

CITY COMMISSION MINUTES

September 6, 2005

7:00 PM.

The regular meeting of the Junction City City Commission was held on Tuesday, September 6, 2005 with Mayor Taylor presiding.

The following members of the Commission were present: Terry Heldstab, Ken Talley, Mike Rhodes, Jack Taylor, Mick Wunder. Staff 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 presented. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

- a. Approval of Commission Minutes of August 16, 2005 City Commission Meeting.
- b. The consideration of ordinance G-985 on amending Title V of the Municipal Code of Junction City relating to building and construction and adopting the following codes and the update of the 2002 National Electrical Code: (Final reading)(REMOVED TO REGULAR AGENDA)
 1. 2003 International Building Code
 2. 2003 International Residential Building Code
 3. 2003 International Existing Building Code
 4. 2003 International Mechanical Code
 5. 2003 International Plumbing Code
 6. 2003 International Fuel Gas Code

- c. The consideration of Resolution 2156 to authorizing the City of Junction City to purchase certain property from Regina G Mays at 214 E 16th Street property as part of the City's Self -Help Housing Program.
- d. The consideration of Resolution 2157 to authorizing the City of Junction City to purchase certain property from Roy M Fausnett & Sheila Fausnett at 203 E 17th Street property as part of the City's Self -Help Housing Program.
- e. The consideration of accepting a petition, cost estimate and setting a bid date of September 9th to receive bids for the improvement on the street, sewer and water improvements to Peterson Addition in the amount of \$ 407,269.90.
- f. The consideration of payment #3 to Burns & McDonnell in the amount of \$19,062.24 for the work done on the Southwest Wastewater Treatment Plant.
- g. The consideration of payment #1 to Burns & McDonnell in amount of \$24,509.98 for the work done on the Southwest Wastewater Treatment Plant.
- h. The consideration of payment #2 in the amount of #148,385.99 to Walters-Morgan Construction for work completed on the Southwest Wastewater Treatment Plant.
- i. The consideration of payment #1 in the amount of \$212,291.55 to Midlands Construction Inc. for work completed on the 14th Street Commons Project.
- j. The consideration of payment #2 in the amount of #114,618.60 to Midlands Construction Inc. for work completed on the Wheatland Hills Unit No. 4 Project.
- k. The consideration of payment #1 in the amount of \$103,664.78 to Midland Construction Inc. for work completed on the Sanitary Sewer and Waterline Improvements to serve Junction City.
- l. The consideration of payment #2 in the amount of \$70,147.00 to Smoky Hill L.L.C. for work completed on the Ash Street Extension across the Union Pacific Railroad.

- m. The approval on the appropriation ordinance A-33 dated August 19, 2005 in the amount of #905,353.86, A-34 dated August 26, 2005 in the amount of #361,627.05, and A-35 in the amount of dated September 2, 2005 and the payroll ordinance P-17 dated August 19, 2005 in the amount of \$180,609.85, P-18 dated September 2, 2005 in the amount of \$164,627.57.
- n. The consideration of S-2772 approving the rezoning of property located in the 1800 and 1900 block of Elmdale Ave from Duplex to Residential (RD). (1st reading)
- o. The consideration of S-2773 for the Ehler Plat to annex and rezone to General Residential (RG) District and to accept the final plat for property generally located north of the Hunter's Ridge Addition and west of Custer Road. (1st reading)
- p. The consideration of S-2774 for the Hargreaves Hilltop Addition, Unit #1 to annex and rezone the property to Duplex Residential (RD) District and to accept the final plat for property generally located north of the Hunter's Ridge Addition between Rucker Road and North Park. (1st reading)
- q. The consideration of S-2776 on the Round House Final Plat & Rezoning to General Residential (RG) District for property generally located at East 15th & 16th Streets and Monroe Street. (1st reading)
- r. The consideration of payment to Konza Construction Co. in the amount of \$556,497.80 for the 2005 Street Maintenance Project.
- s. Setting a bid date on September 19th at 3:00 for the demolition of property located at 722 W 14th street.
- t. The consideration of setting a bid date of September 15th for the off-site improvements for the GSC projects.
- u. The consideration of approval of a construction management contract in the amount of \$80,000 with Kaw Valley Engineering for handling the Spring Valley Addition, Unit #1 improvements.
- v. The consideration of acceptance of a petition for street, water and sewer improvements and bid date of September 15 at 2:00 p.m. for Ehler's Addition.

w. The consideration of acceptance of a petition for sewer and water improvements and bid date of September 15 at 2:15 p.m. for Faith Tabernacle Addition.

x. The consideration of approval of a construction management contract in the amount of \$24,000 with Kaw Valley Engineering for handling of the Doc Hargreaves Hilltop Addition, Unit #1 improvements.

