

## CITY COMMISSION MINUTES

July 20, 2004

7:00 P.M.

The regular meeting of the Junction City City Commission was held on Tuesday, July 20, 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 Blanken 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 July 13, 2004.
- b. Approval of Appropriation Ordinance A-27 dated July 9, 2004 in the amount of \$817,671.68, Appropriation Ordinance A-28 dated July 16, 2004 in the amount of \$110,934.81 and Payroll Ordinance P-14 dated July 9, 2004 in the amount of \$176,811.81.
- c. Monthly Department Reports:
  1. Engineering Department Project status Report.
  2. Inspection Report.
  3. Veolia Water, Wastewater and Public Works.
  4. Police Department.
  5. Fire/EMS.
  6. Parks and Recreation.
  7. Waite Utility Customer Service.
  8. Administrative Services.
  9. Golf Course.
- d. Request for payments:

1. Pay estimate #3 to Boyd Excavating for McCluskey's Hill Addition Unit #4 improvements in the amount of \$82,293.87.
  2. Pay estimate #1 to Schilling Construction Inc. for convention center paving in the amount of \$20,256.03.
- e. The acceptance of the following grant awards:
1. Edward Byrne Memorial State and Local Law Enforcement Assistance grant in the amount of \$41,936 for the purchase of crime mapping software and salary for a full time mapping analyst. The City's match is \$10,484 and will come from forfeiture funds.
  2. Emergency Shelter Grant award in the amount of \$37,974.
  3. Juvenile Accountability Block Grant Award in the amount of \$17,817.
- f. The consideration of Resolution 2023 approving the placement of a street light in the 700 Block of West 12<sup>th</sup> Street.
- g. The authorization to apply for grant funding in the amount of \$9,268 from the Department of Justice/Bureau of Justice Assistance for the Gang Resistance Education and Training (GREAT) program.
- h. The consideration of Ordinance G-971 amending Chapter 405, Article II, Section 405.110: CSP permitted uses deleting the words (no live bait). (First reading)
- i. The consideration of Resolutions R 2029 and R 2030 authorizing the Mayor to sign quit claim deeds for property located at 331 E 11<sup>th</sup> and 335 W. 11<sup>th</sup> to MKM Investors, Inc.
- j. The consideration of setting a bid date of August 3 for the design of the sewer extension to serve Upland Mutual.
- k. Deleted from the agenda.
- l. The consideration of an agreement with Kaw Valley Engineering in the amount of \$20,596.00 for inspection services for Wheatland Hills Unit #3 construction.
- m. The consideration of Ordinance G-970 amending Section 220.440 of the City Code concerning the offense of theft of services. (final reading)
- n. The consideration of Ordinance G-969 amending Section 220.410 of the City Code concerning the offense of misdemeanor theft. (final reading)

## **SPECIAL PRESENTATIONS**

Mayor Wunder proclaimed August 3, 2004 as "NATIONAL NIGHT OUT" against crime and presented a proclamation to Captain William Rich of the Junction city Police Department.

Les Streit of the Washburn Small Business Development Center addressed the City Commission concerning funding assistance to enable them to continue offering on site business in Junction City to new or existing businesses. They are requesting a contribution of \$6000.00. The City Commissioners agreed to give the item some thought and have a decision at a later time.

## **PUBLIC HEARINGS**

### **RESOLUTION 2024-228 E 5<sup>TH</sup> STREET**

Mayor Wunder opened the Public Hearing concerning Resolution 2024 regarding the condemnation or repair of property located at 228. E. 5<sup>th</sup> Street owned by John Grant, 919 N. Perry Street.

City Engineer Adams stated that the taxes on the property are paid in full and that permits have been taken out. He stated that work has been progressing on the property. Mr. Grant, owner of the property asked the Commission for 6 months to repair the property. He stated that was a reasonable timeframe and that all the repairs could be made within that time. Mayor Wunder closed the public hearing.

Commissioner Heldstab moved, seconded by Commissioner Blanken to grant 6 months ( January 20, 2005) for repairs or demolition of structures located at 228 E. 5<sup>th</sup>. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: Blanken. Motion carried.

