

## CITY COMMISSION MINUTES

October 20, 2004

7:30 P.M.

The regular meeting of the Junction City City Commission was held on Wednesday, October 20, 2004 with Mayor Wunder presiding.

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

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

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

- a. Approval of Commission Minutes October 5, 2004.
- b. Approval of Appropriation Ordinance A-40 dated October 7, 2004 in the amount of \$692,952.69, Appropriation Ordinance A-41 dated October 16 2004 in the amount of \$65,642.91 and Payroll Ordinance P-21 dated October 15, 2004 in the amount of \$150,962.76.
- c. Monthly Department Reports:
  1. Engineering /Inspection/Project status Report
  2. Fire/EMS Department
  3. Personnel/EEO
  4. Police Department
  5. Water Administration
  6. Veolia  
Wastewater Treatment Facilities  
Water Treatment Plant

Public Works

7. Parks & Recreation
  8. Rolling Meadows Golf Course
- d. Request for payments:
1. Pay estimate #2 to J & K Contracting, L.C. for Wheatland Hills #3 in the amount of \$45,604.80.
  2. Pay estimate #1 to Konza Construction for Wheatland Hills-Southwind in the amount of \$18,876.24.
  3. Pay estimate #5 for McCluskey's Hills Addition to Boyd Construction in the amount of \$89,174.64.
- e. The consideration of Resolution R-2053 authorizing five (5) street lights for the Wheatland Hills Addition , Unit #3.
- f. The consideration of Ordinance G-975 amending the City's code of the City for the collection of appropriate fees for the reproduction of health care records by the Fire Department (Final Reading)
- g. The consideration of Ordinance S-2731 designating East Ash Street as a main trafficway. (First reading)
- h. A resolution determining the advisability of financing the acquisition of certain land for redevelopment and airport expansion purposes by the execution and delivery of a lease purchase agreement or agreements (Resolution 2062)
- i. The consideration of award of bid for grant administration on the proposed CDBG Housing Rehabilitation Grant to Hernley Associates, Inc.

## **SPECIAL PRESENTATIONS**

Mayor Wunder proclaimed the month of October 2004 as NATIONAL BREAST CANCER AWARENESS MONTH and presented a proclamation to Gertie Williams.

Rick Dykstra, Geary County Convention & Tourism Bureau presented information on the In-Fisherman Professional Walleye Trail Mercury Championship to be held at Milford Lake in September, 2005.

## **PUBLIC HEARINGS- GRANT AVENUE STREETScape AND NORTH JACKSON DRAINAGE DITCH PROJECTS**

Mayor Wunder opened the public hearings to consider public input on the Grant Avenue Streetscape project.

City Engineer Adams stated that the Commission needed to consider Resolution 2059- a Resolution of support for the Grant Avenue Streetscape project.

Brent Bowman, Bowman Associated presented the plans for the Grant Avenue project. He stated that the project will include landscaping, new lighting and fencing for the Wastewater Treatment , facility, and ADA accessible ramps.

Mayor Wunder closed the public hearing.

Commissioner Talley moved, seconded by Commissioner Taylor to approve Resolution 2059. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Mayor Wunder opened the public hearing to consider public input for the North Jackson Drainage Ditch Enhancement project.

City Engineer Adams stated that the Commission needed to consider Resolution 2058-a Resolution of support for the North Jackson Drainage Ditch Project.

Monty Prescott, BG Consultants presented the plans for the North Jackson Drainage Ditch project. He stated that there would be a hike and bike trail, retaining wall and landscaping.

Mayor Wunder closed the public hearing.

Commissioner Talley moved, seconded by Commission Heldstab to approve Resolution 2058. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

## **PUBLIC HEARING-IMPROVEMENTS FOR THE SWWTP**

Mayor Wunder opened a public hearing on the proposed improvements for the Wastewater Treatment Plant.

City Engineer Adams stated that Resolution 2061 needed to be approved authorizing the filing of an application with the Kansas Department of Health and Environment for a loan under the Kansas Water Pollution Control Revolving Fund Act. He stated that the Revolving loan fund allows the city to borrow funds at lower interest rates. He stated that five million dollars are

being requested, but the City may not need to use it all. Vice Mayor Talley stated that KDHE is mandating the improvements to the plant. City Engineer Adams stated that Con Agra is a partner in financing the improvements.

Mayor Wunder closed the public hearing.

Commissioner Heldstab moved., seconded by Commissioner Talley to approve Resolution 2061. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

#### **PUBLIC HEARING-VACATION OF RIGHT OF WAY**

Mayor Wunder opened a public hearing to consider vacation of a portion of the East Chestnut Street right of way.

City Engineer Adams stated that the vacation of this portion of right of way was requested by Ronald and Shari Strauss. Mr. Adams stated that the property was unusable space because of an electric transformer.

Mayor Wunder closed the public hearing.

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the vacation of a portion of the city's right of way. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

#### **PUBLIC HEARING-CONDEMNATION AND DEMOLITION OF PROPERTY**

Mayor Wunder opened a public hearing concerning the condemnation or demolition of property located at 612 W 8<sup>th</sup>. (Resolution 2054)

Jeffrey Hodge owner of the property requested that he be given the maximum amount of time to enable him to remove what he had stored at the property.

Mayor Wunder closed the public hearing.

Commissioner Talley moved, seconded by Commissioner Taylor to grant 120 days for repair or demolition of property located at 612 W. 8<sup>th</sup>. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Mayor Wunder opened a public hearing concerning the condemnation or demolition of property located at 534 W 14<sup>th</sup>. (Resolution 2055)

City Engineer Adams stated that the property was being purchased on contract by Levi Nelson from Kelly Hodge.

