

## CITY COMMISSION MINUTES

December 15, 2009

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, December 15, 2009 with Mayor Terry Heldstab presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

### CONSENT AGENDA

- a. Approval of the **December 1, 2009**, City Commission meeting minutes.
- b. The consideration of **Appropriation Ordinance** dated November 25, 2009 to December 9, 2009 in the amount of \$458,631.41.
- c. Monthly Reports:
  1. Police Report
  2. Personnel Report
  3. Water Report
  4. EMS Report
  5. Fire Report
  6. Rolling Meadows Report
- d. The consideration and approval of the **2010 Cereal Malt Beverage Licenses**.
- e. The consideration and approval to provide a **letter of support to the Geary County Senior Citizen's Center** to support the grant funded acquisition of a new van.
- f. The consideration and approval for **Pay Estimate** to KDOT in the amount of \$375,667.77 for the East Chestnut St. Roundabout Grading and Concrete Pavement Project.
- g. The consideration and approval for **Pay Estimate** to KDOT in the amount of \$228,482.31 for the East Chestnut St. Grading and Concrete Project.
- h. The consideration and approval for **Pay Estimate #7** by Middlecreek Corporation in the amount of \$32,410.16 for construction services through November 17, 2009 on the K-18 and Karns project. The project is 100% complete as of this pay estimate.

- i. The consideration and approval of the **Grant of Permanent Right-of-Way at 1100 McFarland Road** from Nathaniel and Tina Lohli for the Safe Routes to School project at no cost to the City.

## **APPOINTMENTS**

The consideration and approval to reappoint Eleanor Waller to the Junction City Housing Authority Board for a term of four years as the Board's Resident Member. Commissioner Rhodes moved, seconded by Commissioner Taylor to reappoint Eleanor Waller to the Junction City Housing Authority Board for a term of four years as the Board's Resident Member. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried

## **SPECIAL PRESENTATIONS**

Presentation of Mark of Excellence Awards to recognize employees for Excellent Service with the City of Junction City. Administrative Services Director Gowen Presenting.

A report from Leon Osbourn of Kaw Valley Engineering on the repairs to Riverwalk Landing Lake and the consideration and approval to authorize the repairs to Riverwalk Landing Lake per the recommendation of Kaw Valley Engineering. Leon Osbourn presented his report and concluded that the leak is most likely at the boat ramp. Kaw Valley will use a liner at the boat ramp to seal the area. Leon Osbourn said this would be done at no cost to the City. Commissioner Rhodes asked if the research was completed at no cost to the City. Leon Osbourn Replied yes. Commissioner Johnson asked if there is a correct type of clay at the site. Leon Osbourn stated that he did not know because it was not studied. Commissioner Johnson asked if the only cost to the City would be the use of a backhoe; Leon Osbourn replied yes. Commissioner Talley asked if there were problems resulting from water not being in the pond soon enough. Leon Osbourn replied that bentonite works well when it is wet. Mayor Heldstab stated that the use of bentonite saved \$200,000 when compared to the cost of a liner.

Presentation of the 2010 Budget Adjustments. City Manager Barnes Presenting. City Manager Barnes told the commissioners that the Department head management team met to brainstorm ideas for budget reduction. City Manager Barnes presented a list to the Commission. Commissioner Rhodes stated that he appreciated the proactive work. Commissioner Talley stated that as things are going to get tough; it is great to be working ahead.

## **PUBLIC HEARINGS**

The consideration of the amendment of the 2009 Budget. City Manager Barnes Presenting. City Manager Barnes stated that 5 funds needed adjustment in the 2009 budget. Water and Sewer Fund, Sanitation fund, Drug & Alcohol Fund, Special Law Enforcement Fund, and the Spin City Fund. Commissioner Johnson

asked if the City has the funds to make up any difference. City Manager Barnes replied that the City does not have a shortfall. Commissioner Johnson questioned whether these funds need to be spent. Commissioner Talley asked that City Manager Barnes explain for everyone why Spin City went to the City. City Manager Barnes replied that Community in Schools decided to give the property to the City in full. Commissioner Taylor asked if USD 475 pays fees for the use of the facility. City Manager Barnes replied that USD 475 does pay for service; in fact the City tried to work an agreement with USD 475 to take the property from the City. Commissioner Talley made it known that USD 475 help a lot with the building.

