

September 6, 2011

## CITY COMMISSION MINUTES

September 6, 2011

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 6, 2011 with Mayor Pat Landes presiding.

The following members of the Commission were present: Cecil Aska, Scott Johnson, Pat Landes, Jim Sands, and Jack Taylor. Staff present was: City Manager Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

### PUBLIC COMMENT

John Stewart questioned why people are being sent to Washington D.C; funds were sent to the EDC to pay for the trip. Mr. Stewart stated that funds should be used to pay off debt. Mr. Stewart stated that the MAC was given funds, and then the funds were given to the State of Kansas. Commissioner Sands stated that the State is going to match the MAC funds, and this is something that other communities have done. Commissioner Johnson stated that he felt that too many people were going. Mayor Landes stated that it is important to attend the event because it is important to know your neighbors.

Terry Flemming of N. Wahington St. Stated that the flashing yellow lights on Washington St. are resulting in traffic that is too fast. City Manager Vernon stated that the City is working to eliminate the lights and place stop signs. City Manager Vernon stated that congestion does not seem to be a problem at the intersection. Commissioner Johnson stated that Mr. Godfrey had sent an e-mail regarding his concerns with the intersection not being lit. City Manager Vernon stated that the purpose of traffic lights are regulate traffic and not control parking. City Manager Vernon stated that If the light was to break, it would be expensive to fix. Commissioner Aska asked how many days it would take to make the change to the signs. Assistant City Manager Greg McCaffery stated that the project would take no more than 60 days; the light could result in a liability issue if it continues while unwarranted. Mayor Landes stated that if traffic speeds are a problem in the area, then additional enforcement could be warranted. Mr. Flemming asked if jake brakes are illegal within the City limits; he requested signage.

Dave Malvitri stated that at the insersection of First & Madison, kids almost get hit in the intersection. The yield sign does not work. Mr. Malvitri stated that there have been nine accidents at the intersection. Mr. Malvitri stated that cops do not yield at the intersection either.

Mike Douchent requested the opportunity to speak during the Verizon issue. Mayor Landes stated that he would have the opportunity to speak.

### CONSENT AGENDA

Consideration of Appropriation Ordinance A-17 2011 dated August 11, 2011 through August 31, 2011 in the amount of \$1,761,284.81. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

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Consideration of the August 16, 2011 City Commission Meeting Minutes, and August 16, 2011 Special City Commission Minutes. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to gain approval for the City to administer Kansas Housing Resources Corporation grant on behalf of the Open Door in the amount of \$47,210. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of application by Cox Bros. BBQ for a temporary Cereal Malt Beverage License to serve the Jammin' in JC Festival in Heritage Park. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to join the National Moment of Remembrance of the 10th Anniversary of September 11th. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to approve the application to a regional FEMA grant to purchase water rescue equipment to be used in the event of water related emergencies. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to retire 2 border collies housed at Rolling Meadows Golf Course to former Golf Superintendant , John Wimbish for \$1.00. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to enter into internet hosting & update agreement with Municipal Code Corporation. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of ambulance contractual obligation adjustments and bad debt adjustments. Commissioner Taylor moved, seconded by Commissioner Aska to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

## **UNFINISHED BUSINESS**

Consideration and review of condemnation of 1803 Oakridge Dr. Sheila Burdett requested an extension so that the property may be sold and not demolished. Commissioner Aska asked if new people are interested in purchasing the property. Mrs. Burdett stated that there is a new prospective purchaser. Mark Powers stated that his dilemma for the project is that his contractor will not be able to begin for 45 days. Mayor Landes asked if his plans are ready for the property and ready to proceed. Mr. Powers stated that the plans are ready. Commissioner Taylor stated that he would like regular updates on the property. Senior Inspector Karmann stated that he believes the structure could be dried in within 120 days. Commissioner Aska moved, seconded by Commissioner Johnson to continue the request. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

