

CITY COMMISSION MINUTES

March 6, 2012

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, March 6, 2012 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 Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

Gerald Gerloff of Garfield Street stated that he has been told that the City is on the crescent and on the rise. Mr. Gerloff stated that he asked what the City's amount of debt was, and he was told that he would need to wait for the audit to be completed for that information to be provided.

Bob Muto of 1810 Carolina Ave stated that he was persuaded by the former City Manager, Assistant City Manager, and Russell Johnson to move his business to Junction City; He reluctantly made the move. Mr. Muto stated that he is looking for the best solution to solve the problem of low water levels at the Riverwalk pond. He stated that the pond stares him in the face every day. Mr. Muto stated that he is asked about the pond every week. Mr. Muto stated that he would rather have the water pumped to the pond instead of using stormwater because it is a more positive solution.

Mark Sanders of 2726 Glen Dean Rd. stated that he is worried about the water & wastewater treatment plant bids because of the disparity of costs, and the recommendation of the high bid. Mr. Sanders stated that the bid criteria are subjective, and there is a \$30,000 difference between the high and low bid. Mr. Sanders stated that the low bid should be the choice if they are qualified to complete the work.

CONSENT AGENDA

Consideration of Appropriation Ordinance A-5 2012 dated February 14th 2012 through February 2th 2012 in the amount of \$354,958.66. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the February 21, 2012 City Commission Meeting Minutes. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Tallgrass Cycling event in the Olivia Farms subdivision on May 26, 2012. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent

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Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of award of bid for 100 Trojan brand, model 1275 golf cart batteries. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of award of bid Athletic Fields Maintenance, Rathert Stadium. (Bid NO-PR 12-001). Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of a Memorandum of Understanding between the City of Junction City and the Junction City Junior Baseball Association for the use of City facilities. Commissioner Aska moved, seconded by Commissioner Sands to approve the Consent Agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

PUBLIC HEARING

A public Hearing to discuss amendments to the Neighborhood Revitalization Plan. City Attorney Logan stated that it would be best to hold the public hearing for this item during the discussion of consideration of R-2666.

UNFINISHED BUSINESS

Consideration of Ordinance G-1110 regarding city code updates to wastewater codes. Finance Director Beatty Presenting (Final Reading). Commissioner Sands stated that he approves of the change because there is not much runoff created from watering lawns. Commissioner Sands moved, seconded by Commissioner Taylor to approve Ordinance G-1110 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Ordinance G-1109 regarding City code update of water code. Finance Director Beatty Presenting (Final Reading). Finance Director Beatty stated that the property owner is responsible for water charges when there is not a renter inhabiting a unit; renters and not property owners are responsible for charges renters accrue. Commissioner Johnson moved, seconded by Commissioner Sands to approve Ordinance G-1109 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Ordinance S-3104 rezoning of property at the southeast corner of Washington on Chestnut from "CSR" Service Commercial Redistricted District, "MH" Mobile Home Park District, and "CCS" Central Commercial Special District to "CG" General Commercial District. Planning & Zoning Director Yearout presenting (Final Reading). Mayor Landes stated that it is good to take the steps to get this land prepared for development. Commissioner Aska moved,

seconded by Commissioner Johnson to approve Ordinance S-3104 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Ordinance S-3105 rezoning of numerous properties on the south side of 7th Street, Adams Street, and Garfield Street from "CSP" Special Commercial District to "RM" Multiple Family Residential District. Planning & Zoning Director Yearout presenting (Final Reading). Commissioner Johnson moved, seconded by Commissioner Aska to approve Ordinance S-3105 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

