

## CITY COMMISSION MINUTES

September 20, 2011

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 20, 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**

Kenneth Dunham of 1324 Hoover Rd stated that at 8th & Perry he believes there is a water leak due to trash trucks.

Christa Galbreath of 809 W. Elm stated that Junction City has grown a lot since 1974, and the City can be beautiful if everyone does their part. She stated that there is a problem with people putting trash in front of their homes and not calling for special pick ups. She stated that she would like to see the street cleaner truck down her street more often. She stated that people need to take pride in keeping their property clean. Commissioner Johnson stated that the Commission receives a lot of reports from around town, but it takes time for the clean-up process. Commissioner Aska stated that he believes that there are people that do have pride in the community. Ms. Galbreath stated that the problems were worse in the past and are better now.

### **CONSENT AGENDA**

Commissioner Johnson stated that he e-mailed Gerry on a number of items to ensure that they would only be paid once.

Consideration of Appropriation Ordinance A-18 2011 dated September 1, 2011 through September 14, 2011 in the amount of \$485,269.35. Commissioner Taylor moved, seconded by Commissioner Sands to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of the September 6, 2011 City Commission Meeting Minutes. Commissioner Taylor moved, seconded by commissioner Sands to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to approve the purchase of a 2008 Chevrolet Tahoe and declare a 1996 Ford Crown Victoria as surplus. Commissioner Taylor moved, seconded by commissioner Sands to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

## **SPECIAL PRESENTATIONS**

Mayor Landes presented the Recovery Month Proclamation to Pawnee Mental Health Services.

## **UNFINISHED BUSINESS**

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. City Manager Vernon stated that Planning & Zoning Administrator Yearout would not be able to attend tonight's meeting. City Manager Vernon provided the information provided in the memo to the Commission. Commissioner Johnson stated that he felt that items are always going to be built next to something, at least this tower will be hidden in the cemetery; this is a \$250,000 project, and the engineers know what they are doing. Mayor Landes stated that businesses on Goldenbelt do not receive good service due to the hill that obstructs the signal. Commissioner Taylor stated that he believes it is crass to build a cell phone tower in a cemetery; there is also the safety issue to consider for Lifestar. Commissioner Aska stated that he struggles with the morality of placing a commercial use structure at the cemetery. Commissioner Sands stated the the issue of income is not a matter in this issue. Commissioner Sands stated that the tower is going to be visible, and he does not see this tower going into the cemetery. Commissioner Sands stated that he is not concerned with the money aspect because if the tower is not placed at the cemetery, then it will be placed somewhere else. Commissioner Johnson stated that service is not being provided to areas of the community with presents a danger. Mr. Douchant stated that he has provided engineering maps that show the stark contrast in coverage between the water tower and cemetery tower locations. Mr. Douchant stated that he is worried that all information has not been passed to the Commission. Mr. Douchant stated that the law is on his side on this issue; there are limitations under Federal law. Mr. Douchant stated that he provided studies which lay out the impact of a tower on property values. Mr. Douchant stated that the way the project is being presented is disconcerting. Mayor Landes asked if the water tower would help with data, but not with coverage. Mr. Douchant stated that it is not an equal match, and this is a line of sight enterprise. Mr. Douchant stated that other brands will locate on the same tower in the Cemetery, and it will not be on the water tower. Mr. Douchant stated that the way this item has been presented has been distorted. City Manager Vernon stated that he takes offense by the statement of Mr. Douchant; the issue here is the alternatives for the tower. City Manager Vernon stated that he believes Planning & Zoning Director Yearout would not withhold information from anyone. Mr. Douchant stated that the Police & Fire Departments would also be allowed to locate on the tower in the future a gratis. Commissioner Taylor asked why the Commission has not been provided the information for a tower in South Park. Mr. Douchant stated that he has viewed the study, and the South Park location is too close to existing sites. Commissioner Johnson stated that the engineers with Verizon know what they are talking about. Commissioner Sands asked Mr. Douchant why he believes the items did not pass the MPC. Mr. Douchant stated that he would like to address that issue in a closed session; he has misgivings and believes people should recuse themselves in some situations. Mr. Douchant stated that someone even tried to play engineer with the issue stating the towers should be

