a

CITY COMMISSION MINUTES

August 16, 2005 7:00 PM.

The regular meeting of the Junction City City Commission was held on Tuesday, August 16, 2005 with Mayor Jack Taylor presiding.

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

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve the consent agenda as amended with the removal of items g and h to the regular agenda. Ayes: Heldstab, Talley, Taylor, Rhodes, Wunder. Nays: None. Motion carried. The consent agenda consisted of the following:

a. Approval of Commission Minutes of August 2, 2005 City Commission Meeting.

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
9) Wastewater Treatment Facilities
   Water Treatment Plant
   Public work
10) Parks & Recreation
11) Parks & Recreation & Forestry Report
12) Rolling Meadows Golf Course

13) Rolling Meadows Golf Course Maintenance Section Activity Report
14) Self Help Housing

c. The consideration of award of bid for the site utilities at the GSC Food Distribution Center Project to Midlands Contracting, Inc. in the amount of $154,390.00.

d. The consideration of **ordinance S-2769** rezoning from Service Commercial Restricted (CSR) to Light Industrial (IL) property located at 1120 S. Madison. (Final Reading)

e. The consideration of **ordinance S-2770** approving the final plat for Peterson Addition. (Final Reading)

f. The consideration of **ordinance S-2721** increasing tax revenue for budget year 2006. (Final Reading)

g. The consideration of **ordinance G-981** amending section 235.120 definitions of Article II annual weed Ordinance. (Final Reading)(Removed to regular agenda)

h. The consideration on **ordinance G-982** an ordinance amending section 235.130 noxious weeds of article II chapter 235. (Final Reading)(Removed to regular agenda)

i. The consideration on a **resolution 2143** authorizing the mayor to sign a mayor's deed selling property to Carrolle Cox and Elizabeth M Cox known as (lot 1, block 1, Mosher Addition) for residential development.

j. The consideration for the approval of the annual Bond and Interest payment for September 1, 2005 in the amount of $2,198,498.75

k. The approval of Appropriation Ordinance A -30 dated August 5, 2005 in the amount of $671,467.01, A-31 dated August 11, 2005 in the amount of $512,725.52 and Payroll Ordinance P-16 August 5, 2005 in the amount of $178,018.55.

l. The approval for a payment request No. 1 to Walters-Morgan Construction for the Southwest Wastewater Treatment Plant Upgrade Project in amount of $150,109.98

m. The approval for payment request No. 1 to Smoky Hill, L.C.C. for the Ash Street Extension Project in the amount of $97,245.00.

n. (Item on parking moved to New Business)

o. The consideration of approval for an agreement with Bowman Bowman Novick Inc For architectural services for the Junction City Opera House renovation project.

p. The consideration to award of bid for the 2005 annual street maintenance program to Konza Construction in the amount of $ 2,291,000.

q. The consideration of payment #1 to Harold Glessner Excavating for the site grading for the water line extension and street construction of Wildcat Lane Addition Project in the amount of $15,396.38.

r. The consideration of payment to Westar Energy for the Ash Street Change out of Washington & Ash pole replacement in the amount of $62,585.12.

s. The consideration to set September 7, 2005 as the date to receive bids for the renovation of the engineering offices located at 701 N. Jefferson.

t. The consideration to accept the bids for the grading and utilities to serve Spring Valley Addition Unit No 1. To the low bidder, Midlands Contracting, Inc. in the amount of $803,739.25.

u. The consideration to accept the bids from Kaw Valley for the construction of street, sewer and water improvements to serve Doc Hargreaves Hilltop Addition #1 to J&K Contracting L.C. in the amount of $271,404.20.

v. The consideration of **Resolution 2150** to authorizing the City of Junction City to purchase certain property from Bill Stahl, Executor of the Lone Smith Estate property as part of the City's Self -Help Housing Program.

w. The consideration of **Resolution 2151** to authorizing the City of Junction City to purchase certain property from Ahmad Siddiq Abdulrahman & Rena Jarrett Abdulahmann property as part of the City's Self -Help Housing Program.

