

CITY COMMISSION MINUTES

February 17, 2004

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, February 17, 2004 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Kay Blanken, Terry Heldstab, Ken Talley, Jack Taylor, and Mick Wunder. Staff present were: City Manager Rod Barnes, City Attorney Charles Zimmerman, City Engineer Greg Adams and City Clerk Colleen Woodruff.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

- a. Approval of Commission Minutes February 3, 2004
- b. Approval of Appropriation Ordinance A-5 dated February 5, 2004 in the amount of \$906,903.92, A-6, dated February 13, 2004 in the amount of \$105,668.85 and Payroll Ordinance P-3 dated February 6, 2004 in the amount of \$152,551.81.
- c. Monthly Department Reports:
 1. Engineering Department Project Status Report.
 2. Inspection Report.
 3. U.S. Filter Water, Wastewater and Public Works.
 4. Police Department.
 5. Fire/EMS.
 6. Parks and Recreation.
 7. Water Utility/Customer Service.
 8. Administrative Services.
 9. Golf Course.
- d. The consideration of Ordinance S-952 concerning speed limits on Golden Belt Blvd. (final reading).
- .f. Consideration to sell beer at the Sundown Salute fund raiser on February 28, 2004.

- g. The consideration of setting a public hearing of April 6, 2004 to show cause why the buildings or structures on the following property should not be condemned and ordered repaired or demolished:
- 1) Resolution No. 1955, 1012 N. Washington, owned by Bell Taxi and Transportation of Manhattan, First National Bank & Trust, Junction City, KS .
 - 2) Resolution No. 1956, 539 W. 11th, owned by Christopher & Tammie Adams, 539 W. 11th, Mid First Bank, 2730 N. Portland Avenue, Oklahoma City, OK.
 - 3) Resolution No. 1957, 611 W. 9th, owned by Melvin Betters c/o Reta Berry, 20950 W. Simplot Blvd., Caldwell, ID, Margaret Landford, Federal Diversified Services Inc.
 - 4) Resolution No. 1958, 126 W. 11th, owned by Jeffrey Hodge, 630 W. Vine, Junction City, KS
 - 5) Resolution No. 1959, 314 W. 11th, owned by Thomas LaFontaine, 424 Adams, Junction City, KS.
 - 6) Resolution No. 1960, 208 W. 11th, owned by Clifford & Anna McMillan, 2939 Union Road, Chapman, KS, PSB Credit Services Inc., Duard & Irene Hiatt, address unknown.
 - 7) Resolution No. R1961, 514 W. 11th, owned by Clifford & Anna McMillan, 2939 Union Road, Chapman, KS, PSB Credit Services Inc., Duard & Irene Hiatt, address unknown.
 - 8) Resolution No. R1962, 524 W. 11th, owned by Clifford & Anna McMillan, 2939 Union Road, Chapman, KS., PSB Credit Services Inc., Duard & Irene Hiatt, address unknown.
- h. The consideration of authorization for Engineering to submit accident data for our four most accident prone intersections to the Kansas Department of Transportation.
- i. The consideration of award of bid for the installation of two pumps at the Southwest Wastewater Treatment Plant in the amount of \$11,875.00 to Walters Morgan Construction. (The budget estimate was \$15,000.00)
- j. The consideration of Ordinance S-2709 approving the final plat of McCluskey's Hill Addition Unit #4 and setting a bid date for improvements. (First Reading)

APPOINTMENTS

Commissioner Blanken moved, seconded by Commissioner Talley to approve the reappointment of Eric Stahl and Darren Gunderson to three (3) year terms on the Historic Preservation Board. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Taylor moved, seconded by Commissioner Talley to approve the appointment of Stuart Workman to a three (3) year term on the

Historic Preservation Board. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder.
Nays: None. Motion carried.

SPECIAL PRESENTATIONS:

Mayor Wunder proclaimed February 27, 2004 as "THE 50th ANNIVERSARY OF THE ESTABLISHMENT OF THE OFFICER WIVES CLUB: and presented a proclamation to Lori Perry.

Mayor Wunder presented certificates of appreciation to Police Officer Walter Williamson and Geary County Sheriff Deputy Willie Wallenburg for outstanding efforts in law enforcement.

RESOLUTION 1950- CONDEMNATION & DEMOLITION OF PROPERTY LOCATED AT 1108 N. WASHINGTON AND 103 SNELL AVENUE.

City Engineer Adams stated that city staff had not received any cost estimates on the project from Mr. Shields.