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Consideration of request for a special use permit to install a communications tower in the southeast corner of Highland Cemetery. Planning & Zoning Director Yearout Presenting. Planning & Zoning Director David Yearout stated that the Lifestar chief pilot picked the Highland Cemetery location as his last choice for placement of the communications tower. Planning & Zoning Director David Yearout stated that the MPC board requested that the tower be lit. Commissioner Johnson stated that the towers are popping up all over for \$800 to \$1000 per month, and property values being damaged is questionable. Commissioner Johnson stated that the cemetery needs the money and City needs the money. Commissioner Johnson stated that the engineers have the knowledge on this issue and not the Commission. Mayor Landes asked about the possibility of locating the tower in South Park. Planning & Zoning Director David Yearout stated that capacity would be met but the location to the other towers is the problem. Commissioner Taylor stated that he is concerned with the safety of the helicopter; he stated that he supports the position of the MPC board. Commissioner Aska asked if there were problems with the tower being allowed in the cemetery in the past. Planning & Zoning Director David Yearout stated that there was a protest petition last winter, but the crowd did not show up for this second process. Commissioner Johnson stated that people are not crazy about this tower, but if it helps the cemetery then he supports it; ugly things are going to be placed in your back yard. Commissioner Johnson asked Assistant City Manager McCaffery his opinion on the issue. Assistant City Manager McCaffery stated that the Commission should not consider the finances of the issue, and address the land use issue only. Mayor Landes stated that South Park would be a large location for the tower, and the location is near the cemetery. Benny Vegore, an engineer with Verizon wireless stated the the new cell tower site is being proposed for two reasons. There is a capacity concern on the east tower; customers will experience degradation in the calls. Second, service is weak along I-70 for 1 mile. I-70 does not get coverage from the tower located at the water tower. Commissioner Aska stated that he is fine with the lights and the location at the cemetery. Mayor Landes stated that Lifestar did not state that this tower is a horrible spot, but simply placed it third on a list. Commissioner Taylor stated that there are flight restrictions due to Ft. Riley as well. Commissioner Aska stated that he recognized the safety issue with the tower, but he believes the light on the tower is an acceptable solution. Commissioner Johnson moved, seconded by commissioner Aska to approve the tower provided that the tower is lit for safety. Ayes: Aska, Johnson, Landes. Nays: Sands, Taylor. Motion failed due to the requirement of a 2/3 majority to overturn the recommendation of the MPC. Commissioner Johnson moved, seconded by Commissioner Aska to send the item back to the MPC for consideration. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the request of Trinidad and Margaret Maldonado for approval of S-3098 Special Use Permit to allow the use of a portion of the commercial building at 2210 Prospect Circle for residential purposes. Planning & Zoning Director Yearout Presenting. Commissioner Johnson moved, seconded by Commissioner Johnson to approve S-3098 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to approve Ordinance S-3097 eminent domain proceedings on final reading. City Attorney Logan Presenting. City Attorney Logan stated that her recommendation is that Commissioner Johnson recuse himself from this item because it involves his brother. Commissioner Johnson stated that his judgement will not be impacted. Commissioner Aska moved, seconded by Commissioner Johnson to approve Ordinance S-3097 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

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## **NEW BUSINESS**

Consolidation of Resolution R-2647 authorizing the Mayor to execute consolidation documents between the City, County, and Chamber of Commerce. City Manager Vernon stated that the City fiscal crisis prompted the consolidation effort; the Junction City Area Chamber of Commerce will provide services to the City: EDC, CVB, MAC. City Manager Vernon stated that City staff recommends approval. Commissioner Aska stated that as a transition committee member, he feels that adoption will benefit the City. Commissioner Aska stated that he feels good about the final product, and if the City does not like this agreement, then the option to change is there. Commissioner Aska stated that the City will be able to measure the success of the organization in the future. Commissioner Taylor stated that he supports this item, and he believes it will lead to success for the community in the future; the community may see other consolidations in the future. Commissioner Sands stated that there is a need for this; additional coverage will be provided to the MAC. Mayor Landes stated that a goal is to have this entity under one roof, and an expansion could be built into the parking lot at the current EDC building. Commissioner Taylor moved, seconded by Commissioner Sands to approve R-2647. Ayes: Aksa, Johnson, Landes, Sand, Taylor. Nays: none. Motion carried.

