

April 5, 2011

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CITY COMMISSION MINUTES

April 5, 2011

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, April 5, 2011 with Mayor Mike Rhodes 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 Gerry Vernon, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

PUBLIC COMMENT

Randy Powers of 1013 S. Webster stated that he has lived in the community for 23 years and has paid his taxes. He is not in favor of the cell tower being installed at the cemetery. He stated that cell phone towers need to be outside town. He stated that the silver missile that is being planned will not look good from I-70. He stated that the realtor who is in the area is not likely telling buyers that this tower will be in the area.

Thi Le Hein of 605 W. 9th Street stated that she needs help reducing the number of utility lines to her duplex home. Mayor Rhodes stated that Planning and Zoning Director Yearout is available to assist her on the matter.

Debra Johnson of 1320 McFarland thanked those who decided to run for the Commission. She stated that Commissioner Taylor deserves respect. She stated that she is ashamed of the sitting Commission. She stated that she will make a home here in spite of what the Commission has done.

Mary Somrak stated that she agrees that the 948 Grant Ave. trailer park looks like a third world country. She stated that she contacted Codes Inspector Karmann on this issue. She was informed by Mr. Karmann that residents of the park can file written complaints on the conditions. Mary Somrak stated that people have not signed the complaints because they are being terrorized by the park operators.

CONSENT AGENDA

The consideration and approval of **Appropriation Ordinance A-7-2011** dated March 10, 2011 through March 30, 2011 in the amount of \$577,226.46. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Approval of the **March 15, 2011** City Commission Meeting Minutes. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of cereal malt beverage/alcoholic liquor prohibition exemption for the Municipal Building Gym on September 24, 2011. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

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Consideration and approval of street closing request for Jammin in JC Blues and BBQ Festival. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of cereal malt beverage prohibition exemption for Jammin in JC Blues and BBQ Festival. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of Street Closing Request for B.O.S.S. Mufflers & Music event. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of cereal malt beverage prohibition exemption for B.O.S.S. Mufflers & Music event. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of write off for the 2009 portion of employee benefits billed to the Opera House. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of Payroll # 5 and #6 for the month of March 2011. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

The consideration and approval of award of bid for athletic field maintenance, Rathert Stadium. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval of bids for fertilizer and weed control for City properties. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

Consideration and approval for the mayor to sign 11 easement documents for City owned property for the placement of high-voltage transmission line. Commissioner Heldstab moved, seconded by Commissioner Johnson to approve the Consent agenda as presented. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

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APPOINTMENTS

The consideration and approval of a **joint Junction City/Geary County appointment to the Consolidation Board**. (Steve Locke has been recommended) Commissioner Taylor moved, seconded by Commissioner Johnson to approve the appointment of Steve Locke to the Consolidation Board. Ayes: Heldstab, Johnson, Rhodes, Taylor. Nays: none. Motion carried.

UNFINISHED BUSINESS

The consideration and approval of S-3092 to deny Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery. (**First Reading, Planning & Zoning Director Yearout Presenting**) Commissioner Heldstab asked the height of the proposed tower. Planning and Zoning Director Yearout stated the proposed height is 120 feet. Commissioner Taylor asked if there is a lighting requirement for the tower. Planning and Zoning Director Yearout stated that the tower does not require a light, but the issue was discussed due to the proposed tower's proximity to the Hospital and helicopter flights. Commissioner Heldstab stated that he does not believe this is the best use for the cemetery. Commissioner Johnson stated that the cemetery would not be receiving enough rent for the tower. Commissioner Heldstab stated that the MPC is there for a reason, and is in favor of their recommendation. Commissioner Taylor stated that he supports the recommendation of the Cemetery Board to approve the tower. Commissioner Johnson moved, seconded by Commissioner Heldstab to approve S-3092 to deny Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery on first reading. Ayes: Heldstab, Johnson, Rhodes. Nays: Talley, Taylor. Motion carried.

