

SPECIAL CITY COMMISSION MINUTES

July 13, 2004

6:00 P.M.

A Special meeting of the Junction City City Commission was held on Tuesday, July 13, 2004 with Mayor Wunder presiding.

The following members of the Commission were present: Kay Blanken, Terry Heldstab, Ken Talley, Jack Taylor, 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 Heldstab to approve the consent agenda as presented. Ayes: Blanken, Heldstab, Talley, Wunder. Nays: None. Absent: Taylor. Motion carried. The consent agenda consisted of the following:

- a. Approval of Commission Minutes June 15, 2004.
- b. Approval of Appropriation Ordinance A-23 dated June 14, 2004 in the amount of \$390,330.00 Appropriation Ordinance A-24 dated June 25, 2004 in the amount of \$113,390.90 A-26 dated July 2, 2004 in the amount of \$159,700.49 ,and Payroll Ordinance P-12 dated June 25, 2004 in the amount of \$171,822.17.
- c. The consideration of approval of the certification of the 2004 Special Assessments for water, sewer in the amount of \$8,147.44 and Miscellaneous Accounts Receivables in the amount of \$41,957.73.
- d. The consideration of request from the Boy Scouts of American to conduct an archery range and a bb-gun display activity.
- e. The consideration of a grant agreement with the Kansas State Historical Society for \$105,13.00 for repairs to the Junction City Opera House. The grant will pay 80% of the costs.

- f. The consideration of a neighborhood revitalization application for Levi Kickhaefer and Sally Jardine to remodel a structure located at 1414 Rucker Road.
- g. The consideration of Resolution 2021 authorizing street lights in the McCluskey's Hill Addition Unit #4 development.
- h. The consideration of acceptance of a petition from Bill Malstead for the development of the Maldstead Addition at an estimated cost of \$101,597.36 with a 90% of the cost assessed to the lots and 1-% to the City at large with the City paying for 400 feet of 8" sanitary sewer line.
- i. The consideration of award of bid for the demolition of structures located at 1108 N. Washington, 103 Snell Avenue and 223 E. 7th to the low bidder, Bailey Construction in the amount of \$2,310.00 for 1108 N Washington and 1036 Snell Avenue and \$1200.00 for 223 E. 7th.

APPOINTMENTS

Commissioner Blanken moved, seconded by Commissioner Heldstab to approve the reappointment of Bernice Bullard, Larry Devine, Deb Johnston and Police Captain Ron Rich to the 8th Judicial District's Corrections Advisory Board. The terms will expire June, 2006. Ayes: Blanken, Heldstab, Taylor, Wunder. Nays: None. Absent: Taylor. Motion carried.

Commissioner Taylor arrived at 6:05 p.m.

SPECIAL PRESENTATIONS:

PUBLIC HEARING-CONSIDERATION OF A REQUEST BY THE KANSAS DEPARTMENT OF TRANSPORTATION TO RECEIVE INPUT ON RENAMING A PORTION OF HIGHWAY 57 TO HIGHWAY 58 IN THE SOUTHERN PART OF KANSAS.

Mayor Wunder opened a public hearing on the renaming of a portion of Highway 57 to Highway 58 in southern Kansas.

City Manager Barnes stated that KDOT, from primarily a maintenance stand-point would like to rename a portion (in southern Kansas) of Highway 57 to Highway 58. They requested public discussion and comments for the City Commission on this issue. Commissioner Blanken asked why there was a need for the change,

ORDINANCE G-945 SPEED LIMIT ON MCFARLAND ROAD

Ordinance G-945 amending the schedule 1 of Section 310.010 concerning the maximum speed limits on McFarland Road between Eisenhower and Highway 77 from 35-30 mph was presented on final reading.

ORDINANCE G-945

**AN ORDINANCE AMENDING SCHEDULE 1 OF SECTION 310.010
MAXIMUM SPEED LIMITS OF THE CODE OF THE CITY OF
JUNCTION CITY, KANSAS 1994.**

Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance G-945 on final reading. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Blanken,. Motion carried.