Mr. Shields presented one cost estimate for the property at 1108 N. Washington for \$3,200.00. The estimate was just for cosmetic work, not for bringing the electrical up to code. He stated that he had trouble finding any contractor to bid on the project and he could not find an electrician to bid..

Commissioner Talley moved, seconded by Commissioner Blanken to approve Resolution 1950 giving 120 days for the repair or demolition of structures located at 1108 N. Washington and 103 Snell. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

RESOLUTION 1954- CONDEMNATION AND DEMOLITION OF STRUCTURES LOCATED AT 58-64 RILEY MANOR CIRCLE.

City Engineer Adams stated that the property located at 58-64 Riley Manor Circle has been sold and is expected to close on March 20, 2004. City Attorney Zimmerman stated that the new owners need to have proper notification of the condemnation process.

Commissioner Blanken moved, seconded by Commissioner Taylor to approve Resolution 1954 giving 120 days to repair or demolish the structures located at 58-64 Riley Manor Circle. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-961-ADULT ENTERTAINMENT ZONING AMENDMENT (FINAL READING)

Ordinance G-961 concerning the Adult Entertainment Zoning Amendment was presented for consideration on final reading.

ORDINANCE G-961

AN ORDINANCE AMENDING CHAPTER 405: DISTRICT REGULATIONS, ARTICLE II.; COMMERCIAL DISTRICTS, SECTION 405.140: "CSS: COMMERCIAL SERVICE SPECIAL DISTRICT, B. PERMITTED USES; SECTION 405.140: "CSS: COMMERCIAL SERVICE SPECIAL DISTRICT, E. USE LIMITATIONS; CHAPTER 400, ARTICLE 1; SECTION 400.030: DEFINITIONS; OF THE JUNCTION CITY, KANSAS ZONING REGULATIONS.

Jim Clark stated that he wanted the City Commission to take the best action for the City. He stated that other communities have voted to not allow adult business of any kind. Mayor Wunder stated that it was not the intent of the City Commission to put anyone out of business, but by having a Commercial Service Special zoning district the city could then have more control of where that type of business located.

C.W. Crites stated that he did not want to see the city revert to the past.

Mrs. Lee Howell Brede , W. 5th Street resident asked what could be done about the bright lights and noise from the parking lot of a West 6th Street establishment. Police Chief Story stated that most of the noise violators were from vehicles entering and exiting the parking lot at that establishment. He further stated that they were working on an ordinance change that could perhaps allow the Police to ticket violators of the vehicle noise ordinance without a complaint from a citizen. Mr. Rexrode, owner of Rex's Rodehouse stated that he would be willing to work with citizens to clear up any problems (i.e. lights, noise).

Commissioner Blanken moved, seconded by Commissioner Taylor to approve Ordinance G-951 on final reading. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: Talley. Motion carried.

ORDINANCE S-2704 REZONING 136 GRANT AVENUE (FINAL READING)

Ordinance S-2704 concerning the rezoning of 136 Grant Avenue, Jack's Cabaret was presented for consideration on final reading.

ORDINANCE S-2704

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 136 GRANT AVENUE AND MORE PARTICULARLY DESCRIBED AS A PART OF GOVERNMENT LOT 5; SPECIAL SECTION 11, t-12-S, R-5E OF THE SIXTH PRINCIPAL MERIDIAN, GEARY COUNTY, KANSAS; REZONING SAID PROPERTY FROM SERVICE COMMERCIAL (CS) DISTRICT TO COMMERCIAL SERVICE SPECIAL (CSS) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve Ordinance S-2704 on final reading. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: Talley. Motion carried.

ORDINANCE S-2705 REZONING 384 GRANT AVENUE TO COMMERCIAL SERVICE SPECIAL (FINAL READING)

Ordinance S-2705 concerning the rezoning of 384 Grant , Excalibur to Commercial Service Special was presented on final reading.

ORDINANCE S-2705

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 384 GRANT AVENUE AND MORE PARTICULARLY DESCRIBED AS LOT 1, BLOCK 1, GRANT AVENUE ADDITION, UNIT #2, SS #3 TO JUNCTION CITY, GEARY COUNTY, KANSAS: REZONING SAID PROPERTY FROM SERVICE COMMERCIAL (CS) DISTRICT TO COMMERCIAL SERVICE SPECIAL (CSS) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve Ordinance S-2705 on final reading. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: Talley. Motion carried.