NEW BUSINESS

The consideration and approval of a fee waiver for Junction City Community Band on June 19th, 2011 for use of the Heritage Park Bandstand. Commissioner Taylor moved, seconded by Commissioner Johnson to deny fee waiver for Junction City Community Band on June 19th, 2011 for use of the Heritage Park Bandstand. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of an Edenspace proposal for approvals and waivers in connection with a proposed bridge loan conversion and new financing which will result in the issuance of additional Series B Preferred Stock. (**City Attorney Logan Presenting**) City Attorney Logan stated that Edenspace has requested a release to sell additional preferred B stock for additional capitalization of the company. City Attorney Logan stated that 85% of series A stock is owned by the City. City attorney Logan stated that the Spirit board approved the request by a 6 to 1 vote. City Attorney Logan stated that attempts have been made to amend the development agreement but the effort was unsuccessful. Commissioner Johnson stated that this is insane; the bad development agreements are the rule in Junction City and not the exception. Ben Kitchens stated that the City needs to allow Edenspace to sell additional preferred

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stock, or there will be nothing. Commissioner Johnson stated that he was upset that there has been only two days to decide this issue; he stated that this should be financed by the owner. Wayne Mahieu of Edenspace stated that 3.3 million in debt is due this weekend; he stated that the parent company is not investing. Commissioner Johnson stated that the Commission needs to see financials from Ferguson and Orbital. Mr. Mahieu stated that venture capital is still years out, and agrees that the development agreement needs to be fixed. Commissioner Johnson stated that Cities to not participate in this type of business investment. Ken Frum, Edenspace investor stated that the economy has had a negative impact on the capitalization of this company; he stated that there is an excellent chance to turn things around in the future. Commissioner Johnson asked how many employees there were at the company's peak. Wayne Mahieu stated that there were 26. Commissioner Johnson stated that the company needs to have a presence in Junction City. Commissioner Taylor moved, seconded by Commissioner Johnson to approve an Edenspace proposal for approvals and waivers in connection with a proposed bridge loan conversion and new financing which will result in the issuance of additional Series B Preferred Stock. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of KDOT agreement to participate in the Exchange Fund Program. **(Finance Director Beatty Presenting)** Finance Director Beatty stated that this agreement would allow the City to bank KDOT fund for future use. Commissioner Rhodes asked if this agreement would obligate the City to a specific project. Finance Director Beatty stated that the City could submit an alternate plan in the future. Commissioner Talley stated that he thought these types of decisions would be considered by the regional group. Finance Director Beatty stated that the regional transportation district has yet to be established. Commissioner Heldstab stated that the transportation district will take additional time. Commissioner Taylor asked how long the funds can be set aside. Finance director Beatty stated 3 years. Commissioner Taylor moved, seconded by Commissioner Johnson to approve KDOT agreement to participate in the Exchange Fund Program. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance G-1096 amending Title IV, Land Use, in several places to clarify the use of a Special Use permit for uses not otherwise identified within the Zoning Regulations. **(First Reading, Planning & Zoning Director Yearout Presenting)** Commissioner Talley moved, seconded by Commissioner Johnson to approve G-1096 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance S-3093 rezoning property at 1120 South Madison Street from "CSR" Commercial Service Restricted to "IL" Light Industrial. **(First Reading, Planning & Zoning Director Yearout Presenting)** Commissioner Heldstab moved, seconded by Commissioner Johnson to approve S-3093 on first reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

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The Mayor & Commissioners thanked the people who decided to run for City Commission and wished them well.

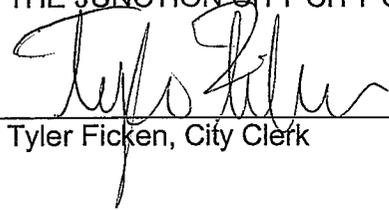
STAFF COMMENTS

City Manager Vernon stated that roundtable budget meetings have been scheduled for early June, and City staff is working toward formalization. City Manager Vernon announced that there is a KDOT meeting on Thursday, April 7, 2011 at the Opera House.

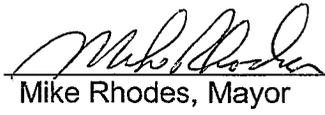
ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 8:35 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 19th DAY OF APRIL 2011 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR APRIL 5, 2011.



Tyler Ficken, City Clerk



Mike Rhodes, Mayor