y. The consideration to adopt ordinance G-986 in the 2005 Standard Traffic Ordinance for Kansas Cities. The contents of this ordinance are the traffic laws that the city enforces. (First reading)

ORDINANCE S-2773 -

ORDINANCE S-2773 was presented on final reading. City Manager Barnes declared an emergency due to time restraints that required that the ordinance to be approved on a final reading.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance S-2733 on final reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPOINTMENTS

Mayor Taylor requested that the Shawn Brandmahl be appointed to replace Steven Jones on the Junction City Public Housing Authority Board. Commissioner Heldstab moved, seconded by Commissioner Wunder to approve the appointment as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

Mayor Taylor proclaimed September as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH and presented a proclamation to Cindy O'Connell, Director of the Junction City Central Kansas Foundation.

CONSIDERATION OF ORDINANCE G-980-PARKING ON GRASS

Jim Nixon, representing small business owners addressed the City Commission on Ordinance G-980, concerning parking on grass or gravel surfaces. He stated that if the small business owners needed to pave their parking areas, it would cause a financial hardship. He stated that since the military population was down the past few years, it was touch and go for some small business owners. He stated that perhaps the ordinance could be amended to allow crushed rock to be used in the parking. He stated that with stricter enforcement about the weeds and other violations, that it should be successful.

Carlana Lindsey, 426 w 3rd stated that she was on the MPC Board and they recommended that the City Commission not pass the Ordinance at this time. She stated that the City should concentrate on the streets and sidewalks in the city first.

Commissioner Wunder asked if the city could use the stockpile of street millings to help the business owners.

City Manager Barnes stated that it would be a possibility.

Commissioner Talley stated that a meeting with staff and the business owners concerned would help to find alternatives.

SIGN REGULATIONS-REAL ESTATE SIGNS

Sheila Burdette, Century 21 addressed the City Commission about Ordinance G-926-signs in the right of way. She stated that in the real estate business visibility is important to the realtors and residents looking for a home to purchase. She also stated that the right of way is hard to determine. She stated that the Board of realtors would like to have the ordinance modified.

Commissioner Wunder asked what would be a reasonable place to put the signs. Ms. Burdette stated 10 feet.

Commissioner Rhodes asked that an amendment to the ordinance be presented at the September 13th City Commission meeting.

RESOLUTION 2159-SCHOOL BOND ISSUE

Ron Walker, Superintendent USD 475 and Carolyn Gaston asked that Resolution 2159, concerning the school bond issues be approved by the City Commission. Mr. Walker stated that the bond issue is a quality of life issue

that affects not only the students, but also the entire community. He urged all citizens to register to vote and to cast their votes on October 18th. Ms Gaston stated that this bond issue is one of the most important issues that the city has faced in a long time. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Resolution 2159 as requested. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

REGENCY MOBILE HOME COURT UPDATE

The managers of Regency Mobile Home Court stated that they appreciated the City Commission's leniency allowing them to make improvements to the court. They stated that they are repairing approximately 10 mobile homes per month, working on the playground. They are trying to bring the court back to way it was in the past.

NEW BUSINESS

AWARD OF BID FOR SOUTH WASHINGTON STREET ROUNDABOUT

Interim City Engineer Neal stated that KDOT had approved a bid for the construction of the Washington Street roundabout. The bid was \$698,809.00. KDOT will be responsible for 80% of the cost. The city's share will be \$165,800.00. Construction will begin in the fall and the contract stated that the project would be completed in 65 days. He stated that there is a penalty clause in the contract if the work is not completed by the date stated in the contract.

Commissioner Rhodes moved, seconded by Commissioner Heldstab to accept the bid and authorize the Mayor to sign the necessary documents. Ayes: Heldstab, Rhodes, Taylor, Wunder. Nays: Talley. Motion carried.

REVIEW OF PROPERTY IMPROVEMENTS

Dave Hurley, Codes Administrator stated that the properties at 228 E 5th and 905 N Perry, owned by John Grant have been inspected and that all of the repairs have been completed. He stated that it was staff's recommendation to remove the properties from the condemnation and demolition list.

Commissioner Talley moved, seconded by Commissioner Heldstab to remove the property located at 228 E 5th from the condemnation and demolition list as requested by city staff. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Talley moved, seconded by Commissioner Heldstab to remove the property located at 905 N Perry from the condemnation and demolition list as requested by city staff. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried

ORDINANCE G-985 FINAL READING

Ordinance G-985 was presented on final 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 PLUMBING 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.

Fire Chief Ryan stated that some of the fees were not correct and asked that the City Commission approve the ordinance with the corrections.