Mr. Nelson requested that he be granted 120 days to make the necessary repairs. He stated that he would have all of the repairs completed by the end of that time.

Mayor Wunder closed the public hearing.

Commissioner Heldstab moved, seconded by Commissioner Taylor to grant 120 days for repair or demolition of property located at 534 W. 14<sup>th</sup>. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Mayor Wunder opened a public hearing concerning the condemnation or demolition of property located at 417 W. 16<sup>th</sup>. (Resolution 2056)

City Engineer Adams stated that the property is being purchased on contract by Michelle Jenkins from Thomas LaFountaine.

Ms. Jenkins stated that she is in the process of purchasing the home and would like to be granted 120 days to make the necessary repairs.

Mayor Wunder closed the public hearing.

Commissioner Talley moved, seconded by Commissioner Taylor to grant 120 days for repair or demolition of property located at 417 W. 16<sup>th</sup>. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Mayor Wunder opened a public hearing concerning the condemnation or demolition of property located at 318 N. Jefferson .

City Engineer stated that the property is owned by Timothy Talbert and no contact has been made by the owner.

Mayor Wunder closed the public hearing.

Commissioner Talley moved, seconded by Commissioner Heldstab to grant 120 days for the repair or demolition of property located at 318 N. Jefferson. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

## **REQUEST TO REMOVE THE TEN COMMANDMENT MEMORIAL**

Michael Brown stated that he wanted to see the ten commandment memorial be removed from city property and placed on church owned property. He stated that he believed in religious equality and would prefer to have the memorial removed rather than different religious symbols placed along side. He stated that he would not stop until it was removed.

Pastor Mars, Immanuel Lutheran Church stated that he was overwhelmed by the support of the community on this issue. He stated that he wanted the debate kept peaceful. He said that the ten commandments are not just a theological symbol, but a historic one as well. He stated that the separation of church and state is not in the constitution and has been taken too far.. He stated that perhaps this is an opportunity for the community to witness to others.

Mayor Wunder stated that all have the right to state their opinion, but currently the Supreme Court is looking at this issue and until they make a ruling the monument will stay where it is.

#### **RESOLUTION 2060-DONATING A PORTION OF LAND ON EAST CHESTNUT**

Resolution 2060 was presented for consideration. The resolution would allow 80 feet of property on East Chestnut Street to be donated to Shree Bapa Inc for parking at a new hotel project. In exchange, the City would be granted an easement for the development of the oxbow area.

Commissioner Talley moved seconded by Commissioner Heldstab to approve Resolution 2060 as requested. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

#### **NEIGHBORHOOD TAX REVITALIZATION APPLICATION REQUESTS>**

Margo Conley stated that a Neighborhood Revitalization Application request from Schoenrock Investments had been received for the construction of a new USDA Conservation office building at 711 Southwind Drive. The construction costs will be approximately \$325,000. The project qualifies for the tax rebate. Commissioner Heldstab moved , seconded by Commissioner Talley to approve the application as requested. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Margo Conley stated that a Neighborhood Revitalization Application request from Tom Silvosky for the construction of a new 8 bay Car and Truck Wash at US 77 and Highway 40. The construction costs will be approximately \$399,700. The project qualifies for the tax rebate.

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

Margo Conley stated that a Neighborhood Revitalization Application request from WCP, LLC Frank Wadsworth and Mark Powers for the expansion of Splash and Dash Car Wash at 1030 W 5th had been received . The construction costs will be approximately \$450,000. The project qualifies for the tax rebate. Commissioner Talley moved , seconded by Commissioner Taylor to approve the application as requested. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

Margo Conley stated that a Neighborhood Revitalization Application request from Clayton Williams for a home at 640 W. 11<sup>th</sup> and 609 W 14<sup>th</sup> with the cost respectively \$10,500. and \$53,000,

The project qualifies for the tax rebate. Mr. Clayton was not at the meeting. Commissioner Talley moved, seconded by Commissioner Taylor to table the request until the next City Commission meeting when Mr. Clayton could be in attendance. . Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. Motion carried.

## **CHANGES TO THE NEIGHBORHOOD REVITALIZATION PLAN**

Margo Conley stated that the City Commission needed to approve the changes to the Neighborhood Revitalization Plan. The changes were that if the applicant falls delinquent on any taxes the application is voided. Commissioner Talley moved, seconded by Commissioner Taylor to approve the changes as requested. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken. 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.

Commissioner Taylor reminded all citizens to vote on November 2, 2004.

Commissioner Heldstab stated that the crowd that attended the meeting spoke for the majority of citizens. He was proud to be a citizen of Junction City.

Vice Mayor Talley stated that he would be in Washington to attend an AUSA meeting.

Mayor Wunder stated that great things are happening in Junction City and the crowd that attended the meeting was showing unity in the community.

## STAFF COMMENTS

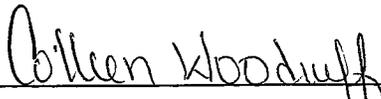
Mayor Wunder opened the meeting for staff comments.

There were no staff comments.

## ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 9:05 p.m. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Absent: Blanken Motion carried.

APPROVED AND ACCEPTED THIS 2nd DAY OF NOVEMBER 2004 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR October 20, 2004.

  
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Colleen Woodruff, City Clerk

  
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Mick Wunder, Mayor