### **UNFINISHED BUSINESS**

The consideration and approval Ordinance S-3072 a CID policy and development agreement with Mike Rice for the use of a community improvement district for the Goody's Plaza development. Final Reading – City Attorney Logan Presenting. Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-3072 on final reading. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Abstention: Rhodes. Motion carried.

The consideration and approval of award of contract to Pearson Excavating for the demolition of 701 Chicago and 1501 Rucker Rd. in the amount of \$2,500.00. Assistant City Manager Guinn told the Commission that the city staff would like to accept the lowest total bid for both properties. Commissioner Johnson asked if the property at 701 Chicago was a business. The Owner Mr. Clements stated that the building is used for storage. Assistant City Manager Guinn explained that the Commission has given a number of extensions on this property. Commissioner Taylor stated that he feels it is the responsibility of the owner to contact the City on building progress. Commissioner Talley stated that he feels the building should have shingles and not a galvanized roof as it is in a residential area. Commissioner Johnson asked what would need to be done to fix the building. City Manager Rod Barnes stated that the staff should check with the code department check list to examine progress. The owner Mr. Clement stated that he had not had a year to repair the property due to weather. Assistant City Manager Guinn stated the roof was not entirely completed. Commissioner Johnson stated that he did not see the building before the Commission meeting. Action on 701 Chicago property is tabled. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve award of contract to Pearson Excavating for 1501 Rucker Rd. in the amount of \$1,750.00. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

### **NEW BUSINESS**

The consideration and approval of the interlocal cooperation and members' agreement for the new Flint Hills Regional Council. City Manager Barnes Presenting. Commissioner Taylor asked if the membership fee is population

based. City Manager replied yes, and the fees will be paid with grant funds. Mayor Heldstab invited the other Commissioners to attend meetings. Commissioner Talley stated that there has been a lot of work and cooperation on this project; it is a great route to receiving dollars. Commissioner Taylor stated that he feels it is a great idea to be part of a region to receive funding, and this is needed for the future. City manager Barnes stated that the City has submitted a request for \$400,000 to the OEA for reimbursement of past studies. Mayor Heldstab stated that Kristina Hyland is the only current employee, but a Director will be hired in the future. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve the interlocal cooperation and members' agreement for the new Flint Hills Regional Council. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of a memorandum of understanding between the City of Junction City and Sundown Salute on operation of the annual 4<sup>th</sup> of July festival. City Manager Barnes Presenting. Commissioner Taylor stated that he would like a report of expenditures by the City for Sundown Salute. City Manager Barnes stated that he could calculate the hours of employees. Commissioner Taylor thanked the City manager and stated that this will help answer the questions of some community members. Commissioner Talley moved, seconded by Commissioner Rhodes to approve a memorandum of understanding between the City of Junction City and Sundown Salute on operation of the annual 4<sup>th</sup> of July festival. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of the Final Plat of Olivia Farms 4<sup>th</sup> Addition, a replat of a portion of Olivia Farms along Lucy Court and south of Buddy Drive. David Yearout Presenting. Commissioner Taylor asked if there will be parking in the cul-de-sac. David Yearout replied yes, and that there will still be room for the width of a vehicle. Commissioner Johnson asked if the specials have been paid on the property. City Manager Barnes replied yes, it is required before a permit can be issued. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Final Plat of Olivia Farms 4<sup>th</sup> Addition, a replat of a portion of Olivia Farms along Lucy Court and south of Buddy Drive. Ayes: Heldstab, Rhodes, Talley, Taylor. Nays: Johnson. Motion carried.

The consideration and approval of the Final Plat of Olivia Farms 5<sup>th</sup> Addition. Removed from agenda.

The consideration and approval to enter into agreement with the Kansas Department of Transportation for the 6<sup>th</sup> and Franklin Traffic Signal Installation project and to approve R-2581, authorizing the Mayor and City Clerk to execute, for and on behalf of the City, Agreement 337-09. Assistant City Manager Guinn Presenting. Commissioner Talley asked if the stoplight would use a camera or a timer. Leon Osbourn answered the question stating that a camera will be used. Commissioner Rhodes moved, seconded by Commissioner Taylor to enter into agreement with the Kansas Department of Transportation for the 6<sup>th</sup> and Franklin