ORDINANCE G-981: AMENDING THE ANNUAL WEED ORDINANCE FINAL READING

G- 981

AN ORDINANCE AMENDING SECTION 235.120 DEFINITIONS OF ARTICLE II ANNUAL WEED ORDINANCE OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS

Commissioner Talley stated that he did not agree with the part of the ordinance that stated that the property owner would be responsible for keeping the grass from growing on the curb and in the gutter pan. Commissioner Talley moved to approve Ordinance G-981 eliminating the curb and gutter pan portion. Motion died for lack of second. Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-981 as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried.

ORDINANCE G-982: AMENDING THE NOXIOUS WEED ORDINANCE-FINAL READING

G-982

AN ORDINANCE AMENDING SECTION 235.130 NOXIOUS WEEDS OF ARTICLE II, CHAPTER 235 OF THE CODE OF THE CITY OF JUNCTION CITY

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-982 as presented. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried.

APPOINTMENTS

Mayor Taylor stated that a request from the Historic Preservation was received asking that Jane Gray be appointed to fill the remaining term of Stewart Workman. Mr. Workman's term ends November 2006.

Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the appointment to the Human Relations Commission as

requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

Mayor Taylor proclaimed the month of September as "Promote Prostate Cancer Awareness Month. Jolana Montgomery Matney, Geary Community Healthcare Foundation, Warren Kurtze and Kay Blanken, Flint Hills Morning Rotary Club of Junction City received the proclamation. Ms. Montgomery stated that on September 17, 2005, the mobile screening van would be in Heritage Park for free exams.

Gaylnn Childs, Junction City Historic Preservation Advisory Board, presented the Quarterly Preservation Award to John York for the restoration of his residence located at 240 W 5th Street.

Japanese Exchange Student, Shimon, hosted by the Mark Erwin Family presented greetings from the Mayor of Hekinan.

Mike Rogers of Varney & Associates presented the 2004 Comprehensive Annual Financial Report. Mr. Rogers stated that the audit went well. There were no major problems.

Commissioner Rhodes moved, seconded by Commissioner Wunder to accept the 2004 CAFR as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

PUBLIC HEARINGS

Dave Hurley, Inspector stated gave a status report on property located at 622 W 8th Street. Owned by Michael and Shari Augustin. Mr. Agustin requested 6 months to complete the repairs. He stated that he had already begun some work on the property.
Commissioner Heldstab moved, seconded by Commissioner Talley to grant Mr. Augustin six (6) months, Marsh 16, 2006 to make the repairs on the property. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Dave Hurley, Inspector, stated that the owner of the property at 722 W 14th had signed a waiver stating that the home could be demolished.
Commissioner Talley moved, seconded by Commissioner Wunder to authorize city staff to advertise for bids for demolition of 722 W 14th. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Dave Hurley, Inspector stated that the property located at 138 E. 1st, owned by Gary and Kathy Olds had been demolished on August 16, 2005. Mr. Olds stated that he was concerned with the city's process that is =used to decide which property gets demolished. He stated that he felt that the process is very inconsistent.

ORDINANCE G-980 PUBLIC NUSIANCES

Ordinance G-980 was presented on final reading.

G-980

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 235 NUISANCES BY ADOPTING A NEW ARTICLE I AND REPEALING THE EXISTING ARTICLE I

City Attorney Zimmerman stated that the main change was the addition of paragraph 22 stating that a year time frame would be given to any commercial location so they could make any necessary changes to their property.

22. Parking, storing, displaying or otherwise keeping any vehicle, as defined in Section 220.870 of this Title II, on an unpaved (not asphalt or concrete) portion of any property designated "Commercial", "Restricted Industrial" or "Light Industrial" under Articles II and III of Chapter 405 and Article III of Chapter 400 of this Code. Parking, storing, displaying or keeping of vehicles on grass, dirt, gravel or other pervious surfaces is declared a blighting condition. This subsection specifically applies to car and other vehicle dealerships and automobile repair facilities as well as any other commercial enterprise so located in a "Commercial", Restricted Industrial" or "Light Industrial" District. This subsection B. 22 of Section 235.010, Chapter 235, Title II of this Code will take effect one (1) year from the effective date of this Ordinance G-980.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-980 with the addition of paragraph 22. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

