

May 3, 2005

Mayor Jack W Taylor
Vice Mayor Terry Heldstab
Commissioner Mick Wunder
Commissioner Ken Talley
Commissioner Mike Rhodes

City Manager Rodney D. Barnes
City Clerk Colleen Woodruff
City Engineer Assisting Tom Neal
City Attorney Charles A. Zimmerman

1. 6:30 P.M. - INFORMAL DISCUSSION

2. 7:00 P.M. - CALL TO ORDER

- a. Moment of Silence.
- b. Pledge of Allegiance.

3. **CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner or a citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. Approval of Commission Minutes of April 19, 2005 City Commission Meeting.
- b. Approval of Appropriation **Ordinance Payroll Ordinance P-9** April 29, 2005 dated for the amount of \$175,480.40.
- c. The consideration of the **Ordinance G-978** for adding section 220.455 regarding theft of public library materials, to the code of the City of Junction City. (Final Reading).
- d. The consideration to waive the bid for the demolition of property located at 639 W. 11th Street owned by Jodell Delay.
- e. The consideration of payment request #1 for SWTP Geotechnical Study & Report to Geotechnology, Inc. in the amount of \$15,192.10.
- f. The consideration of payment request #1 for SWWTP Professional Services to Burns & McDonnell in the amount of \$597.63.
- g. The consideration of payment request #7 for Wheatland Hills #3-Construction in the amount of \$73,484.08

Commissioner Talley moved that the Consent Agenda be approved as presented. Commissioner Wunder seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

4. APPOINTMENTS:

- a. The Consideration of the appointment of Donald E. Lacer to fill the unexpired term of Sherry Finger on the Historic Preservation Advisory Board.

Commissioner Talley moved that Donald E. Lacer fill the unexpired term of Sherry Finger on the Historic Preservation Advisory Board. Commissioner Wunder seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

5. SPECIAL PRESENTATIONS:

- a. A special presentation by Eagle Scout Mike Gross for the development of a Frisbee Park Course at South Park.

Eagle Scout Mike Gross presented his idea to create a Frisbee Park Course at South Park. The course is for all ages and encourages fitness. Mr. Gross has worked with Rod Barnes and Clarence Mahieu on the project. The course will have nine holes and the approximate cost will be \$1,523. To reduce the costs, Mr. Gross worked with the metals teacher at USD 475 to build the metal holes. The holes are built to be portable.

- b. A Proclamation for the week of May 15th, 2005 for Peace Officer Memorial Day and May 15th thru May 21st 2005 for Police Week. Chief Bob Story accepting.

Police Chief Bob Story accepted the Proclamation for Peace Officer Memorial Day. Flags at the City building will be flown at half-mast on May 15, 2005.

- c. A Proclamation for the National Nurses Week in the week of May 6-12, 2005. Latona Adam Nursing Student from Manhattan Technical College accepting.

Latona Adam accepted the Proclamation for National Nurses Week.

- d. A Proclamation for the National Public Works Week on May 15-21, 2005. Ray Ibarra of Veolia Water accepting.

Ray Ibarra with Veolia Water accepted the Proclamation for National Public Works Week. Mr. Ibarra presented the Commission with an invitation to attend the annual Public Works BBQ on Friday, May 20, 2005 at noon.

- e. A Proclamation for the month of May 2005 for "The Older Workers Month".
Gertie Williams accepting.

Gettie Williams accepted the Proclamation for The Older Workers Month.

f. A Proclamation for the week of May 28, 2005 for Buddy Poppy Day given by the Ladies Auxiliary 8773 Veteran of Foreign Wars. Mary Reid accepting.

Mary Reid was unable to attend the Commission meeting to accept the Proclamation for Buddy Poppy Day. Rod Barnes will present Ms. Reid with the Proclamation.

g. A brief update from Jim Huntington on the Kansas Wildscape Governor's Classic.

Jim Huntington updated the Commission regarding the Kansas Wildscape Governor's Classic to be held on June 16th and June 17th of this year. Kansas Wildscape was created in 1990 and consists of 24 volunteers who love the outdoors. The cost of the two-day event is \$300. The Kansas Wildscape will dedicate the event to our soldiers. Their goal is to have 40 soldiers and their families participate. Kansas Wildscape will pay their fee. Of the money that the Kansas Wildscape raises, 95% of the money is used for the project. Five percent is used for administrative costs and fees.

h. The consideration of a resolution condemning racial discrimination in any form. (Resolution 2111).

Resolution 2111. Commissioner Talley moved to approve Resolution 2111 – The City of Junction City City Commission publicly condemns racial discrimination in any form. Commissioner Heldstab seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None. The Commission asked Chief Story to report back to the Commission his findings after attending a conference regarding discrimination.

6. PUBLIC HEARINGS:

a. The consideration of condemnation of a structure located at 316 W 10th Street owned by Edie Little (Resolution No. 2108).

