. City Attorney Logan stated that the agreement will be changed to include an insurance clause; the Club will provide general liability insurance. Mike Heldstab stated that the insurance policy is in place. Commissioner Aska stated that he has a personal interest in the Junction City Community Baseball Club, and he will abstain. Commissioner Sands moved, seconded by Commissioner Johnson to approve the Memorandum of Understanding between the City of Junction City and the Junction City Community Baseball Club for use of Rathert Stadium with an added insurance provision. Ayes: Johnson, Landes, Sands. Nays: none. Abstention: Aska. Motion carried.

Consideration of a Memorandum of Understanding between the City of Junction City and the American Legion Post 45 Baseball Program for use of Rathert Stadium. Parks & Recreation Director Lazear stated that this agreement reflects the prior approved agreement. Commissioner Sands moved, seconded by Commissioner Aska to approve the Memorandum of Understanding between the City of Junction City and the American Legion Post 45 Baseball Program for use of Rathert Stadium. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion Carried.

Consideration of approval to seek bids for installing permanent electrical power in Heritage Park for the Sundown Salute event. Mayor Landes asked what the current cost for mobile power for the Sundown Salute event is. Ray Ibarra stated that the cost is approximately \$10,000 to \$15,000 per year; 2/3 of that cost could

be reduced in future year if there is transition to this system. Ray Ibarra stated that the system would be an improvement on an outdated system, and LED lights could be used at the park for additional savings. Mayor Landes stated that there is also the issue of safety, which he has received comments from the public on. Ray Ibarra stated that future maintenance costs would be minimal, and would service additional events such as Jammin in JC. City Manager Vernon stated that the Commission needs to consider first, the underground system, and secondly the lighting update. Mayor Landes stated that the felt the power system could be upgraded now, and plan for lighting improvements in the future. Commissioner Johnson stated that groups should specify the amount they can pay for power. City Manager Vernon stated that a fee system would be generated. Consensus was to move forward on seeking bids for the project.

Consideration and award of Bid Storm Water Management Master Plan contract. Commissioner Johnson stated that landlords have had issue with the current charges. Municipal Services Director McCaffery stated that those complaints will be addressed, and rates generally will be addressed to maintain the storm water system. Mayor Landes asked when the rate change proposal might come to the Commission. Municipal Services Director McCaffery stated that the rates could be addressed form October 2013 to December 2013, so unfortunately information will not be available for the 2014 budget. Municipal Services Director McCaffery stated that both surface and underground systems will be addressed, and areas holding water will be addressed for adequacy. Commissioner Sands asked how the study will be financed. Municipal Services Director McCaffery stated that the stormwater fund and budgeted amount will be used. Commissioner Aska moved, seconded by Commissioner Sands to approve award of bid for Storm Water Management Master Plan to AMEC in an amount not to exceed \$192,000. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration of Award of Bid for General Engineering Services contract. Municipal Services Director McCaffery stated that most work will be done at the 3 treatment plants; the HDR engineering firm has the proven technology and experience to provide services to the City. Commissioner Johnson stated that the range for services was \$50 per hour which he believes is high. Municipal Services Director McCaffery stated that budget and summaries are provided on page 137 of the packet, and the ASE provides a schedule of generally accepted pay rates. Commissioner Sands stated that there needs to be improvements for 5 year, 10 year, and 15 year plans. Municipal Services Director McCaffery stated that the plants currently use 1960's technology, and automation will be used to improve efficiencies. Commissioner Sands moved, seconded by Commissioner Aska to award to HDR the Bid for General Engineering Services. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration and Award of Bid 2013 Street Maintenance Program – Micro-surfacing. Municipal Services Director McCaffery stated that the single bidder