DEVELOPMENT AGREEMENT WITH MATLOCK JOHNSON-RIVERWALK LANDING

City Manager Barnes requested approval of a development agreement with Matlock Johnson for the development of Riverwalk Landing. He stated that the city will own the pond and will agree to spend up to $200,000.00 for improvements. The business that are locating there want to be in on the design of the pond. Commissioner Talley stated that he did not like the idea of the city owning the pond and having to get approval from the business on any design changes.
City Attorney Zimmerman stated that the City could regulate the type of public activity that occurs at the pond, just like they do with any other park located in the city.
Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the development agreement with the cap on improvements at $200,000.00, to extend the date of complete ion and to maintain the pond as the city sees fit. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVAL OF THE 2006 BUDGET

City Manager Barnes thanked the Commission for all of their input on the 2006 Budget.
Commissioner Talley moved, seconded by Commissioner Wunder to approve the 2006 Budget. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-984:First Reading

G- 984

AN ORDINANCE AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE CITY OF JUNCTION CITY, KANSAS

City Manager Barnes stated that the city had received a request from Dillons, Caseys, and Handy's Express to consider authorizing Sunday sale of alcoholic liquor and cereal malt beverage.
Mr. Walker, Frontier Spirits, Sandy Olson, Manager Frontier Spirits, Tony Nardella, Owner of a discount liquor store, Par Regelman, Regleman

Liquor store and Jerry Easterling stated that they were all opposed to having Sunday Sales.
No action was taken.

REQUEST TO MODIFY PIT BULL ORDINANCE

City Manager Barnes stated that the city had received two requests from citizen asking that the Pit Bull ordinance be modified. One request stated that the dog was trained as a service dog for a disabled person, another stated that the pit bull was coming from Germany and over there they are put through tests to see if they can be controlled by the owners.
No action was taken.

NEIGHBORHOOD REVITALIZATION APPLICATIONS

Margo Conley, Interim Economic Development Director stated that an Neighborhood Revitalization application had been received from Jay Brown, Brown Real Estate and Auction Service to construct three new storage buildings at 2323 N. Jackson. The construction costs will be approximately $140,000,00. The project meets all of the requirements for tax rebate.
Commissioner Wunder moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Margo Conley, Interim Economic Development Director stated that a Neighborhood Revitalization application had been received from Todd Godfrey, Godfrey Real Estate Investments to rehabilitate a house located at 316 W 17th Street. The construction costs will be approximately $15,000.00. The project meets all of the requirements for tax rebate.
Commissioner Wunder moved, seconded by Commissioner Talley to approve the Neighborhood Revitalization application as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AMENDMENTS TO THE NEIGHBORHOOD REVITALIZATION PLAN

Margo Conley, Interim Economic Development Director requested that three areas be added to the Neighborhood Revitalization Plan. They are: Westwood Triangle, an area of homes built from 1888 to 1970, and The Bluffs. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the changes to the Neighborhood Revitalization Plan. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

KAN STEP GRANT

City Manager Barnes requested that the City Commission authorize the acceptance of the award of the KAN Step Grant on the amount of $392,700.00. The funding will purchase the supplies needed to make improvements to the Roundabout. All of the labor will be volunteers from the community.

Commissioner Rhodes moved, seconded by Commissioner Wunder to accept the Kan Step Grant as presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-985 FIRST READING

