

## CITY COMMISSION MINUTES

May 17, 2005

7:00 P.M.

The regular meeting of the Junction City Commission was held on Tuesday, May 17, 2005 with Mayor Taylor presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Jack Taylor, and Mick Wunder. Absent: Ken Talley. Staff present was: City Manager Rod Barnes, City Attorney Charles Zimmerman, Acting City Engineer Tom Neal and City Clerk Colleen Woodruff.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the consent agenda as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried. The consent agenda consisted of the following:

- a. Approval of Commission Minutes of May 3, 2005
- b. Monthly reports:
  - 1) Engineering/Project Status Report
  - 2) Fire
  - 3) EMS Department
  - 4) Inspection Department
  - 5) Personnel/EEO
  - 6) Police Department
  - 7) Water Administration
  - 8) Veolia Water
    - Wastewater Treatment Facilities
    - Water Treatment Plant
    - Public work
  - 9) Parks & Recreation
  - 10) Parks & Recreation & Forestry Report
  - 11) Rolling Meadows Golf Course
  - 12) Rolling Meadows Golf Course Maintenance Section Activity Report
  - 13) Self Help Housing
- c. The consideration to Annexation, Rezoning and Final Plat Johnson's 2<sup>nd</sup> (S-2749) from County Agricultural (A) to Central Commercial Special (CCS) by the owner Mr. Russell M. Johnson. (Final Reading).

- d. The consideration for the award of bid on the construction of Street, Sewer, and Water Improvements to serve the 14<sup>th</sup> Street Commons to the low bidder, Midland Contracting, Inc. from Kearney, Nebraska in the amount of \$468,123.00.
- e. The consideration of acceptance of a petition for street, sewer and water improvements for the new subdivision, Wheatland Hills Unit No.4. The estimated cost of the improvements is \$463,209.00.
- f. The consideration on Resolution (R-2117) to put streetlight at various areas in the 14<sup>th</sup> Street Place Addition.
- g. The consideration on Resolution (R-2113) authorizing the mayor's signature on the Union Pacific Railroad Crossing Signal at the East Ash Street extension.
- h. The consideration of a change order to the original contract with Bowman Bowman Novick Inc. on the Opera House Stabilization Project in the amount of \$6,375 to repair and replace the roof over the stage.
- i. The consideration for payment #2 to Mid Continental Restoration Company for the Junction City Opera House Stabilization project in the amount of \$39,502.08.
- j. The consideration of agreement with Westar to install electric underground on the 14<sup>th</sup> Street Commons Project.
- k. The consideration of agreement with Kaw Valley Engineering for construction observation services in the amount of \$26,578.00 for the 14<sup>th</sup> Street Commons project.
- l. The consideration of agreement with the Union Pacific Railroad for at a grade crossing on the East Ash extension.
- m. The consideration of approval of the Golf Advisory Board's by-laws.
- n. Approval of Ordinance Payroll Ordinance P-10 May 13, 2005 dated for the amount of \$159,344.28 and the Appropriation Ordinance A-20 for May 13, 2005 in the amount of \$251,992.95.
- o. The consideration of the Buffalo Soldier Park Addition bid tabulation sheet from Kaw Valley Engineering, Inc. Kaw Valley Engineering, Inc. would like to award the bid to J & K Contracting, L.C. in the amount of \$158,244.30.

#### **4. APPOINTMENTS:**

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the appointment of Brad Scholz to the Junction City Public Housing Authority for a 3-year term. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

#### **5. SPECIAL PRESENTATIONS:**

Mayor Taylor proclaimed the month of June as National Historic Preservation Month and presented a proclamation to Darren Gunderson.

Police Chief Story representing the Junction City Police Department Community Involvement Team explained the blight procedures for high vegetation.

Acting City Engineer Tom Neal briefed the City Commission on the proposed 2005 street maintenance program. He stated that the City was applying for Kansas Department of Transportation revolving loan program to finance the improvements.

Commissioner Wunder moved, seconded by Commissioner Heldstab to set June 16, 2005 as the bid date for the 2005 Street Maintenance Program with award of bid on June 21, 2005. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

#### **PUBLIC HEARINGS**

Mayor Taylor opened a public hearing for the purpose of the proposed issuance of Taxable Industrial Revenue Bonds, Series 2005 (Grocery Supply Company Project) principal amount not exceeding \$10,000,000 and regard to an exemption from ad valorem taxation for property constructed or purchased with the proceeds of the bonds.