Vance Brothers also provided Micro-surfacing work the last couple years; a number of other providers were also directly solicited on this project. Commissioner Johnson stated that a large amount of crack sealing is scheduled for the subdivisions on the west side of town. Municipal Services Director McCaffery stated that the goal is to extend the life of those streets beyond their normal life because other City streets will need so much more attention. Mayor Landes asked if this would be the last year of micro-surfacing. Municipal Services Director McCaffery stated that the proposed streets are nearly the final candidates for micro-surfacing; future projects will need to be mill and overlay, but that process cost is 10 times more than micro-surfacing. Mayor Landes asked if the City could purchase mill & overlay equipment and work on repairing streets in house. Municipal Services Director McCaffery stated that the equipment is very expensive; Finance director Beatty stated that even large cities do not purchase their own equipment. Commissioner Sands moved, seconded by Commissioner Johnson to award Vance Brothers with the bid for 2013 Street Maintenance Micro-surfacing. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration of Ordinance S-3115, a request by interested parties, to rezone the property at 411 E. 8<sup>th</sup> Street from "IH" Heavy Industrial to "CCS" Central Commercial Special in order to convert the building to a restaurant/night club/bar operation. Planning & Zoning Administrator Yearout stated that there is no room for parking at the proposed location. Commissioner Johnson stated that something needs to be done with the property. Planning & Zoning Administrator Yearout stated that the interested party suggested that the zoning be allowed to go forward, and the parking issue will be dealt with later. Planning & Zoning Administrator Yearout stated that the Commission has the options to accept, change, or return the item to the MPC. Commissioner Aska moved, seconded by Commissioner Sands to approve Ordinance S-3115 adopting the recommendation of the MPC to deny the rezoning. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration of Ordinance S-3116, at the request of interested parties, to rezone from "Ag" Agricultural (Geary County) to "PDD" Planned Development District of a strip of land adjacent to the Country Club Hills Addition and approve the annexation thereof. Commissioner Sands moved, seconded by Commissioner Johnson to approve Ordinance S-3116. Ayes: Aska, Johnson, Landes, Sands. Nays: none.

Consideration of Ordinance S-3117 regarding case No. SUP-02-01-13, the request of Martin Cox for a Special Use Permit to establish a worm farm in the basement of his home at 226 East 12<sup>th</sup> Street. Commissioner Johnson moved, seconded by Commissioner Aska to approve Ordinance S-3117. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

Consideration of Case No. FP-02-02-13, Final Plat approval of the Quarry Addition, a Replat of Lot 8, Replat of Lots 2 thru 11 of Country Club Hills Addition and certain unplatted lands, to the City of Junction City, Kansas. Commissioner Sands moved, seconded by Commissioner Johnson to approve Final Plat of the Quarry Addition, a Replat of Lot 8, Replat of Lots 2 thru 11 of Country Club Hills Addition and certain unplatted lands, to the City of Junction City, Kansas. Ayes: Aska, Johnson, Landes, Sands, Nays: none. Motion carried.

Consideration of Settlement Agreement in Eminent Domain Proceeding between City and Bruce V. Johnson. City Attorney Logan stated that this agreement is the result of the City receiving a temporary but not permanent easement from the landowner for utilities that were placed on the owner's property. An agreement on the amount for settlement has been reached, but the action tonight would pay to settle any potential future. Commissioner Johnson stated that he is glad this information has been brought to the public. Commissioner Johnson stated that this type of litigation hurts the country; in the future, come to the podium and work this out. Commissioner Aska moved, seconded by Commissioner Sands to approve the settlement agreement between the City and Bruce V. Johnson in the amount of \$2,000.00. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

#### **COMMISSIONER COMMENTS**

Commissioner Aska stated that people should tune in to KJCK for the candidate forums.

Commissioner Johnson stated that he will continue to write letters to the editor in the future. Commissioner Johnson stated that some City services are truly county services, and should be paid for by all county residents which includes City residents.

Commissioner Sands stated that Walk Kansas has begun, he attended an uncasing ceremony, Juneteenth needs a chairperson, Street repair is needed on Bittersweet, and people need to vote.

Mayor Landes stated that people need to get out and vote, or don't complain about the result. Mayor Landes stated that the Governor's budget is concerning given the proposed improvements to US-77; funding for this project should not wither away due to budget inefficiency at the state level.

#### **STAFF COMMENTS**

City Manager Vernon stated that the coffee conversation to be held at Stevie's Bar & Grill on April 4<sup>th</sup> has been canceled.

#### **ADJOURNMENT**

Commissioner Sands moved, seconded by Commissioner Aska to adjourn at 8:45 p.m. Ayes: Aska, Johnson, Landes, Sands. Nays: none. Motion carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF APRIL AS THE OFFICIAL COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR MARCH 19, 2013.

  
Tyler Ficken, City Clerk

  
Pat Landes, Mayor