located outside the community and shoot in. Mr. Douchant stated that it is not his intention to deface or denigrate anyone. Mr. Douchant stated that there are simple solutions to some of the problems such as raising the fence to hide equipment. Mr. Douchant stated that adjustments to the plans can be made; if directed, the tower can be lit. Commissioner Aska stated that land use is the issue here. Mr. Douchant stated that a storm siren is located near the proposed tower sight. Mr. Douchant stated that he has done 500 of these projects and he stated that he felt it was disconcerting on how the information was portrayed; it was not accurate. Mr. Sands asked if it would be possible to move the tower outside the cemetery, but near the proposed spot. Mr. Douchant stated that great pains have been taken to select this position. Mr. Douchant stated that there are not many homes near the proposed location. Commissioner Johnson stated that the MPC makes mistakes, and that's why the Commission is there; if you look around town, mistakes have been made. Commissioner Johnson moved, seconded by Mayor Landes to approve an ordinance to deny the recommendation of the MPC. City Manager Vernon asked if the Commission would like to amend the motion to include the requirement of a light, and fence tall enough to obscure the view of the ground equipment. Commissioner Johnson amended his motion to include the two additional requirements. Mayor Landes seconded the motion as amended. Ayes: Johnson, Landes. Nays: Aska, Sands, Taylor. Mayor Landes stated that the motion carried 3-2. Commissioner Taylor requested a roll call vote on the item. Commissioner Aska stated that he voted Nay on the motion. Mayor Landes stated that the motion to deny in fact failed 3-2. Commissioner Taylor moved, seconded by Commissioner Sands to approve Ordinance S-3099 on first reading. Commissioner Johnson inquired about the qualifications for the MPC board, most of the members live 10 miles from town. Roll call vote; Aska: Aye, Johnson: Nay, Landes: Nay, Sands: Aye, Taylor: Aye. Motion carried. City Attorney Logan reminded those in attendance that there will be a second and final reading of the ordinance at the next meeting. Mr. Douchant stated that he is unaware that the items he provided multiple times were supplied to the Commission properly. Mr. Douchant stated that local governments according to the telecommunications act need to be provide in writing and support with substantial evidence contained in a written record reasons for denial. City Attorney Logan stated that the written record can consist of the MPC record, which is what the Commission is acting on. Commissioner Taylor asked if City Attorney Logan could take care of the records. City Attorney Logan stated that she has addressed a similar issue in another community, and it will be done. City Attorney Logan stated that she will work with Planning and Zoning Administrator Yearout. Commissioner Johnson stated that if this was taken to court, they could have a substantial case, because he doesn't believe the City has much of a case; it is science versus the MPC.

## **NEW BUSINESS**

Consideration of professional engineering service contract to KAW Valley Engineering, Inc. For storm water design at Ash Street and Riverwalk Pond. Assistant City Manager McCaffery Presenting. Commissioner Johnson asked why the City does not ask that firms guarantee the projects for longer than one year. City Manager Vernon stated that a longer guarantee will cost more money. Commissioner Johnson stated that he believes that good bids can occur. Commissioner Aska stated that with the hiring of Assistant City Manager McCaffery, he believes

the project will be followed up with. Mayor Landes stated that if prior work by a company was unsatisfactory, then that should be considered in the bid process. Commissioner Sands moved, seconded by Commissioner Johnson to approve professional engineering contract with KAW Valley Engineering, Inc. For storm water design at Ash Street and Riverwalk Pond. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: None. Motion carried.

Consideration and approval to enter into negotiations with Aging Well for acquisition of 10-20 acres of the Tom Neal Industrial Park. EDC Chairman Ben Kitchens Presenting. EDC Chairman Kitchens stated that the EDC Board has made a recommendation to approve the location of an Aging Well facility at the Junction City Tech Park; the motion carried 6 to 1 at the EDC Board. Commissioner Johnson stated that if he was in attendance, he would have voted against the measure. Commissioner Johnson stated that there are other potential locations for the facility. EDC Chairman Kitchens stated that approximately 10 acres will be needed for the project; he stated that he voted against this item because of the lack of light industrial zone in the City. Vic Davis of Aging Well stated that he believed the motion was more broad, to include other possible locations for the project as well. Commissioner Taylor stated that he appreciated the clarification. Commissioner Johnson stated that this is a difficult issue because the proposed facility will be in competition with existing care facilities. Commissioner Taylor stated that there is a benefit for this type of facility for the City. City Attorney Logan stated that there may be a way to address lot special assessments; it will require research. Commissioner Johnson stated that there will be pressure on builders since properties will be going up for tax sale. City Manager Vernon stated that the City would work to help find a location that is advantageous to Aging Well and the City. Commissioner Johnson moved, seconded by Commissioner Aska to direct City staff to work with Aging Well on facility location possibilities. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of sale of property located at the southwest corner of 7th St. and East Street. Finance Director Beatty Presenting. Commissioner Johnson moved, seconded by Commissioner Sands to approve the sale of property located at the southwest corner of 7th Street and East Street. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration and discussion of a fiscal policy for a future vote. Finance Director Beatty Presenting. Finance Director Beatty stated that the Fiscal Policy will be posted for comment to the City website. Commissioner Aska asked if this policy was a revision of a prior policy or a new policy. Finance Director Betty stated that this is a new policy; she stated that the prior policy was not well written, and it was dated. Finance Director Beatty reviewed the policy document providing information on points of emphasis. Commissioner Johnson asked if there was a local vendor preferred provision. Finance Director Beatty stated that a local vendor preference policy is not included in this policy. Finance Director Beatty stated that she views the document as a fluid document that will change over time.