**CONSIDERATION OF AWARD OF BID FOR DEMOLITION OF
PROPERTY LOCATED AT 1306 N. WASHINGTON**

City Manager Barnes stated that the city received bids for the demolition of several properties on June 30, 2004. One of these properties was a house located at 1306 N. Washington owned by John Bryant. At the previous commission meeting Mr. Bryant was given until the 6th of July to present a plan for repairing his house. Mr. Bryant was not present at the meeting, but did present a time line for the repair of the house. Most of the repairs could be completed within six months, but he was requesting one year to complete the foundation work.

Commissioner Blanken asked if any permits were taken out on the property. City Manager Barnes did not know and the City Engineer was not present at the time. Commissioner Heldstab felt that it would be better to table the

item until the next meeting when the City Engineer could answer any questions the Commission might have. Mayor Wunder stated that he did not feel that any extension should be made. He stated that Mr. Bryant had been directed not to do any work on the house until the Commission had a chance to look at the timeline and make a decision.

Commissioner Blanken moved, seconded by Commissioner Heldstab to table any action on this issue until the July 20, 2004 City Commission meeting. Ayes: Blanken, Heldstab, Talley. Nays: Wunder, Taylor. Motion carried.

CONSIDERATION OF ABC UNION CAB COMPANY TO OPERATE IN JUNCTION CITY.

David Troup, Attorney for ABC UNION CAB INC. addressed the City Commission concerning the request that the company be allowed to operate ten (10) cabs in the City of Junction City. He stated that he felt the objection by the other cab company in the city was a matter of not wanting any competition (monopoly). He stated that fair competition was good and fair to the citizens of the city,

Mike McKone, Attorney for Yell-Bell stated that he felt the burden should be on the new company to show the necessity for another cab company doing business in Junction City. He stated that the company should show a business plan for the way the company plans to run the company. City Attorney Zimmerman stated that our ordinance does not call for a business plan or a burden of proof for the necessity of another company in the city. The new owner passed the background check and the cars were inspected for safety. He and the City Manager stated that the City Clerk did issue the permits before the issue was brought to the Commission for approval and that the ordinance was not read. It was thought that since the new company was asking for less permits than A-One Cab there would not be a problem. Mayor Wunder felt that a work session needed to be held on the taxi ordinance so that an error like this does not happen again.

Commissioner Talley moved, seconded by Commissioner Blanken to approve the issuance of the ten taxi permits for ABC Union Cab Inc. Ayes: Blanken, Heldstab, Talley. Nays: Taylor, Wunder. Motion carried.

CHARTER ORDINANCE #33- ASSESSING WATER AND SEWER CHARGES TO THE LANDLORDS FOR UNPAID TENANTS BILLS.

Mayor Wunder stated that the staff had requested to withdraw the Charter Ordinance that would go against what the legislature had recently passed. The Charter ordinance would have allowed the City to assess the landlords with tenants unpaid water and sewer bills.

City Manager Barnes stated that staff would work on a policy that would allow for stronger collections.

No action was needed.

ORDINANCE G-970 THEFT OF SERVICES

Ordinance G-970 amending Section 220,440 of the City Code concerning the offence of theft of services was presented on first reading.

ORDINANCE G-970

AN ORDINANCE AMENDING SECTION 220.440 OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS , 1994 CONCERNING THE OFFENSE OF THEFT OF SERVICES.

City Attorney Zimmerman stated that the ordinance would bring the city laws current with what the State Legislature passed this session. Any theft of services of the value of less than one thousand dollars is a Class A misdemeanor.

Commissioner Talley moved, seconded by Commissioner Heldstab to approve Ordinance G-970 on first reading. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE G-969 MISDEMEANOR THEFT

Ordinance G-969 was presented for consideration on first reading.