### **RESOLUTION 2026-404 N WEBSTER**

Mayor Wunder opened a public hearing for consideration of Resolution 2026 concerning the condemnation or repair of structures located at 404 N Webster. City Engineer Adams stated that permits have been issued. He also stated that the taxes have been delinquent since 1999. Clifford

McMillian, owner of the property stated that he would need 60 days to finish up the repairs on the property. Mr. McMillian was asked why the taxes had not been paid on the property. He stated that he lost control of the property during a divorce and they were not paid during that time. He has since regained the property and is working with an attorney to see that the property taxes are brought current. He stated that the County is aware of his action with the attorney concerning the unpaid property taxes.

Mayor Wunder stated that he was unwilling to work with a property owner that had unpaid taxes. City Attorney Zimmerman stated that whether the taxes are paid or not shouldn't influence the decision to give time to repair the property.

Commissioner Heldstab moved, seconded by Commissioner Blanken to give 120 days for repair or demolition of 404 N. Webster. Ayes: Blanken, Heldstab. Nays: Talley, Taylor, Wunder. Motion failed.

City Attorney Zimmerman stated that the Resolution needed to be passed giving a reasonable time to repair the property as regulated by City Ordinance and Kansas Statute.

Mayor Wunder moved to give the property owner 30 days to pay all of the property taxes and then the Commission will entertain a motion for repair of property. Motion died for lack of second.

Commissioner Talley moved, seconded by Commissioner Heldstab to approve Resolution 2026 giving 120 days for repair or demolition of property located at 404 N. Webster. Ayes: Blanken, Heldstab, Talley. Nays: Taylor, Wunder. Motion carried.

## **RESOLUTION 2027-125 W 2<sup>nd</sup>**

Mayor Wunder opened a public hearing concerning Resolution 2027 regarding the repair or demolition of property located at 125 W 2<sup>nd</sup>.

City Engineer Adams stated that staff had no contact with the owners. He also stated that the taxes have been delinquent since 1999. Commissioner Talley asked if the 120 day practice could be changed. City Attorney Zimmerman stated that it could.

Commissioner Blanken moved, seconded by Commissioner Heldstab to grant 120 days for the repair or demolition of property located at 125 W 2<sup>nd</sup>. Ayes: Blanken, Heldstab, Taylor. Nays: Talley, Wunder. Motion carried.

## **PUBLIC HEARING-ISSUANCE OF TAXABLE MULTIFAMILY RESIDENTIAL REVENUE BONDS**

Mayor Wunder opened a public hearing on the issuance of taxable multi family residential revenue bonds. City Manager Barnes stated that there is no liability to the City for the issuance of multifamily revenue bonds. The City is merely a conduit that the funds flow through. He stated that the bonds will be issued in an amount not to exceed \$10,000,000 and will finance the construction of Hunter's Ridge Addition. Mr. Barnes stated that the addition would be exempt from property taxes for ten (10) years.

Mayor Wunder closed the public hearing.

Commissioner Blanken moved, seconded by Commissioner Talley to approve Resolution 2028 authorizing the issuance of taxable multi family residential revenue bonds. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Blanken moved, seconded by Commissioner Talley to set a bid date of August 16, 2004 for water, street, and sewer improvements for Hunter's Ridge Addition. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **PUBLIC HEARING- USE FOR LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS**

Mayor Wunder opened a public hearing concerning the potential use of Local Law Enforcement Block Grant funds from the United States Department of Justice in the amount of \$18,518.00. Police Chief Story stated that the Police Department is preparing an application for the 2004 Local Law Enforcement Block Grant through the Bureau of Justice Assistance in the amount of \$18,518.00. Geary County is designated as a disparate jurisdiction by the State Attorney General. This designation requires funding to be shared between Junction City and Geary County. The two agencies have made an agreement. The City will receive 2/3 of the award \$12,345. The County will receive 1/3 of the award, \$6,173. The City is applying for funding to purchase lap top computers for the patrol vehicles. The lap tops currently being used were purchased in 1999. The County is applying for funding to upgrade their automated fingerprinting system. This upgrade will enable them to link with the Kansas Bureau of Investigations fingerprinting system. The grant requires a match of 10%. The matching

funds will come from asset seizure funds. Mayor Wunder closed the public hearing.