ORDINANCE S-2706- REZONING 1014 GRANT AVENUE TO COMMERCIAL SERVICE SPECIAL (FINAL READING)

Ordinance S-2706 concerning the rezoning of 1014 Grant Avenue, G-Spot was presented for consideration on final reading.

ORDINANCE S-2706

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 1014 GRANT AVENUE AND MORE PARTICULARLY DESCRIBED AS LOT 5, BLOCK 3, REVISED PLAT OF VALLEY FORT ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS: REZONING SAID PROPERTY FROM GENERAL COMMERCIAL (CG) DISTRICT TO COMMERCIAL SERVICE SPECIAL (CSS) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Heldstab moved, seconded by Mayor Wunder to approve Ordinance S-2706 on final reading. Ayes: Heldstab, Taylor, Wunder. Nays: Talley. . Abstain: Blanken. Motion carried.

ORDINANCE S-2707 REZONING 1206 GRANT AVENUE TO COMMERCIAL SERVICE DISTRICT (FINAL READING)

Ordinance S-2707 concerning the rezoning of 1206 Grant Avenue, After Dark Video to Commercial Service District was presented on final reading.

ORDINANCE S-2707

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 1206 GRANT AVENUE AND MORE PARTICULARLY DESCRIBED AS LOT 2, BLOCK 1, CHEROKEE ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS: REZONING SAID PROPERTY FROM GENERAL COMMERCIAL (CG) DISTRICT TO COMMERCIAL SERVICE SPECIAL (CSS) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS .

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve Ordinance S-2707 on final reading. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: Talley. Motion carried.

ORDINANCE S-2708 REZONING 1322 AND 1330 GRANT AVENUE TO COMMERCIAL SERVICE SPECIAL (FINAL READING)

Ordinance S-2708 concerning the rezoning of 1322 and 1330 Grant Avenue, Alibi/Mustang Gentlemen's Club to Commercial Service Special was presented for consideration on final reading.

ORDINANCE S-2708

AN ORDINANCE RELATING TO PROPERTY GENERALLY LOCATED AT 1322 AND 1330 GRANT AVENUE AND MORE PARTICULARLY DESCRIBED AS LOT 7, LOT 8, LOT 9 AND THE NORTH 100 FEET OF LOT 4, BLOCK 2, CHEROKEE ADDITION TO JUNCTION CITY, GEARY COUNTY, KANSAS: REZONING SAID PROPERTY FROM GENERAL COMMERCIAL (CG) DISTRICT TO COMMERCIAL SERVICE SPECIAL (CSS) DISTRICT ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

Commissioner Blanken moved, seconded by Commissioner Taylor to approve Ordinance S-2708 on final reading. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: Talley. Motion carried.

AWARD OF BID-PICK UP TRUCKS FOR PARKS AND INSPECTION/ENGINEERING.

City Engineer Adams stated that the City received four (4) bids for five new full size pick ups for the Engineering/Inspection Department and the Parks Department. The staff recommended the bid be awarded to the low bidder, Ed Bozarth Chevrolet of Topeka at a cost of \$62,210.00 (\$13,292.00 per truck and \$3,850 for trade in). Mayor Wunder stated that he was opposed to going out of the local area for purchases. He stated that he felt that the next low bidder, Briggs Motors of Manhattan should be awarded the bid.

Commissioner Blanken asked if the trucks could be purchased without the trade in and have the vehicles sold at the next city auction. Mr. Adams stated that the bids were for purchases with or without trade.

Commissioner Heldstab moved, seconded by Commissioner Talley to award the bid for the lease purchase of five (5) pick up trucks to Jim Clark Chevrolet, Junction City at a cost of \$67,825.00 with no trade ins. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Blanken. Motion carried.

RECONSIDERATION OF HWY 77 WIDENING/GOLDEN BELT REALIGNMENT PROJECT

City Manager Barnes stated that the estimated construction costs for the KDOT Hwy-77 widening/Golden Belt realignment project have risen significantly since the project's inception. He stated that the Commission needed to reevaluate the project to determine whether or not the project is still viable in view of the current transportation funding availability through the special highway fund. The City has \$80,000 invested in the project thus far in engineering costs. The total cost to the city could be as much as \$603,000.00. City staff had three options for the Commission to consider. 1) Write a letter to KDOT and withdraw our interest in the project, 2) Approach KDOT about scaling the project back to the original scope or 3) Proceed with the project as is and terminate the project if the bids come in more than the Kaw Valley Estimate of \$800,000.

