CITY COMMISSION MINUTES

June 7, 2005 7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, April 19 2005 with Mayor Taylor presiding.

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

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda as amended (removing item P). Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Abstain: Heldstab. Motion carried. The consent agenda consisted of the following:

a. Approval of Commission Minutes of May 17, 2005 City Commission Meeting.

b. Approval of Appropriation Payroll Ordinance P-11 dated June 3rd 2005 in the amount $256,923.57 and the Appropriation Ordinance A-21 for June 3rd, 2005 in the amount of $157,690.53.

c. The consideration of Ordinance S-2760 annexing, rezoning and accepting the Final Plat on 77 acres on Spring Valley Road from County Agricultural (A) to District to city General Residential (RG) (Final Reading).

d. The consideration of Resolution 2118 to authorize the City of Junction City to purchase certain property as part of the City's Self-Help Housing Program. The resident commonly known as 208 E 16th Street owned by Enrico J. Villery in the amount of $9,000.00.

e. The consideration of a petition by Kaw Valley for Partial Vacation of Easement for lot 6, in Wheatland Hills Subdivision Unit No. 3 to Randy Heldstab.

f. The consideration of a final payment to Pearson Excavating in the amount of $43,101.00 for the project on the 14th Street place Redevelopment Project.

g. The consideration of pay estimate #7 to Burns & McDonnell in the amount of $46,220.00 for the 2004 SWTP (design improvement) Project.

h. The consideration of pay estimate #3 to Burns & McDonnell in the amount of $18,163.24 for the Southwest Treatment Plant professional Services for Bid Phase.

i. The consideration of pay estimate #7 to Wilson & Company in the amount of $19,395.30 for the Rimrock Dam Assessment & Permitting Service.

j. The consideration of pay estimate #4 to J & K Contracting L.C for the Hunter's Ridge Off-site Improvement-Construction Project in the amount of $32,364.45.

k. The consideration of final payment to J & K Contracting, L.C. for the Wheatland Hills #3 Addition Construction in the amount of $20,715.23.

l. The consideration of award of bid to Glessner Excavating for the site grading on the water line extension and street construction of Wildcat Lane in the amount of $15,396.38.

m. The consideration of an agreement with Kaw Valley Engineering for construction inspection services on Buffalo Soldier Addition in the amount of $13,993.00.

n. The consideration of Ordinance S-2763 for the final plat of Wheatland Hills Subdivision Unit No. #4. The property owner is Schoenrock Investments. (First Reading)

o. The consideration for the opening bids for installation of a Skate Ramp located at Bramlage Park. The bids will close on June 22nd at 4:00 p.m. at the Parks and Recreation Office.

p. The consideration of Ordinance G-979 adding a section to the City's code that would regulate transient merchants. Final reading. (removed and placed on regular agenda).

CONSIDERATION OF ORDINANCE G-979 REGULATION OF TRANSIENT MERCHANTS

ORDINANCE G-979

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

Commissioner Talley and Commissioner Wunder asked why the fee that was to be charges was only $25.00. City Attorney Zimmerman stated that because of the Interstate Commerce Law the city needed to treat the transient merchant the same as a local resident. The city is not currently charging the local residents any fee and to increase the fee any higher to the transient merchants the city is opening themselves up to a low suit.

Commissioner Taylor directed staff to contact the Kansas Department of Revenue about this issue.

Commissioner Wunder asked if the City could require a receipt be given to the customers that have a phone number and name for the purpose of customer satisfaction and/or complaints.

City Attorney Zimmerman stated that the city could not enforce that.

Commissioner Wunder moved, seconded by Commissioner Heldstab to approve Ordinance G-979 on final reading contingent on the further strengthening of the ordinance in the future. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

SPECIAL PRESENTATIONS

Retired General Richard Seitz , Retired Colonel Fred Dolan and John Montgomery presented the Statement of Employer Support for the National Guard and Reserve. City

Manager Barnes stated that the City currently had four employees serving or about to serve in Iraq.