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

#### **AWARD OF BID-DEMOLITION OF 1306 N. WASHINGTON.**

City Engineer Adams stated that the City received bids for the demolition of 1306 N. Washington owned by John Bryant. On June 15<sup>th</sup>, Mr. Bryant was given until the July 6, 2004 meeting to present a plan for repairing the property. The time that the commission originally gave Mr. Bryant to repair the structure has expired and the engineering staff has accepted a bid for the demolition of the structure. The action needed by the Commission is to decide if they will accept the plan submitted by Mr. Bryant or if staff should award the contract for demolition.

Mr. Bryant stated that he had painted and had purchased siding material. He was requesting up to a year to finish all of the work including the foundation repair. Mr. Bryant stated that he had purchased the house just over a year ago to work on as a hobby, at a pace that his health would allow. He stated that the taxes were paid on the property. Commissioner Taylor asked if the home was structurally sound. City Engineer Adams stated that it would not be a major repair job to bring the foundation up to code.

Commissioner Blanken moved, seconded by Commissioner Talley to approve the award of bid for demolition to Bailey Construction at a cost of \$1,650.00. Ayes: Blanken, Heldstab, Talley, Winder. Nays: Taylor. Motion carried.

Mr. Bryant asked what he would need to do to change the minds of the Commission. Mayor Wunder stated that his only recourse would be to seek legal counsel.

#### **AWARD OF BID-APRON EXPANSION AT FREEMAN FIELD**

City Engineer Adams stated that the City is eligible for FAA funding to expand the general aviation apron at Freeman Field. The plans and specifications are complete. He stated that two bids were received and that the low bid was Pearson Construction, Junction City, Ks at a cost of \$117,969.96, which was under the engineer's cost estimate.

Commissioner Talley moved, seconded by Commissioner Taylor to approve the award of bid to the low bidder, Pearson Construction as requested. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### **ORDINANCE G-972-HARD SURFACE PARKING REQUIREMENTS**

Ordinance G-972 relating to hard surface parking requirements was presented for consideration on first reading.

#### **ORDINANCE S-972**

AN ORDINANCE AMENDING CHAPTER 420, ARTICLE 1, OFF STREET PARKING AND LOADING, SECTION 420.020; E. AND SECTION 420.030: 2.J. OF THE JUNCTION CITY, KANSAS ZONING REGULATIONS.

City Manager Barnes stated that the City Commission requested a change to the Junction City zoning regulations to require all off street parking and loading to be hard surfaced with either asphaltic concrete or Portland cement concrete. He stated that required off street parking has been required to be hard surfaced by our parking section of the zoning regulations for a number of years. The proposed changes and additions would clarify that the requirement also extends to any parking beyond the minimum required as well as display areas for vehicle sales. The amendment also provides that any existing parking that is not currently hard surfaced would have to come into compliance within a year of passage of the amendment. The MPC recommended approval of the text amendment.

Commissioner Blanken stated that she was opposed to any changes at this time. She stated that economic times are bad and that if the car lots had to pour concrete or asphalt it would be an undue hardship at this time. Commissioner Heldstab agreed with Commissioner Blanken. Commissioner Talley stated that there were strict rules for residents to adhere to and that the same standards should hold for business.

City Manager Barnes suggested that the existing businesses be grandfathered and the new amendment would be for new business only.

Commissioner Heldstab moved, seconded by Commissioner Blanken moved to table any action on the ordinance until a work session could be held. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

### **REQUEST TO SUBMIT GRANT APPLICATIONS**

City Engineer Adams requested Commission approval to submit grant applications to the Kansas Department of Transportation for the 2008 Geometric improvements and the 2008 Economic Development grants.