Commissioner Taylor moved, seconded by Commissioner Blanken to proceed with the project as is and terminate the project if the bids come in higher than Kaw Valley Engineering estimates. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

RELEASING 922 N JEFFERSON FROM THE CONDEMNATION LIST

City Engineer Adams stated that on January 20, 2004, the city staff conducted a final inspection of the property at 922 N. Jefferson St. The owners Harold Eichman and Rashad Nelson have made all of the corrections to the property that were on the initial inspection report. The staff recommended that the property be removed from the condemnation process.

Commissioner Talley moved, seconded by Commissioner Taylor to remove the property located at 922 N. Jefferson from the condemnation process. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

NEIGHBORHOOD REVITALIZATION APPLICATIONS

Economic Development Director Larry Cope stated that Ron and Shari Strauss have submitted a Neighborhood Tax Revitalization application to build a new 10,000 square foot commercial center on East Chestnut. Construction costs are approximately \$650,000. The project meets the terms and conditions of the Neighborhood Revitalization Plan and would qualify for a 95% rebate in years 1 thru 6, 70% year 7; 50% year 8, 30% year 9 and 20% year 10.

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve the Neighborhood Tax Revitalization application as requested. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

Economic Development Director Larry Cope stated that James and Peggy Fawcett-J-Cat have submitted a Neighborhood Tax Revitalization application to rehabilitate 807 N. Washington.. Construction costs are approximately \$170,000 The project meets the terms and conditions of the Neighborhood Revitalization Plan and qualifies for a 95% rebate in years 1-3; 80% in year 4; 70% in year 5; 60% in year 6; 50% in year 7; 40% in year 8; 30% in year 9 and 20% in year 10. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Neighborhood Tax Revitalization application as requested. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Blanken. Motion carried.

Economic Development Director Larry Cope stated that Gary Junghans, GL Investments LLC have submitted a Neighborhood Tax Revitalization application for construction of a new 10,000 square foot commercial center on East Chestnut. Construction costs are approximately \$1.2 million dollars The project meets the terms and conditions of the Neighborhood Revitalization Plan. Gary Junghans, G L Investments LLC application to build a new 10,000 square foot commercial center on East Chestnut. The approximate cost will be \$1.2 million. The project qualifies for a 95% rebate for years 1 thru 10. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Neighborhood Tax Revitalization application as requested. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

FINALIZATION AGREEMENT-PENN LAUNDRY

Larry Cope, Economic Development Director stated that the City Commission needed to authorize the Mayor to sign the finalization agreement between the City of Junction City and Penn Enterprises. For possession of personal property owned by the City, but used by Penn Enterprises and covered in an agreement dated July 23, 2002.

Commissioner Talley moved, seconded by Commissioner Blanken to authorize the Mayor to sign the finalization agreement with Penn Enterprises. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

NO PARKING ZONE -- JAMES SMOTHERS LANE

Police Chief Story requested City Commission approval of a no parking zone in the 1100 block of James Smothers Lane. James Smothers Lane is a narrow street and when vehicles park along the sides of the street it creates a traffic problem as well as a safety issue for the children walking in the area.

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve the no parking zone as requested. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ASH STREET EXTENSION PHASE 1

City Engineer Adams stated that the staff was recommending to award the engineering services for the Ash Street, east extension Phase I to Kaw Valley Engineering at a cost not to exceed \$37,175.00.

Commissioner Blanken moved, seconded by Commissioner Taylor to approve the award of bid as recommended by staff. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

Mayor Wunder opened the meeting for general discussion.

There was no general discussion

COMMISSIONER COMMENTS

Mayor Wunder opened the meeting for Commissioner comments.

There were no Commissioner comments.

COMMENTS

Mayor Wunder opened the meeting for staff comments.

There were no staff comments

EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn into executive session at 9:05 p.m. to reconvene at 9:20 p.m. to discuss

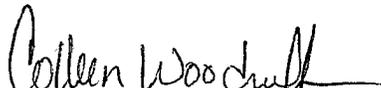
matters pertaining to financial matters of a corporation. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the executive session were the City Manager, City Attorney, Economic Development Director.

Commissioner Blanken moved, seconded y Commissioner Talley to reconvene into regular session at 9:20 having taking no action nor made any decisions while in executive session. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Blanken moved, seconded by Commissioner Heldstab to adjourn at 9:25 p.m. Ayes: Blanken, Heldstab, Talley, Taylor , Wunder. Nays: None. . Motion carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF MARCH 2004 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR February 17, 2004.



Colleen Woodruff, City Clerk



Mick Wunder, Mayor