Traffic Signal Installation project and to approve R-2581, authorizing the Mayor and City Clerk to execute, for and on behalf of the City, Agreement 337-09. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Transportation Revolving Loan Fund 0121 in the amount of \$447,892.00 for Improvements to Ehler's Hilltop and approval of Ordinance S-3073. (First Reading) Assistant City Manager Guinn Presenting. Commissioner Taylor asked if the contractors are aware of the possibility of delay in funding. Assistant City Manager Guinn responded that the project is already completed and has been paid for by the City; the item is for reimbursement to the City. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Transportation Revolving Loan Fund 0121 in the amount of \$447,892.00 for Improvements to Ehler's Hilltop and approval of Ordinance S-3073. (First Reading). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Neighborhood Revitalization Application to James Sampson to construct a new building (Freddy's Frozen Custard) at Sampson Addition, Lot 2, Block 1 (East of Arby's). Project Qualifies for 3 year tax rebate of 95% for all 3 years. The EDC voted 6-0-1 in favor of the application. Stacy Schulte Presenting. Commissioner Johnson stated that he would like to see a 50% tax break for 1 year as the City had done in the recent past. Commissioner Talley moved, seconded by Commissioner Rhodes to approve Neighborhood Revitalization Application to James Sampson to construct a new building (Freddy's Frozen Custard) at Sampson Addition, Lot 2, Block 1 (East of Arby's). Project Qualifies for 3 year tax rebate of 95% for all 3 years. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

The consideration and approval of Neighborhood Revitalization Application to H2O by Storm, LLC (The Eye Doctors), to construct a new building at 1027 W. 6<sup>th</sup> Street. Approximate cost of construction is \$627,150. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5. EDC voted 6-0-1 in favor of the application. Stacy Schulte Presenting. Commissioner Taylor asked if all of 6<sup>th</sup> St. is eligible for NRP. Commissioner Johnson stated that he feels people should be willing to contribute to their community by paying their taxes. Commissioner Taylor asked how often reviews of the NRP program take place. Stacy Schulte replied that it was approved in 1996 and is approved yearly. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Neighborhood Revitalization Application to H2O by Storm, LLC (The Eye Doctors), to construct a new building at 1027 W. 6<sup>th</sup> Street. Approximate cost of construction is \$627,150. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5). Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

The consideration and approval of Neighborhood Revitalization Application to Geary Grain, Inc. to construct a concrete tank at 340 E. 13<sup>th</sup> Street. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5. The EDC voted 7-0 in favor of the application. Stacy Schulte

Presenting. Commissioner Johnson stated that the Commission is being inconsistent in how the NRP is applied; the City should offer a 50% tax rebate. Commissioner Johnson believes that a 50% rebate is more than generous. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Neighborhood Revitalization Application to Geary Grain, Inc. to construct a concrete tank at 340 E. 13<sup>th</sup> Street. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

The consideration and approval of Neighborhood Revitalization Application to Carlos Deleon-Santa and Maria Cristina Pinto (Self-help housing) to construct a new home at 138 E. 1<sup>st</sup> Street. Approximate Construction costs are \$130,000. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5. The EDC voted 8-0 in favor of the application. Stacy Schulte Presenting. Commissioner Johnson stated that as this is a home, it should pay taxes; property taxes go toward making sure we have schools for children to attend. Commissioner Rhodes stated that the NRP program is currently under review, and that the Commission should wait for their report. Commissioner Rhodes moved, seconded by Commissioner Talley to approve Neighborhood Revitalization Application to Carlos Deleon-Santa and Maria Cristina Pinto (Self-help housing) to construct a new home at 138 E. 1<sup>st</sup> Street. Approximate Construction costs are \$130,000. Project qualifies for a 5 year tax rebate. Years 1 & 2 at 95%, 75% year 3, 50% year 4, and 25% year 5. Ayes: Heldstab, Rhodes, Talley. Nays: Johnson, Taylor. Motion carried.

The consideration and approval of R-2582 to amend R-2406 that determined the advisability of issuing the City's Taxable Multifamily Revenue Bonds to pay the costs of acquiring, constructing, furnishing, and making improvements to a residential rental duplex facility located in the City. (Deer Trail Investments, LLC) City Manager Barnes Presenting. Commissioner Johnson asked if those who were involved with Deer Trail were the same as those involved with Sutter Woods and Sutter Highlands. City Manager Barnes stated that there may be someone available to speak to that idea. Katie Logan explained to the Commission that if the agreement is extended, the City is not obligated other than to consider a new revised application. City Manager Barnes stated that the owners are asking for a year to work further on the project. Lee Olhman stated that the loans would not have been taken if the homes had not received tax abatement; to revoke would punish owners and banks, and property value would decrease. Commissioner Johnson asked what was the original selling cost of the properties. Mr. Olhman stated that they 39 units were purchased at \$135,000 each; the properties were converted to rentals. Commissioner Johnson would not like to see these people bailed out. City Attorney Logan stated that to property may not qualify for IRB. Tim Ryan addressed the Commission representing University National Bank who has loans on 17 duplexes. Tim Ryan stated that a lawsuit has been filed to foreclose; a court will determine the owner, and there will be a sheriff sale. Tim Ryan stated the property is going to be devalued, and an extended deadline is needed so that a recovery can occur. City Attorney Logan suggested tabling the issue so that more can be learned about the issue; it is

very possible that the property will not qualify for IRB. Kaite Logan will consult with Bond Council. Tabled.