He stated that the Geometric Improvements program allows a 90/10 split and is intended to improve geometric deficiencies on City Connecting Links. The City has been awarded this grant several times in the past. For the 2008 application the City would like to apply for improvement to the intersection of Ash and Highway 77 to include traffic signals.

Mr. Adams stated that the Economic Development program has a 75/25 split and is one of highway and bridge construction that is intended to enhance the economic development in the state of Kansas. The City has been awarded this grant a number of times also. For the 2008 application the City staff is recommending the reconstruction of Golden Belt Blvd between the two currently planned projects on either end of the Blvd. This project would include widening the street, building curb and gutter and adding sidewalks.

Commissioner Blanken moved, seconded by Commissioner Heldstab to authorize city staff to apply for the grants as requested. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None, Motion carried.

### **REQUEST FOR EXTENSION OF 539 W 11TH DEMOLITION**

Samuel Seifer, 314 W. 2<sup>nd</sup> stated that he was in the process of purchasing the property and would like an extension to make the needed repairs. He stated that he was purchasing the home to live in. He stated that he had been in contact with the city engineering staff and has already started to clean up the outside of the property to show a committed interest in improving the property. Commissioner Talley moved, seconded by Commissioner Blanken to give 120 days to repair or demolish the property located at 539 W 11<sup>th</sup> Street. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

## **REQUEST TO HOLD A FIREWORKS DISPLAY -NIGHT OUT AGAINST**

Captain Rich of the Junction City Police Department requested a waiver to discharge fireworks on July 31, 2004 at the annual Night Out Against Crime celebration in Heritage Park. Commissioner Blanken moved, seconded by Commissioner Heldstab to approve the request as presented. Ayes: Blanken, Heldstab, Talley, Wunder. Nays: Taylor, Motion carried.

## **REQUEST TO HOLD A FIREWORKS DISPLAY AT NORTH PARK**

Lawrence Whatley submitted a request to hold a five minute fireworks display at North Park on July 23, 2004 for a birthday celebration. Commissioner Blanken moved, seconded by Commissioner Heldstab to approve the request as presented. Ayes: Blanken, Heldstab, Talley, Wunder, Nays: Taylor. Motion carried.

## **GENERAL DISCUSSION**

Mayor Wunder opened the meeting for general discussion.

Barbara Smith stated that she felt that the 120 day extension for repairs of a property is to long and needed to be looked at.

## **COMMISSIONER COMMENTS**

Mayor Wunder opened the meeting for Commissioner comments.

Commissioner Blanken stated that the lights have been staying on at Cleary Park and they need to be checked out. She also stated that the Flint Hills Rotary will be sponsoring a prostate cancer check for men on Saturday, October 9.

Commissioner Taylor stated that the Youth Commission is looking for volunteers to serve on the Commission.

## **STAFF COMMENTS**

Mayor Wunder opened the meeting for staff comments.

City Manager Barnes stated there will be a joint city county meeting on Monday July 26, 2004 at 4:00 in the Commission Room.

### EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner, Taylor to adjourn into executive session at 9:00 p.m. to reconvene at 9:05 p.m. to discuss matters pertaining to acquisition of real estate. Ayes: Blanken Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the executive session were the City Manager and the City Attorney.

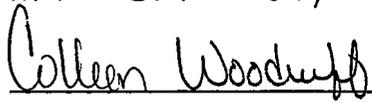
Commissioner Blanken moved, seconded by Commissioner Heldstab to reconvene into regular session a 9:05 having taken no action nor made any decisions while in executive session. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

Commissioner Heldstab moved, seconded by Commissioner Taylor to purchase Webster Estates at a cost of \$75,000.00. Ayes: Blanken, Heldstab, Talley, Taylor, Wunder. Nays: Blanken. Motion carried.

### ADJOURNMENT

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

APPROVED AND ACCEPTED THIS 3rd DAY OF AUGUST 2004 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR July 20 2004.

  
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Colleen Woodruff, City Clerk

  
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Mick Wunder, Mayor