City Manager Barnes stated that there is no financial obligation to the City. The City will be the conduct for transaction.

Mayor Taylor closed the public hearing. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Resolution R-2114 concerning the advisability of issuing the bonds as requested. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

## **PUBLIC HEARING**

Mayor Taylor opened a Public Hearing concerning the financing of an improvement project for the City's Southwest Wastewater Treatment Plant. City Manager Barnes stated that the City had applied for a loan through KDHE to finance the mandated improvements at the Southwest Wastewater Plant. The repayment of the loan will be through the water and sewer fund. Con-Agra will be helping with a majority of the repayment.

Mayor Taylor closed the public hearing.

Commissioner Wunder moved, seconded by Commissioner Heldstab to move forward with the loan application for the financing of the improvements to the Southwest Waste Water Treatment Plant. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

## **YOUTH COMMISSION COMMENTS**

Angel Romero stated that the Youth Commission is still negotiating with the Marriott to hose the New Years Eve Celebration for the Youth of the Community. They will be working with the J-Club to help with the fund raising project for this project. He stated that the Youth Commission gave a presentation to the 8<sup>th</sup> graders at Fort Riley Middle School. He said that the Youth Commission is concerned about safety issues at the Skate Park. He also stated that the Commission is working with a task force committee to develop a resource guide for the youth of the city.

## **NEW BUSINESS:**

### **CONSIDERATION OF ORDINANCE S-2760 ANNEXATION, REZONING AND FINAL PLAT ON 77 ACRES ON SPRING VALLEY ROAD**

Ordinance S-2760 was presented on first reading.

#### **ORDINANCE S-2760**

**AN ORDINANCE RELATING TO CERTAIN UNPLATTED LAND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS: APPROVING AND ACCEPTING THE FINAL PLAT OF SAID LAND, THE PUBLIC DEDICATIONS, STREETS, BUILDING LIMIT LINES AND UTILITY EASEMENTS SHOWN THEREON AS JOHNSON'S 2<sup>ND</sup> ADDITION TO THE CITY OF JUNCTION CITY, GEARY COUNTY, KANSAS:**

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Ordinance S-2760 on first reading. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**THE CONSIDERATION ON A NEW LIST OF ADDRESSES FOR HOMES 2004  
REPAIRS FROM JONI HERNLY.**

Jonie Hernley, Hernley & Associates presented to the Commission a list of 6 properties for the 2004 HOME grant projects. The homes are: 434 W. 7<sup>th</sup>, 522 W. 2<sup>nd</sup>, 1221 W 21<sup>st</sup>, 135 E. 15<sup>th</sup>, 130 E. 9<sup>th</sup> and 127 E. 2<sup>nd</sup>. The property at 127 E 2<sup>nd</sup> is pending if enough funds are available when the other homes are completed. She stated that 17 applications were received.

Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the homes submitted for the 2004 HOME Grant. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**RESOLUTION 2115 - THE CONSIDERATION OF AUTHORIZING THE  
OFFERING FOR SALE OF TAXABLE GENERAL OBLIGATION BONDS,  
SERIES DO, OF THE CITY OF JUNCTION CITY, KANSAS.**

Resolution 2115-authorizing the offering for sale taxable general obligation bonds series DO was presented for consideration.

City Manager Barnes stated that the projects financed through this series of bonds included Empire Home, D.J. Christie retail development, JC Logistics (trucking company) and the Grocery Supply Company.

Commissioner Wunder moved, seconded by Commissioner Heldstab to approve Resolution 2115 as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

**ORDINANCE NO. S-2761--THE CONSIDERATION OF TO PASS THE  
TAXABLE GENERAL OBLIGATIONS BONDS SERIES DO IN THE AMOUNT  
OF \$6,085,000.00. (FIRST READING)**

Ordinance S-2761 was presented on first reading.