The consideration of a motion providing for the termination of R-2252 a Resolution expressing the City Commission's intent to issue Taxable Multifamily Rental Revenue Bonds (Sunrise East/Sunrise West Project). City Manager Barnes Presenting. Commissioner Rhodes moved, seconded by Commissioner Talley to termination of R-2252 a Resolution expressing the City Commission's intent to issue Taxable Multifamily Rental Revenue Bonds (Sunrise East/Sunrise West Project). Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of an agreement between the City of Junction City and Geary County for jail services. Commissioner Taylor asked Chief Brown if the City is current of Jail payments. Chief Brown stated that the City has one more payment. Commissioner Rhodes asked where we would be with a per-prisoner charging system. City Manager Barnes stated that the negotiated contract is at a fair rate. Chief Brown stated that the current contract is a \$40,000 reduction. Commissioner Taylor asked if we could look into charging prisoners for their stay. Chief Brown said that it could be looked into; the County currently holds between 10 and 20 people for the City. Commissioner Talley stated that he like the good cooperation between the City and the County; he realizes that both organizations have worked hard to make a good deal. Commissioner Talley moved, seconded by Commissioner Taylor to approve the agreement between the City of Junction City and Geary County for jail services Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of Ordinance S-3074 authorizing the acquisition of land for economic development purposes; and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof. (Final Reading) City Manager Barnes Presenting. Commissioner Taylor asked if the City was going to continue to pay edenspace. Commissioner Taylor asked if the City is going to continue giving money to Edenspace. City Manager Barnes stated that it should be solved in the first quarter of next year; Edenspace planned to receive a grant that did not happen and they are now ready to move forward. Commissioner Taylor asked what our options are. City manager Barnes stated that Edenspace planning for their Headquarters has changed. Commissioner Taylor asked if the City is going to need to come up with more money. City manager Barnes stated The City provided a 3 million dollar grant the Edenspace to move their headquarters. According to EDC Director Black financing for the new building has been difficult because of the condition of the economy. Commissioner Taylor asked when will financing be available. EDC Director Black stated that it is up to market conditions. City Manager Barnes stated that the Edenspace owner wants to move as soon as possible; land has already been bought. Commissioner Taylor asked the value of the stock. EDC Director Black stated that the last he heard it was up 50 cents per share. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve Ordinance S-3074 authorizing the acquisition of land for economic development purposes; and authorizing the

issuance of General Obligation Bonds of the City to pay the costs thereof (First Reading) Ayes: Heldstab, Johnson Rhodes, Talley, Taylor. Nays: None. Motion carried. Request for a declaration of emergency. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve request for a declaration of emergency. Ayes: Heldstab, Johnson Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve Ordinance S-3074 authorizing the acquisition of land for economic development purposes; and authorizing the issuance of General Obligation Bonds of the City to pay the costs thereof (Final Reading) Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None.

The consideration and approval of Ordinance S-3075 declaring Thompson Drive and Brooke Bend as main trafficways. (Final Reading) City Manager Barnes Presenting. Commissioner Taylor moved, seconded by Commissioner Rhodes to approve Ordinance S-3075 declaring Thompson Drive and Brooke Bend as main trafficways (First Reading) Ayes: Heldstab, Johnson Rhodes, Talley, Taylor. Nays: None. Motion carried. Request for a declaration of emergency. Commissioner Rhodes moved, seconded by Commissioner Talley to approve request for a declaration of emergency. Ayes: Heldstab, Johnson Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Talley moved, seconded by Commissioner Taylor to approve Ordinance S-3075 declaring Thompson Drive and Brooke Bend as main trafficways (Final Reading) Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None.