Dave Hurley presented an update to the Commission regarding the condition of the property at 316 W. 10th Street. Mr. Hurley reported that all correspondence has been returned to the City. The owners have not come forward and shown an interest in making any improvements. Commissioner Talley moved to allow Edie Little 120 days to respond to the City's request to make improvements of the structure located at 316 W. 10th Street. Commissioner Rhodes seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

b. The consideration of condemnation of a structure located at 304 E 12th Street owned by Georgia D Milton (**Resolution No. 2109**).

Dave Hurley presented an update to the Commission regarding the condition of the property at 304 E. 12th Street. Mr. Hurley reported that Ms. Milton, owner, resided in New Jersey. Ms. Milton is asking for four months to make the necessary improvements. Her intention is to work on the house and bring it up to code. Commissioner Heldstab moved to allow Georgia Milton 180 days to make the necessary improvements to the structure located at 304 E. 12th Street. Commissioner Wunder seconded the motion. Motion carried four to one. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Wunder. Nays: Commissioner Talley.

c. The consideration of condemnation of a structure located at 129 E 1st Street owned by Jeff and Kathy York (**Resolution No. 2110**)

Mark Karmann presented an update to the Commission regarding the condition of the property at 129 E. 1st Street. Jeff and Kathy York have applied for a permit to repair the property and have completed approximately 50% of the necessary repairs. The York's stated that they intend to complete the repairs and that 120 days would be a sufficient amount of time. Commissioner Wunder moved to allow Jeff and Kathy York 120 days to make the necessary improvements to the structure located at 129 E. 1st Street. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

7. YOUTH COMMISSION COMMENTS:

None.

8. UNFINISHED BUSINESS

a. The consideration to award the bid to Walters-Morgan Construction, Inc. for the Southwest Wastewater Treatment Plant Improvement Project in the amount of \$3,249,000.

Rod Barnes presented information to the Commission regarding the award for the Southwest Wastewater Treatment Plant Improvement Project. The low bid came from Walter-Morgan Construction, Inc. in the amount of \$3,249,000. The City will obtain a low interest loan that will be paid for over the next 20 years. Burns-McDonnell will be the construction manager of the project. Construction will begin in the summer of 2005 and is expected to be completed by the spring of 2006. Commissioner Wunder moved to approve the bid from Walters-Morgan Construction, Inc. for the Southwest Wastewater Treatment Plant Improvement Project in the amount of \$3,249,000. Commissioner Talley seconded the motion. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

- b. Report on the progress of condemnation of property located at 229-1/2 E. 14th Street owned by Larry Ruiz.

Dave Hurley updated the Commission on the property located at 229-1/2 E. 14th Street. Ninety-nine percent of the outside of the property is completed. However, the bedroom windows do not meet the code for egress. The openings of the windows are the correct size; however, the way the windows open, they decrease the egress. In order to meet code, the windows must be changed. The plumbing must be done by a licensed contractor. The original deadline to complete the necessary improvement was April 30, 2005. It is Mr. Hurley's opinion that the structure has not been completed as of May 3, 2005. It is Mr. Ruiz's opinion that the structure is complete and he requests the Commission to approve the project. Commissioner Heldstab suggested that Mr. Ruiz return to the next City Commission meeting with a plan of action as to why the windows were not made to code, how long it will take to manufacture new windows that do meet code and when the new windows will be installed. Commissioner Wunder moved to allow Mr. Ruiz 45 days from May 3, 2005 to complete the project or the property located at 229-1/2 E. 14th Street will be condemned. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

- c. Report on the progress of condemnation of property located at 228 E 5th Street owned by John Grant.

Mark Karmann updated the Commission regarding the property located at 228 E. 5th Street. Repairs have been made to the front porch, the roof on the front and rear porches, and the decking. The foundation is still in need of repair, as well as the windows, the main portion of the roof. The panes of the windows have been installed; however they have not been glazed. The deadline with an extension was April 24, 2005. Commissioner Wunder moved to allow John Grant until July 31, 2005 to complete the project or the property at 228 E. 5th Street will be condemned. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

9. NEW BUSINESS:

- a. The consideration of award of bid on the City of Junction City Property and Liability Insurance Renewal from May 15, 2005 to May 15, 2006.

James Charlesworth & Associates presented the renewal of the City's Property and Liability Insurance policy. The policy is bid out every three years. The policy will be marketed in 2006. There is an increase of one percent over the last contract. The coverage and conditions will remain the same. Commissioner Wunder moved to approve the City of Junction City Property and Liability Insurance Renewal from May 15, 2005 to May 15, 2006. Commissioner Heldstab seconded the motion. Motion carried five to zero.

Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

b. The consideration to waive the 2005 payment in Lieu of Taxes (Pilot) by the Junction City Housing Authority (JCHA).

Due to financial issues, the Junction City Housing Authority requests to waive the 2005 payment in Lieu of Taxes. This item has been tabled until a future date. The Commission requests that Mr. Johnston or a representative of the Housing Authority attend the next City Commission meeting to discuss the waiver.

c. The consideration of an application for the Justice Assistance Grant from the State of Kansas. The application is made for in-car digital video cameras for the patrol and interdiction vehicles. (Bob Story will present).