**ORDINANCE NO. S-2761**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE  
ISSUANCE OF \$6,085,000\* PRINCIPAL AMOUNT OF TAXABLE  
GENERAL OBLIGATION BONDS, SERIES DO, OF THE CITY OF  
JUNCTION CITY, KANSAS; PROVIDING FOR THE LEVY AND  
COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF  
PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS  
AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER**

**DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH;  
AND MAKING CERTAIN COVENANTS WITH RESPECT  
THERE TO.**

City Manager Barnes stated that this is the first step in the process to sell the bonds. He stated that the final reading of the Ordinance would not take place until the city's bond counsel has received the bids.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Ordinance S-2761 on first reading. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**ORDINANCE NO S-2762 THE CONSIDERATION ON TO AUTHORIZE THE  
ISSUANCE OF GENERAL OBLIGATION BONDS IN THE AMOUNT OF  
\$1,360,000 TO PROVIDE FUNDS FOR AN ECONOMIC DEVELOPMENT  
LOAN/GRANT TO BE USED IN CONNECTION WITH THE ACQUISITION AND  
CONSTRUCTION OF A RETAIL SHOPPING CENTER TO BE LOCATED IN  
THE CITY. (FIRST & SECOND READING)**

Ordinance S-2762 was presented on first and second reading.

**ORDINANCE NO. S-2762**

A HOME RULE ORDINANCE OF THE CITY OF JUNCTION CITY, KANSAS, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PROVIDE FUNDS FOR AN ECONOMIC DEVELOPMENT LOAN/GRANT TO BE USED IN CONNECTION WITH THE ACQUISITION AND CONSTRUCTION OF A RETAIL SHOPPING CENTER TO BE LOCATED IN THE CITY.

City Manager Barnes stated that the property was acquired by eminent domain. The City purchased the property at the appraised amount and the developers D.J. Christies have paid the city for the building. Margo Conley, Retail Specialist stated that the company has started demolition on a portion of the building. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve Ordinance S-2762 on first/second reading. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**RESOLUTION-2116 THE CONSIDERATION ON TO AUTHORIZING THE  
OFFERING FOR SALE OF TEMPORARY NOTES, SERIES 2005-A IN THE  
AMOUNT OF \$2,395,325.74 FOR SPECIAL ASSESSMENT PROJECTS.**

Resolution 2116 authorizing the offering for sale temporary notes, series 2005-A in the amount of \$2,395,325.74 was presented for consideration. The projects included are East Ash Street extension, 14<sup>th</sup> Street Commons and Buffalo Park Addition improvements.

City Manager Barnes stated that local banks would have the opportunity to be involved in the projects. Pay back of the temporary notes will be from special assessments on the 14th Street Commons development and the Buffalo Park Addition. The community at large will pay the East Ash Street Extension.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Resolution 2116 as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**REVIEW OF THE AGREEMENT BETWEEN THE CITY OF JUNCTION CITY AND REGENCY MOBILE HOME ON THE REMEDIATION OF THE BLIGHTING CONDITIONS AT THE PARK AND THE REMOVAL OF SUB-STANDARD UNITS.**

City Attorney Zimmerman stated that a consent agreement had been reached between the management of Regency Mobile Home Court and the City of Junction City. The new management has hired additional workers to remove and refurbish units. They are working with the City's inspection department on the clean up of lots. Commissioner Rhodes asked what the City could do if the court does not uphold the agreement. City Attorney Zimmerman stated that they could have citation and return to Municipal Court

Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the consent agreement as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**THE CONSIDERATION OF PROPOSE FEE INCREASE AT THE ROLLING MEADOWS GOLF COURSE.**

Jeremiah Carter and John Wimbish, Rolling Meadows Golf Course addressed the Commission on proposed rate changes at Rolling Meadows Golf Course. The proposed changes are: Single membership current 390.00 proposed single membership 355.00; current family membership 510.00, proposed family membership 575.00; proposed senior membership 355.00; current junior membership 100.00, proposed junior membership 150.000.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the fee increases as presented, Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**THE CONSIDERATION OF CHANGES TO THE CITY'S REVOLVING LOAN FUND PROGRAM.**

Larry Cope, Economic Development Director briefed the Commission on proposed changes to the revolving loan program. The changes included: the applicant must be presented at both the EDC board meeting and the City Commission meeting, added retail to the criteria, the monies will not be used for construction financing.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the changes as recommended. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

**G-979 THE CONSIDERATION OF AN ORDINANCE ADDING A SECTION TO THE CITY'S CODE THAT WOULD REGULATE TRANSIENT MERCHANTS.**

Ordinance G-979 was presented on first reading.