The consideration and approval of R-2583 authorizing trafficway improvements or reimprovements of certain main trafficways within the City of Junction City, Kansas; and providing for the payments thereof. City Manager Barnes Presenting. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve R-2583 authorizing trafficway improvements or reimprovements of certain main trafficways within the City of Junction City, Kansas; and providing for the payments thereof. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

The consideration and approval of R-2584 a Resolution authorizing and directing the issuance, sale and delivery of taxable general obligation temporary notes, series 2009-D, of the City of Junction City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. City Manager Barnes Presenting. Commissioner Rhodes moved, seconded by Commissioner Johnson to approve R-2584 a Resolution authorizing and directing the issuance, sale and delivery of taxable general obligation temporary notes, series 2009-D, of the City of Junction City, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Ayes:

Heldstab, Johnson, Rhodes, Taylor. Nays: None. Abstention: Talley. Motion carried.

Discussion of interim City Manager position. Katie Logan stated that she thought it would be appropriate to designate an interim City Manager as a new City Manager may not be selected before the end of the year. Commissioner Rhodes made a motion to approve Assistant City Manager Guinn as interim City Manager until a new City Manager is hired or as until the motion is rescinded; the motion was seconded by Commissioner Talley. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: None. Abstention: Talley. Motion carried.

### **COMMISSIONER COMMENTS**

Commissioner Talley stated that he had heard of problems clearing snow in some cul-de-sacs, but otherwise snow removal was done well. Commissioner Taylor asked how many snow plows are in operation. Steve Hoambrecker stated that there are 8 trucks in operation. Commissioner Taylor asked if there are plans to replace these trucks. Steve Hoambrecker stated that it would be a budget issue under contract. Steve Hoambrecker stated that high winds did cause problems with keeping the streets clear; salt and sand are not melting snow and ice due to low temperatures. Commissioner Taylor asked if there are adequate personnel for the job. Steve Hoambrecker stated that it has been a stretch on personnel.

Commissioner Rhodes wished the City employees a Happy Holidays. Commissioner Rhodes said thanks to Rod Barnes for his service, and good luck in the future.

Commissioner Taylor has received complaints from a beautician shop regarding hard water. Steve Hoambrecker stated that he will provide a report to the Commissioner regarding water hardness.

Commissioner Johnson wanted to wish a merry Christmas to all; he is also glad to see that the nativity scene and 10 commandments are still on display in the City.

Mayor Heldstab thanked Rod for his years of service. Mayor Heldstab also wanted to thank the community for meeting with the City Manager candidates.

### **STAFF COMMENTS**

City Manager Barnes reminded everyone of the Christmas meal delivery on December 25, 2009. City Manager Barnes stated that his day of resignation is near and he hopes that there is a smooth transition. A project list has been provided for the new City Manager. City Manager Barnes presented a statement to the City Commission.

### **EXECUTIVE SESSION**

For the purpose of attorney client privilege, not to exceed 10 minutes. Session will include City Commission, City Manager, Assistant City Manager, and City Attorney. Commissioner Taylor moved, seconded by Commissioner Talley to adjourn into executive session at 10:01 PM not to exceed 10 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes excluded himself from the discussion. Commissioner Johnson moved, seconded by Commissioner Talley to reconvene into regular session at 10:11 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

Meeting for personnel matters related to public officials. Session to include the City Commission. Commissioner Taylor moved, seconded by Commissioner Rhodes to adjourn into executive session at 10:15 PM not to exceed 15 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes moved, seconded by Commissioner Talley to reconvene into regular session at 10:30 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Rhodes moved, seconded by Commissioner Johnson to adjourn into executive session at 10:31 PM not to exceed 15 minutes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried. Commissioner Talley moved, seconded by Commissioner Rhodes to reconvene into regular session at 10:46 PM having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion carried.

Mayor Heldstab stated the City Commission will make an offer to a City Manager candidate. Mayor Heldstab also stated that the name of that candidate will not be released at this time.

City Attorney Logan recommended to the Commission that it approve settlement offers for pavement failures in two subdivisions in the amount of \$68,894.00. City Attorney Logan stated that she anticipates there will be additional dollars from Cox Communications. Commissioner Talley moved, seconded by Commissioner Taylor to approve settlement offers for pavement failures in two subdivisions in the amount of \$68,894.00. Ayes: Heldstab, Johnson, Talley, Taylor. Nays: None. Abstention: Rhodes. Motion carried.

## **ADJOURNMENT**

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 10:49 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 5th DAY OF JANUARY 2009 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR DECEMBER 15, 2009.



---

Tyler Ficken, City Clerk



---

Terry Heldstab, Mayor