Police Chief Bob Story presented information to the Commission regarding the Justice Assistance Grant (JAG). The City can apply for the grant for four consecutive years. This will be the second year for the City to apply. The grant is a progressive matching grant. If awarded, the grant will allow the Police Department the opportunity to update and improve the in-car digital video cameras for patrol and interdiction vehicles. The City's portion of the matching grant will be paid for out of the drug fund. Commissioner Wunder moved to approve the application for the Justice Assistance Grant from the State of Kansas. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

d. The consideration to Annexation, Rezoning and Final Plat Johnson's 2nd (S-2749) from County Agricultural (A) to Central Commercial Special (CCS) by the owner Mr. Russell M. Johnson. (First Reading)

Rod Barnes presented information regarding the Annexation, Rezoning and Final Plat Johnson's 2nd (S-2749) from County Agricultural (A) to Central Commercial Special (CCS). The MPC has approved this request. Commissioner Wunder moved to approve the Annexation, Rezoning and Final Plat Johnson's 2nd (S-2749) from County Agricultural (A) to Central Commercial Special (CCS) by the owner Mr. Russell M. Johnson (First Reading). Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

e. The consideration to Annexation, Rezoning and Final Plat on Spring Valley Road (S-2760) from County Agricultural (A) to District to city General Residential (RG) by the owner Spring Valley, LLC. (First Reading)

Leon Osborn presented information to the Commission regarding the Annexation, Rezoning and Final Plat on Spring Valley Road (S-2760) from County Agricultural (A) to District to City General Residential (RG). City Attorney Charles Zimmerman informed the Commission that the law requires

the County to conduct certain findings before the annexation can be accomplished. Commissioner Wunder moved to approve Resolution R-2112 Resolution under K.S.A. 12-520c Requesting the Geary County Commission to Make Certain Findings Regarding Annexation of Land not adjoining the City of Junction City. Commissioner Rhodes seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

10. GENERAL DISCUSSION:

Mr. Castor spoke to the Commission regarding problems with the street on 4th Street. He wanted to know if speed limit signs could be posted or Crime Watch signs could be posted. Any deterrent to prevent people from speeding would be appreciated.

11. COMMISSIONER COMMENTS:

Commissioner Rhodes – Requested that Chief Story look into the issues on 4th Street. Commissioner Rhodes also requested that the City staff look into the audio system in the Commission room. Jim Germann will research the audio system.

Commissioner Wunder – No comments.

Commissioner Talley – Asked Chief Story about the neighborhood watch programs. Chief Story explained that if anyone is interested in the neighborhood watch program, they need to contact Captain Rich or Sergeant Roberts at the Police Department.

Commissioner Heldstab – Asked about the tent vendor in the General Dollar Store parking lot. The City does not currently have a way to monitor the collection of sales tax. The City can regulate the time and place where vendors set up, but not the type of commodities sold. City Attorney Charles Zimmerman commented that the City would have to consider the full ramifications of passing an ordinance that regulated the collection of sales tax. Interstate Commerce regulations need to be considered also. Commissioner Talley suggested that the City draft a letter to businesses that allow vendors to set up in their parking lots regarding the Commission's concerns. The City Attorney will draft the letter. Mayor Taylor requested that the City Manager check with the State on tax collection processes.

Mayor Taylor – No comments.

12. QUESTIONS & ANSWER PERIOD WITH CITY MANAGER & STAFF

Commissioner Rhodes – No comments.

Commissioner Wunder – He has received complaints about the properties located at 322 S. Webster and 225 W. 2nds. He asked City staff to monitor these properties.

Commissioner Talley – No comments.

Commissioner Heldstab – No comments.

Mayor Talyor – He asked about Mr. Tom Bishop and the progress on the Bartell House. The City Manager had a meeting today and toured the Bartell House with Angela Shearer. From her stand point, there should not be any issues from the National Park Service or the Historical Society. The Economic Development Board will hear a request to begin demolition on May 12, 2005.

13. EXECUTIVE SESSION:

a. An executive session to conduct preliminary discussions relating to the acquisitions of real property.

Commissioner Heldstab moved to go into executive session to last no longer than fifteen minutes and to include the City Manager, the City Attorney, and the Economic Development Director to conduct preliminary discussions relating to the acquisitions of real property. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

Commissioner Heldstab moved to reconvene the Commission meeting. Commissioner Wunder seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

Mayor Taylor stated that no decisions were taken in the executive session.

14. ADJOURNMENT

Commissioner Rhodes moved to adjourn the Commission meeting. Commissioner Talley seconded the motion. Motion carried five to zero. Ayes: Commissioner Heldstab, Commissioner Rhodes, Mayor Taylor, Commissioner Talley, Commissioner Wunder. Nays: None.

APPROVED AND ACCEPTED THIS 17th DAY OF MAY 2005 AS THE OFFICIAL
COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR MAY 3RD, 2005.



Colleen Woodruff, City Clerk



Jack W. Taylor, Mayor