NEW BUSINESS

Consideration of Resolution R-2666 to amend the Neighborhood Revitalization Plan. City Attorney Logan presenting. Ben Kitchens stated that the proposed map reflects the community wishes. Leon Osbourn with Kaw Valley stated that the proposed areas must meet one of ten required criteria for inclusion in the Neighborhood Revitalization Plan. Commissioner Johnson stated that he has received a lot a questions regarding his support for this, but if the program is going to exist, then it needs to be opened up and stimulate the economy for a couple years until it ends; more people will have a chance to open a business with this plan. City Attorney Logan stated that NRP applicants must apply to the program before construction or improvements begin. Mayor Landes opened the public hearing to discuss issues regarding the proposed NRP plan. With no comment, Mayor Landes closed the public hearing. Mayor Landes stated that he has been made aware of a potential conflict if Commissioner Johnson votes on this item since he owns property in the proposed plan. Commissioner Johnson stated that he is going to vote for this because he is not swayed by things like this. City Attorney Logan stated that since Commissioner Johnson owns property in the proposed plan area, it would be inappropriate for Commissioner Johnson to vote. Commissioner Johnson stated that he will consider abstaining unless it appears the item is not going to pass. Commissioner Aska moved, seconded by Commissioner Sands to approve Resolution R-2666. Ayes: Aska, Landes, Sands, Taylor. Nays: none. Abstention: Johnson. Motion carried.

Consideration to receive donation of Animal Shelter quarantine building, and approve location at the Animal Shelter. Lisa Junghans presenting. Commissioner Sands asked if the building was going to work well; it appears on the small side. Ms. Junghans stated that the building is larger than it appears from the photographs. Commissioner Sands moved, seconded by Commissioner Johnson to approve receipt of donation of the Animal Shelter quarantine building and utility hookup charges. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Award of Bid to the lowest and most qualified bid to J&K Contracting, LC for the Riverwalk Landing Storm Sewer Improvements and approval of related construction easements. Assistant City Manager McCaffery presenting. Commissioner Johnson stated that he heard from Rothwell Landscaping that they would take the land at the location of the Riverwalk sign in exchange for the easement strip. Mayor Landes asked what the expense

would be annually for the pump option. Assistant City Manager McCaffery estimated that the pump would cost \$5,000 to \$6,000 annually to run with electricity. Leon Osbourn added that the pump would last approximately 10 years, and cost around \$3,000 to \$5,000 to replace. Mr. Osbourn added that the least expensive route would run a line along I-70; the project would be approximately \$80,000. Commissioner Johnson stated that he is convinced that the pond is still leaking to the level of the Wal-Mart pond. Commissioner Aska stated that the leak issue has been studied. Commissioner Sands stated that a portion of the water loss is due to evaporation. Commissioner Johnson stated that pumping water from the Wal-Mart pond would solve the problem of stagnant water there. Commissioner Johnson stated that he would like more information on the funds available in the stormwater budget. Assistant City Manager McCaffery stated that in addition to these projects, the fund is paying debt on completed projects. Commissioner Aska stated that purchasing water rights might be a more permanent fix. Assistant City Manager McCaffery stated that the change in plans would require approval from the State. City Manager Vernon stated the Commission decided to pursue the stormwater option very early in the tenure of the new Commissioners. Commissioner Taylor reminded the Commission that State approval will be required for the other plans. Commissioner Sands stated that he is concerned that the boat ramp is not available to the public. Commissioner Aska moved, seconded by Commissioner Johnson to reject all bids, and pursue options 2 & 3. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Taylor moved, seconded by Commissioner Johnson to take action to appeal the tax status of the Riverwalk Landing Park. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of professional services contract to Olsson Associates for the development and completion of a Nutrient Removal Study for the Southwest Wastewater Treatment Plant. Assistant City Manager McCaffery presenting. Assistant City Manager McCaffery stated that City staff used a qualifications based bid process for their recommendation. Assistant City Manager McCaffery stated that price is an important factor, but experience is also being considered: meat packing treatment experience, industrial pre-treatment, project schedule, and technical hours are considerations. Commissioner Johnson stated that he is worried about the different assessment standards between the two bids being presented. Commissioner Sands asked how long the current permit allows the plant to operate. Assistant City Manager McCaffery found the permit extension will last for one additional year. Assistant City Manager McCaffery stated that the two bid evaluation processes were different because the projects are not the same. Commissioner Johnson stated that major companies have submitted proposals, and all should be qualified. Commissioner Aska stated that he appreciated Assistant City Manager McCaffery's explanation of the recommended firm's experience, and reasoning accepting the higher bid. Commissioner Sands moved, seconded by Commissioner Johnson to approve the contract to Olsson Associates for the development and completion of a Nutrient Removal Study for the Southwest Wastewater Treatment Plant. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of a professional service contract to Albert Benesch & Company for the development and completion of separate assessment studies for the Water, Southwest