**ORDINANCE G-979**

**AN ORDINANCE REGULATING TRANSIENT MERCHANTS AND AMENDING SECTION 600.235 OF THE ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS.**

City Attorney Zimmerman stated that the purpose of the changes is designed to license transient merchants so the City knows who they are, have them pay a nominal license fee and require them to show evidence of liability insurance and their Kansas Sales Tax number.

Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve Ordinance G-979 on first reading, Ayes: Heldstab, Rhodes, Taylor. Nays: Wunder. Absent: Talley. Motion carried.

**NEIGHBORHOOD REVITALIZATION APPLICATIONS**

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization application was received from Don Boyer to construct a new strip center on East Chestnut Street. The investment for the project is \$1,200,000.00. The project meets the requirements for a 95% tax rebate for 10 years.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the application as requested. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization Application was received by Junghans Agency for construction of a new 16 unit town home complex located at 1738 N. Jefferson. The investment

for this project is \$1,000,000.00. The project meets the requirements for a 95% tax rebate for ten years.

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the application as requested. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization Application was received from Leo Kid to construct two 8 unit apartment complexes located in the 400 Block of South Washington. The investment amount for this project is \$1,075,000.00. The project meets all of the requirements for a 95% tax rebate for ten years.

Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the application as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization Application was received from George Marcus to construct a new home at 432 W. 5<sup>th</sup> Street. The investment amount will be \$95,000.00. The EDC Board approved a declining scale rebate.

Commissioner Wunder moved, seconded by Commissioner Rhodes to table any action on the application until the next city commission meeting. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried.

#### **LOAN FOR DEVELOPMENT OF LOWER LEVEL OF THE BARTELL HOTEL**

Larry Cope, Economic Development Director stated that Homestead Affordable Housing has submitted an application for \$100,000.00 to develop the first floor of the Bartell Hotel. They have a tenant that has signed a lease for the building. The loan will be paid back in its entirety over a ten-year period. The tenant will create a minimum of 10 jobs and demo must start by June 15<sup>th</sup>. Margo Conley stated that the roof and windows would be completed as well as the lower level development.

Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve a loan to Rural Development in a not to exceed amount of \$100,000.00 with the City guarantying the loan. Ayes: Heldstab, Rhodes, Wunder. Nays: Taylor. Absent: Talley. Motion carried.

#### **GENERAL DISCUSSION**

Mayor Taylor opened the meeting for General Discussion.

There was no general discussion.

#### **COMMISSIONER COMMENTS**

Mayor Taylor opened the meeting for Commissioner Comments.

Commissioner Rhodes stated that a lot of positive projects were going on in the city and hoped that the momentum would continue.

#### **QUESTIONS & ANSWER PERIOD WITH CITY MANAGER & STAFF**

There were no questions for staff.

#### **STAFF COMMENTS**

Mayor Taylor opened the meeting for staff comments

City Manager Barnes stated that the City was notified that they had received the Transportation Enhancement Grant for the North Jackson Drainage Ditch project. The total grant is for \$2,775,000.00 with 75% being funded by KDOT.

He stated that the Joint City/County meeting would be Monday May 23 at the Geary County Building at 4:00 p.m.

#### **EXECUTIVE SESSION**

Commissioner Heldstab moved, seconded by Commissioner Rhodes to adjourn into executive session at 9:00 p.m. to reconvene at 9:30 p.m. to discuss matters related to acquisition of property. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: None. Absent: Talley. Motion carried. Included in the executive session were City Manager, City Attorney, and Economic Development Director.

The City Commission reconvened into regular session at 9:30 p.m. having taken no action nor made any decisions while in executive session.

#### **ADJOURNMENT**

Commissioner Heldstab moved, seconded by Commissioner Wunder to adjourn at 9:30 p.m. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 7<sup>TH</sup> DAY OF June 2005 AS THE OFFICIAL COPY OF THE JUNCTION CITY COMMISSION MINUTES FOR MAY 17, 2005.

  
Colleen Woodruff, City Clerk

  
Jack W. Taylor, Mayor