### Consideration and discussion of employee residency requirement.

City Manager Vernon stated that required residency is an age old question. The goal is to Maintain and retain employees while determining what is the best fit for the community. City Manager Vernon stated that a residency requirement limits peoples right to live where they want, and limits the employment pool. City Manager Vernon stated that the City's policy has changed in 1996, 2000, and 2009. Commissioner Johnson stated that a high percentage of firefighters live in the county. Commissioner Johnson stated that safety was stated as an important issue during the budget season, but many Fire Department employees do not receive City services. Commissioner Johnson stated that people are moving across the country to get a job. Commissioner Johnson stated that he would approve of an incentive program to live in the City. City attorney Logan stated that for any change to the residency requirement, there would need to be a set time period for the staff to transition. Commissioner Sands stated that people who live in the City are still paying taxes to the City when they spend sales tax. Commissioner Aska stated that he would support a program that encourages people to live in the City; State employees can live anywhere, and it is a struggle to find qualified people. Commissioner Aska stated that department heads could be required to live in the City. Mayor Landes stated that department heads and above could be required to live in the City limits; he does not want to see the requirement bounce back and forth. Mayor Landes stated that for many it is a dream to live where you want.

## **COMMISSIONER COMMENTS**

Commissioner Sands stated that the Community can expect Ft. Riley's population to increase for approximately 6 Months. Commissioner Sands stated that the new business Cox BBQ will be opening soon. Commissioner Sands stated that he is eager to attend the AUSA conference to try to bring business & contractors to the community.

Commissioner Johnson stated that the views consolidation as a positive for the community. Commissioner Johnson stated that houses at a good price sell well; Ft. Riley are the experts on where to build military housing.

Commissioner Aska stated that there will be a 9/11 remembrance event at Heritage Park on Saturday at 3:30 P.M.

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Commissioner Taylor stated that he is aware of a band that wants to entertain at the JC Blues & BBQ festival. Commissioner Taylor thanked Commissioner Aska for his work on the Consolidation Board. Commissioner Taylor stated that there is a need for senior housing, and it was not his intention to slight the Sterling House with his comments at the last Commission meeting.

Mayor Landes stated that he attended a coffee session with Commissioner Aska and the City Manager; the topic of the meeting was to discuss performance goals, and set goals for future endeavors. Mayor Landes stated that the coffee and conversation is a relaxed atmosphere, and he encourages more of the public to attend.


### EXECUTIVE SESSION

An executive session to discuss issues of attorney client privilege to include the City Commission, City Manager, and City Attorney. Commissioner Aska moved, seconded by Commissioner Johnson to adjourn into executive session for a period of 10 minutes at 8:56 P.M. to include the Commission, City attorney, and City Manager. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. Commissioner Taylor moved, seconded by Commissioner Sands to adjourn from executive session at 9:06 P.M. where no action was taken and no decisions were made. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried. City Attorney Logan stated that Brooke Investment holding held mediation with the City involving inverse condemnation proceedings, and a non-connection to US-77, as well as a claim of \$10,000 for non-installation of a lift station. City attorney Logan stated that her recommendation is to approve the settlement and release agreement. Commissioner Aska moved, seconded by Commissioner Johnson to approve the agreement. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

### ADJOURNMENT


Commissioner Taylor moved, seconded by Commissioner Sands to adjourn at 9:21 PM Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 20TH DAY OF SEPTEMBER 2011 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 6th, 2011.



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Tyler Ficken, City Clerk



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Pat Landes, Mayor