Ordinance G-985 was presented on first reading

G- 985

AN ORDINANCE ADOPTING A NEW TITLE V OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS MAKING SPECIFIED CHANGES IN CHAPTER 500 GENERAL PROVISIONS; CHAPTER 505 BUILDING CODE BY ADOPTING THE INTERNATIONAL BUILDING CODE, 2003 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS THEREFROM AND OTHER MODIFICATIONS; CHAPTER 510 PLUMBING CODE BY ADOPTING THE INTERNATIONAL PLUIMBING CODE 2003 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS THEREFROM AND OTHER MODIFICATIONS; CHAPTER 515 MECHANICAL CODE BY ADOPTING THE INTERNATIONAL MECHANICAL CODE 2003 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS THEREFROM AND OTHER MODIFICATIONS; CHAPTER 520 ELECTRICAL CODE BY ADOPTING THE NATIONAL ELECTRICAL CODE 2002 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS AND OTHER MODIFICATIONS; CHAPTER 525 SUB-STANDARD BUILDINGS WITH MODIFICATIONS; CHAPTER 530 MINIMUM HOUSING STANDARDS BY ADOPTING THE UNIFORM HOUSING CODE 1997 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS AND OTHER MODIFICATIONS; CHAPTER 535 BOARD OF BUILDING CONTRACTORS; CHAPTER 540 STREETS AND SIDEWALKS; CHAPTER 545 LIQUID PETROLEUM GAS CODE BY ADOPTING NATIONAL FIRE PROTECTION ASSOCIATION PAMPHLET 58, 1998 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS AND OTHER MODIFICATIONS; CHAPTER 550 COMPRESSED GAS CODE BY INCORPORATION VARIOUS STANDARDS, REGULATIONS AND PAMPHLETS BY REFERENCE WITH ADDITIONS AND DELETIONS AND OTHER MODIFICATIONS; CHAPTER 555 MOBILE HOMES AND MANUFACTURED HOMES WITH MODIFICATIONS TO INCLUDE LICENSING REQUIREMENTS AND ENFORCEMENT PROVISIONS; CHAPTER 560 MOBILE HOME CRAFTSMAN CODE; CHAPTER 565 FUEL GAS CODE BY ADOPTING THE INTERNATIONAL FUEL GAS CODE, 2003 EDITION BY REFERENCE WITH ADDITIONS AND

DELETIONS; CHAPTER 570 RESIDENTIAL CODE BY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION BY REFERENCE WITH MODIFICATIONS AND ADDITIONS; CHAPTER 575 EXISTING BUILDINGS CODE BY ADOPTING THE INTERNATIONAL EXISTING BUILDINGS CODE, 2003 EDITION BY REFERENCE WITH ADDITIONS AND DELETIONS, AND REPEALING EXISTING TITLE VI.

Commissioner Talley moved, seconded by Commissioner Rhodes to approve Ordinance G-985 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

CONSIDERATAION OF PARKING CHANGES

City Manager Barnes stated that the Commission needed to consider the following parking Changes:

1. Remove three parking spaces on the North side of Pine Street from the alley to Washington Street
2. Limit parking to 2 hours for the 1000 Block of Brown Street and
3. Create a handicap space on the south side of the Municipal Building and limit parking to 1 hour on Jefferson and West 7th around the Municipal Building.

Commissioner Talley stated that he didn't feel right about approving one hour parking around the Municipal Building when the City cannot enforce it in the downtown area.

Commissioner Wunder moved, seconded by Commissioner Heldstab to approve eliminating three parking spaces on the North side of East Pine from the alley to Washington. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Heldstab moved, seconded by Commissioner Rhodes to approve the limiting of parking to two hours on Brown Street. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Talley moved, seconded by Commissioner Wunder to approve the installation of a handicap-parking stall on the South Side of the Municipal Building. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Tony Nardella asked for clarification on the Sunday liquor sales. City Attorney Zimmerman stated that Sunday Sales are only allowed if action id taken by the City Commission and none was taken.

Gary Olds asked when public input could be taken at the Commission meetings. City Attorney stated that it is at the discretion of the Mayor unless it is a public hearing. Mr. Olds stated that he feels that the Commission needs to look at a different way to conduct business.

A citizen stated that she lives on Parkside and dogs were running loose on Sunday. The Police were called and the residents were told that there was nothing that could be done since the city does not have an animal control officer on duty on the weekends.

COMMISSIONER COMMENTS

Commissioners Rhodes and Talley stated that the Self Help Ribbon Cutting was a great event.

QUESTION AND ANSWER PERIOD WITH CITY MANAGER And STAFF

Commissioner Taylor asked Margo Conley how the Bartell Hotel Project was progressing. Ms Conley stated that the asbestos removal should be all completed by August 23, 2005. She stated that 32 tons of debris has been removed from the inside of the Hotel.

ADJOURNMENT

Commissioner Rhodes seconded by Commissioner Wunder to adjourn at 8:30 p.m. Ayes: Heldstab, Talley, Wunder. Nays: None. Absent: Taylor. Motion carried.

APPROVED AND ACCEPTED THIS 6th DAY OF SEPTEMBER 2005 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR AUGUST 16TH 2005.

Colleen Woodruff

Colleen Woodruff, City Clerk

Jack W. Taylor

Jack Taylor, Mayor