Commissioner Rhodes moved, seconded by Commissioner Wunder to approve Ordinance G-985 with the corrections stated. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2777-TAXABLE REVENUE BONDS (HUNTERS RIDGE)

Ordinance S-2777 was presented for consideration on first reading.

ORDINANCE NO. S-2777

AN ORDINANCE AUTHORIZING THE CITY OF JUNCTION CITY, KANSAS TO ISSUE ITS TAXABLE MULTIFAMILY RESIDENTIAL RENTAL REVENUE BONDS (HUNTER RIDGE, L.L.C. - PHASE II) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$20,000,000 FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING AND EQUIPPING A MULTIFAMILY RESIDENTIAL RENTAL COMPLEX FACILITY; AUTHORIZING EXECUTION OF A BOND AGREEMENT OR TRUST INDENTURE BY AND BETWEEN THE CITY, HUNTER RIDGE, L.L.C., AS TENANT AND SUCH PURCHASER OR PURCHASERS TO BE DETERMINED; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO HUNTER

RIDGE, L.L.C. AND AUTHORIZING EXECUTION OF A LEASE BETWEEN SAID CITY AND HUNTER RIDGE, L.L.C.; APPROVING THE FORM OF A GUARANTY AGREEMENT BY AND BETWEEN THE TENANT AND OTHER GUARANTORS AND SUCH PURCHASER OR PURCHASERS TO BE DETERMINED; AND AUTHORIZING THE EXECUTION OF ADDITIONAL DOCUMENTS NECESSARY OR DESIRABLE TO EFFECT THE TRANSACTION CONTEMPLATED HEREBY.

City Manager Barnes stated that the city is only the conduit between the entities. There is no financial obligation to the City,

Commissioner Wunder moved, seconded by Commissioner Rhodes to approve Ordinance S-2777 on first reading. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

AGREEMENT - SPIRIT OF 76 & WILLIAM O STRAUSS

City Manager Barnes requested that the City Commission approve the purchase of 80 acres of land for an Industrial Park. The property is owned by William and Lois Strauss and will be purchased by the Spirit of 76. The property is located west of the Jack Lacy Industrial Park.

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

RESOLUTION 2158-PURCHASE PROPERTY 136 E 3rd-SELF HELP

City Manager Barnes asked that the City Commission approve the purchase of property located at 136 E 3rd from Terry and Peggy Heldstab. The property will be used for the Self Help Housing Program. The purchase price is \$5000.00. Commissioner Wunder moved, seconded by Commissioner Talley to approve the purchase of property as requested. Ayes: Rhodes, Talley, Taylor, Wunder. Nays: None. Abstain: Heldstab. 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 Talley commended Rick Rook and Jim Lundeen for going to the hurricane stricken areas to help with FEMA.

Vice Mayor Heldstab stated that there would be an Emergency services meeting on September 7, 2005.

Mayor Taylor stated that approximately 150 hurricane victims might be relocating to Junction City. He also congratulated Keith Hyel on his 90th birthday.

STAFF COMMENTS

Mayor Taylor opened the meeting for staff comments

City Manager Barnes stated that there would be a Special City Commission Meeting on September 13, 2005 to hold a public hearing on CDBG grant funds. He also stated that the October 4th meeting needed to be rescheduled to October 11th.

Commissioner Wunder moved, seconded by Commissioner Rhodes to cancel the October 4, 2005 City Commission meeting and reschedule the meeting to October 11, 2005. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

City Manager Barnes introduced his new secretary, Rhonda Maxon.

EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Rhodes to adjourn into executive session at 8:30 p.m. to reconvene at 8:40 p.m. for discussion of financial matters related to corporations. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

Included in the executive session were the City Manager and City Attorney and Margo Conley.

Commissioner Talley moved, seconded by Commissioner Rhodes to reconvene into regular session at 8:40 p.m. having taken no action nor made any decisions while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner Wunder to adjourn into executive session at 8:40 p.m. to reconvene at 8:55 p.m. for discussion relating to the acquisition of real property. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
Included in the executive session were the City Manager and City Attorney and Margo Conley.

Commissioner Heldstab moved, seconded by Commissioner Wunder to reconvene into regular session at 9:00 p.m. having taken no action nor made any decisions while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

EXECUTIVE SESSION

Commissioner Wunder moved, seconded by Commissioner Heldstab to adjourn into executive session at 9:00 p.m. to reconvene at 9:10 p.m. for discussion of personnel matters of non-elected personnel. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
Included in the executive session were the City Manager.

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

ADJOURNMENT

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

APPROVED AND ACCEPTED THIS 13th DAY OF SEPTEMBER 2005 AS
THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION
MINUTES FOR September 6, 2005.


Colleen Woodruff, City Clerk


Jack W. Taylor, Mayor