Wastewater and East Wastewater Treatment Plants. Assistant City Manager McCaffery presenting. Assistant City Manager McCaffery stated that he felt that spending 3 days on site is not enough to evaluate the operation thoroughly at the 3 plants. Assistant City Manager McCaffery stated that price accounts for 25% of the bid evaluation; in this instance the best bid has the highest price. Commissioner Johnson stated that Burns & Mac is a large company & can complete the work. Assistant City Manager McCaffery stated that Albert Benesch & Company will spend 300 more hours on site with this project. Commissioner Aska stated that he would like to know if there will be multiple personnel for the hours, or a single evaluator. Commissioner Johnson stated that the City has to engineer staff that can work this type of item. Commissioner Sands asked for Assistant City Manager McCaffery to explain the purpose of the project again. Assistant City Manager McCaffery stated that the City is looking for an assessment on the operations taking place at the water and wastewater plants, someone who can question best practices at the plants. The assessment would examine saving options to reduce costs, and offer a new perspective on operations. Commissioner Johnson stated that it may just take Albert Benesch & Company longer to conduct the study because they did not design the plant. Assistant City Manager McCaffery stated the qualifications are also important considerations. Commissioner Johnson stated that he believes that Burns & Mac are qualified because they designed the plant. Commissioner Sands stated that the project might need to be rebid due to the range of proposed project costs. Assistant City Manager McCaffery stated that there is an important factor to consider which is on the ground experience vs. design experience. Mayor Landes stated that Burns & Mac will be paid at a higher rate due to the lower number of hours they will spend at the plants. Commissioner Aska moved, seconded by Commissioner Johnson to table the item and have City staff provide additional information. Ayes: Aska, Johnson, Lands, Sands, Taylor. Nays: none. Motion carried.

COMMISSION COMMENTS

Commissioner Sands reminded people that there will be a City cleanup day on April 21, 2012.

Commissioner Aska stated that he had a wonderful time at a diner with the VFW.

Commissioner Johnson provided information regarding poor conditions of a dog in town that has been kept on a chain. Commissioner Johnson stated that he would like to see a law that keeps dogs off chains.

Commissioner Taylor stated that some of his students are working on a cleanup to go to Europe, and there may be groups for other communities who would like to come to Junction City of the cleanup day.

Mayor Landes congratulated Jody Testa of Lincoln Elementary for receiving a master teacher award. Mayor Landes stated that he attended a KDOT meeting where discussion regarding future US-77 improvements took place; a list of projects was considered including improvements to 11 interchanges.

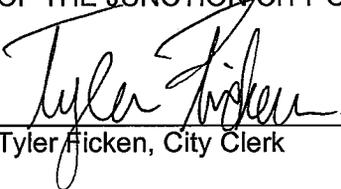
EXECUTIVE SESSION

Executive Session to discuss issues of attorney client privilege to include the Commission, City Attorney, and City Manager. Commissioner Sands moved, seconded by Commissioner Aska to enter into executive session at 10:07 PM for an executive session that will last 20 minutes. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Aska moved, seconded by Commissioner Johnson to adjourn from executive session at 10:27 PM where no decisions were made, and no actions were taken. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

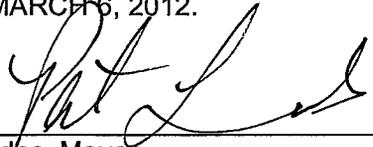
ADJOURNMENT

Commissioner Taylor moved, seconded by Commissioner Johnson to adjourn at 10:28 p.m. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 20TH DAY OF MARCH 2012 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR MARCH 6, 2012.



Tyler Ficken, City Clerk



Pat Landes, Mayor