Mayor Taylor proclaimed June 11th 2005 as Juneteenth Day and presented the proclamation to Joniece Pitts Chairperson of the Juneteenth Committee .

Mayor Taylor proclaimed the days of June 10th through the 11th, 2005 for American Cancer Society for Life and presented a proclamation to (Mary (Ann) Johnson -Kellerman).

Rick Dykstra gave a presentation on the production of Junction City Directed by CVB.

YOUTH COMMISSION COMMENTS

Angel Romero stated that the Youth Commission had signed a $6000.00 contract for the New Years Eve Party at the Marriott and will now be concentrating on the fund raising events.
He also stated that they will be having a car light parade as part of the Sundown Salute events. It will be held on July 1 at 9:00 p.m.
He stated that in August new Youth Commissioners will be sworn in.
He said that the Youth Commission is working with Pratt, Kansas to assist in forming a Youth Commission there.

STRUCTURE REPORT-226 ½ E 14TH

David Hurley, Inspection Department stated that the owner of 226 ½ E 14th , Larry Ruiz had completed all of the repairs that the City had asked of him . He stated that staff was requesting that the property be removed from the condemnation list.
Commissioner Heldstab moved, seconded by Commissioner Wunder to remove 229 E 14th from the condemnation list. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

Larry Cope stated that the property located at 229 ½ E 14th met the requirement of the Neighborhood Revitalization.
Commissioner Wunder moved, seconded by Commissioner Heldstab to approve the Neighborhood Revitalization Application for 229 ½ E 14th. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

NEIGHBORHOOD REVITALIZATION APPLICATION 432 W 5TH

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization Application had been received from George Marcus to construct a new home at 432 W 5th. The investment amount is $95,000.00. The project meets all of the requirements. Commissioner Wunder moved, seconded by commissioner Talley to approve the application as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

AGREEMENT-ELKS/FEGAN ENTERPRISES

City Attorney Zimmerman stated that the City had reached an agreement with the Elks Lodge and Fegan Enterprises to acquire the right of way for the East Ash Extension. The City would purchase the property from the separate entities, pay the legal fees of each and the appraisal fee.. The City will pay the Elks 33,944.50 which includes 1500.00 attorney fees. The City will pay Fegan Enterprises 44,377.50 which includes 1500.00 legal fees for a total of $78,322.00.
Commissioner Wunder stated that he was against paying the legal fees. Commissioners Talley and Heldstab agreed with Commissioner Wunder.
Commissioner Wunder moved seconded by Commissioner Talley to approve paying all of the fees except for the attorney fees. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Abstain: Rhodes. Motion carried.

City Attorney Zimmerman stated that he would contact the entities and proceed from there.

NEIGHBORHOOD REVITALIZATION APPLICATION 300 BLOCK W. CHESTNUT

Larry Cope, Economic Development Director stated that a Neighborhood Revitalization Application had been received from Flinthills, LLC to construct an extended stay motel consisting of 82 units in the 300 block of West Chestnut. The investment amount is $3,250,000.00. The project meets all of the requirements. Commissioner Talley moved, seconded by commissioner Heldstab to approve the application as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

AWARD OF BID FOR TEMPORARY NOTES SERIES 2005-A IN THE AMOUNT OF $2,335,000.00

City Manager stated that five (5) bids were received and that Bond Counsel recommended the of bid for temporary notes, Series 2005-A in the amount of $2,335,000 be awarded to UMB Bank of Kansas City at an interest rate of 2.786882%.
Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the Award of bid as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

RESOLUTION 2119

Resolution 2119 authorizing and directing the issuance, sale and delivery of $2,335,000.00 principal amount of temporary notes, series 2005-A. was presented for consideration. Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Resolution 2119. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

AWARD OF BID FOR GENERAL OBLIGATION BONDS SERIES DO IN THE AMOUNT OF $6,000,000.00

City Manager Barnes presented for consideration of award of bid for general obligation bonds, Series DO in the amount of $6,085,000. He stated that five (5) bids were received. The city's bond counsel recommended the bid of Griffin, Kubik, Stephens and Thompson, Chicago, Illinois at an interest rate of 4.835935% be approved. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2761