Discussion to obtain direction for the City Commission on various projects, priorities, and long-term objectives. City Manager Vernon Presenting. Commissioner Johnsons stated that he would

like the issues of hiring a local law firm, the Water's parking lot, and sale of Spin City to be addressed, as well as the gifting of the Helland property. Commissioner Taylor stated that he agreed with Commissioner Johnson on the fact that the City does not need additional parks. City Manager Vernon stated that the Helland property could be addressed at the next meeting. Commissioner Johnson stated that in general, he would like actions by the City to be taken more quickly. Commissioner Taylor stated that moving too fast can also create problems. Commissioner Taylor asked about the water contract for Rural Water District #1. City Manager Vernon stated that the contract included a clause to extend water service for an additional five years; City Attorney Logan reviewed the document, and the Rural Water District #1 has exercised the clause via a written letter to the City. Commissioner Johnson stated that addressing annexation would make sense because homes near Junction City benefit due to their proximity. Mayor Landes stated that the jurisdiction in the area needs to be cleaned up. Mayor Landes stated that expectations at Rolling Meadows Golf Course need to be changed toward making money. Mayor Landes stated that he is interested in addressing the City Attorney issue, but conflicts regarding a local attorney would be a major concern. Mayor Landes stated that he would like Spin City to be made profitable prior to being placed for sale. Mayor Landes stated that he would also like to see further work forward on the Veolia contract. Commissioner Taylor stated that the waterbed store on Washington needs to be addressed; he stated that the building may have no value, and it is expensive to clean up a fallen building. Commissioner Johnson stated that he is interested in an aggressive NRP and builder program. City Manager Vernon asked how aggressive the City should be to sell properties. Commissioner Taylor stated that it would be good to use a local realtor, and provide open commission for the sale. Commissioner Aska stated that he is interested in the development of a capital improvement plan to address issues such as a generator at the water plant. Commissioner Aska stated that it would be valuable to have a forum to address the issues that have been discussed; it will help to address issues more quickly. Commissioner Taylor stated that he is interested in receiving reports on the compliance of EDC deals. Commissioner Aska stated that he would like staff to work on a friendlier budget process for next year.

### **COMMISSIONER COMMENTS**

Commissioner Sands stated that there is a lot of good information channel 3. Commissioner Sands stated that the Open Door is in need of donations, please give generously. Commissioner Sands stated that he is worried about the safety of students walking to the new middle school.

Commissioner Johnson stated that it is good to be moving forward and setting goals.

Commissioner Aska stated that the New Chamber of Commerce met, and the City is still waiting to receive documents from the State; 3 firms have been interviewed to assist in the search for a director. The Animal Shelter expansion has almost been completed.

Commissioner Taylor stated that there is an issue regarding people walking in the street instead of the sidewalks; animal droppings are excessive at Homer's Pond, and people need to pick up

after themselves. Commissioner Taylor stated that street parking on Ash Street is a mess; there needs to be parking on one side only.

Mayor Landes thanked the Elk's Club for the donation for the dog runs at the animal shelter. Mayor Landes stated that an ordinance needs to be developed regarding the sale of animals; it is easy to purchase a pet, and difficult to take care of one. Mayor Landes stated that the community needs to take notice of the blights in town, create a list, and provide the list for the Police Department to review. Mayor Landes stated that the Fall Classic is going to be held at Rolling Meadows; the event funds the surgery department at Geary Community Hospital. Mayor Landes asked if the tree branch clearance is also enforced on alley ways.

### **STAFF COMMENTS**

City Manager Vernon stated that the appropriations ordinance uploaded to the City website was the ordinance from the last meeting; the correct ordinance will be posted. City Manager Vernon requested that the Commissioners let him know if there are any concerns with the change.

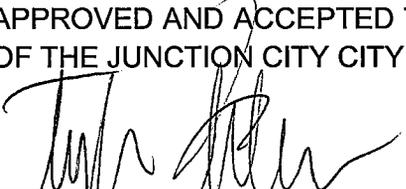
Captain Leithoff stated that a citizens requested additional signage for a crosswalk at 1st & Madison; there have been 3 accidents at the intersection since January of 2010; Captain Leithoff stated that he does not view the intersection as unsafe.

Assistant City Manager McCaffery stated that the blinking lights at 10th & Washington will soon be removed; stop signs will be placed on 10th Street at the intersection. Assistant City Manager McCaffery stated that the Commission will have an overlay project for their consideration at the next meeting. Assistant City Manager McCaffery stated that he has been discussing capital project items with Veolia.

### **ADJOURNMENT**

Commissioner Sands moved, seconded by Commissioner Johnson to adjourn at 9:02 PM Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 4TH DAY OF OCTOBER 2011 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 20TH, 2011.

  
Tyler Ficken, City Clerk

  
Pat Landes, Mayor