ORDINANCE G-969

AN ORDINANCE AMENDING SECTION 220.410 OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS, 1994 CONCERNING THE OFFENSE OF MISDEMEANOR THEFT.

City Attorney Zimmerman stated that this ordinance will bring the city law in compliance with what the State Legislature passed this session. Theft of property of the value of less than one thousand dollars is a Class A misdemeanor.

Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance G-969 on first reading. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

PURCHASE OF LOTS

City Manager Barnes presented a proposal by MKM Investors, Inc. to purchase four City owned lots located at 331 W. 11th for \$2,400.00, 335 W 11th for \$2,200.00, a 62 foot lot on East 15th for \$2,500.00 and a 62 foot lot on East 16th for \$2,500.00. The City currently owns several vacant lots obtained through donation or through the tax sale. MKM Investors is a local developer that is attempting to replicate the City's successful self help housing program on a private level. The offers for the property cover the City's cost of removing structures and/or purchase price. He stated that construction of the homes would begin late this summer.

Commissioner Blanken moved, seconded by Commissioner Taylor to approve the purchase of the lots as presented. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ORDINANCE S-2727- HUNTERS RIDGE ADDITION

Ordinance S-2727 approving and accepting the final plat of Hunters Ridge Addition Unit #1 was presented on first reading.

Commissioner Blanken moved, seconded by Commissioner Talley to approve Ordinance S-2727 on first reading. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

DISCUSSION WITH DS&O -POSSIBLE FRANCHISE AGREEMENT

Don Hettwig, representing DS& O addressed the Commission concerning a franchise agreement to furnish electric service for the new Hunter's Ridge Addition. He stated that DS & O has been in business for a long time and would like to grow as Junction City continues to grow to the west. He stated that currently the rural electric rates are higher than

Weststar, but the rates depend on the density of the population that they will serve. He stated that DS & O is a consumer owned company and they borrow money from the Federal Government. He stated that response time is approximately 30 minutes and that a linemen is in the Junction City area all the time. He also stated that they could possibly have an outpost here eventually.

Bill Rowland and Jeff Martin stated that Weststar would like to serve the Hunter's Ridge Addition also.

No decisions were made.

GENERAL DISCUSSION

Mayor Wunder opened the meeting for general discussion.

Barbara Smith congratulated everyone that worked on the Sundown Salute events. She stated that the events brought the community together.

Scott Sanders also thanked everyone that helped his staff at he Sundown Salute events. He stated that he was looking forward to next year.

COMMISSIONER COMMENTS

Mayor Wunder opened the meeting for Commissioner comments.

Commissioner Taylor apologized for being late to the meeting.

Commissioner Heldstab thanked everyone for all of the hard work in preparing for the Sundown Salute celebration.

Commissioner Talley stated that Junction City should feel proud of the success of the Sundown Salute.

STAFF COMMENTS

Mayor Wunder opened the meeting for staff comments.

There were no staff comments

EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner Taylor to adjourn into executive session at 8:00 p.m. to reconvene at 8:05 to discuss matters pertaining to preliminary discussion relating to the acquisition of real property. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the executive session were the City Manager and the City Attorney.

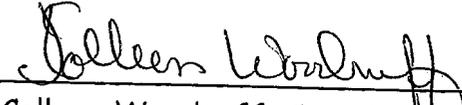
Commissioner Talley moved, seconded by Commissioner Taylor to reconvene into regular session at 8:05 having taken no action nor made any decisions while in executive session. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Heldstab moved, seconded by Commissioner Taylor to prepare the documents to purchase Nelson and Briggs Mobile Home Park at a cost of \$200,000.00. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder, Nays: None. Motion carried.

ADJOURNMENT

Commissioner Blanken moved, seconded by Commissioner Talley to adjourn at 8:10 p.m. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 20th DAY OF JULY 2004 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR July 13, 2004.



Colleen Woodruff, City Clerk



Mick Wunder, Mayor