Ordinance S-2761 approving the final passage for the issuance of the City's taxable General Obligations Bonds Series DO in the amount of $6,000,000.00 was presented on final reading.
Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Ordinance S-2761 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

RESOLUTION 2120

Resolution R-2120 authorizing and sale and delivery of $6,000,000 principal amount of taxable general obligation bonds, Series DO was presented for consideration. Commissioner Wunder moved, seconded by Commissioner Heldstab to approve Resolution 2120. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

OFF STREET PARKING 301 EAST 4th STREET

Leon Osbourn, Kaw Valley presented the plans for the Off-Street Parking at 301 East 4th Street. HE stated that David Bruce, JC Transportation was requesting 20 parking stall of off street parking at 301 E. 4th. Mr. Osbourn stated that the traffic congestion is bad with the employees parking in the street. Commissioner Rhodes asked if there would be any cost to the City. Mr. Osbourn stated that there would be no cost to the City. Commissioner Wunder moved, seconded by Commissioner Talley to approve the request. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

AWARD OF BID-14TH STREET COMMONS DEVELOPMENT

City Manager Barnes stated that four (4) bids had been received for the 14th Street Commons Development land. It was staffs recommendation to award the bid to Sunfield Home Builders for 43 lots in the 14th Street Common Addition Development Project in the amount of $279,500.00. The bid is contingent on what the FFA decides on the noise level. City Manager Barnes was confident that there should be no problem. The homes will be slab homes, valued between 120,000 and 140,000. Commissioner Talley moved, seconded by Commissioner Rhodes to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

AWARD OF BID-SANITARY SEWER, STREET , STORM SEWER< WATER IMPROVEMENTS WHEATLAND HILLS #4

City Manager Barnes stated that three (3) bids had been received for street, sanitary sewer, storm sewer and water improvements for the Wheatland Subdivision Unit No. #4. Staff recommended that the bid be awarded to Midland Contracting, Nebraska in the amount of $360,426.75. Commissioner Wunder moved, seconded by Commissioner Rhodes to approve the award of bid as recommended. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

GENERAL DISCUSSION

Mayor Taylor opened the meeting for general discussion.

Mr. James Fish, 135 E. 11th asked about the barking dog ordinance. He felt that it was too vague.

COMMISSIONER COMMENTS

Mayor Taylor opened the meeting for Commissioner Comments.

Commissioner Rhodes congratulated Joey Devin, a member of our Community for being drafted by the Atlanta Braves.

Commissioner Heldstab asked that the City Engineer be asked about the restriping of parking spaces in the 100 Block of West 7th for safety concerns.

QUESTIONS & ANSWER PERIOD WITH CITY MANAGER & STAFF

May Taylor asked about the correction of the special assessments in Riley Manor. City Manager Barnes stated that he had spoken with the person that it concerned and it was being taken care of.

STAFF COMMENTS

City Manager Barnes stated that the Budget Workshop s would be continuing from 6 -8 p.m. on June 8, 2005.
He stated that the EDC will be holding a ribbon cutting event on June 17, 2005 at the Bartell Hotel.
He congratulated the public works crews for the cleanup during the rain.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Heldstab to adjourn into executive session at 8:35 p.m. to reconvene at 9:05 p.m. to discuss confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried. Included in the executive session were the City Manager, City Attorney and Economic Development Director.

Commissioner Wunder moved, seconded by Commissioner Heldstab to reconvene into regular session at 9:10 p.m. having made no decision nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None Motion carried.

ADJOURNMENT

Commissioner Wunder moved, seconded by Commissioner Rhodes to adjourn at 9:10 p.m. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken Motion carried.

APPROVED AND ACCEPTED THIS 21st DAY OF JUNE 2005 AS THE OFFICIAL COPY OF THE JUNCTION CITY, CITY COMMISSION MINUTES FOR JUNE 7, 2005.

Colleen Woodruff

Colleen Woodruff, City Clerk

Jack W. Taylor

Jack W. Taylor, Mayor