CITY COMMISSION MINUTES

October 18, 2011 7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, October 18, 2011 with Mayor Pat Landes presiding.

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

PUBLIC COMMENT

Terry Canaday of 832 W 8th St stated that his parents are buried at Highland Cemetery, and he believes that his parents would not like the cell tower at Highland Cemetery. Mr. Canaday stated that the cemetery is a memorial, and would the Commission place this type of tower at Heritage Park?

Mike Douchant stated that he would like to provide additional information during the discussion regarding the Verizon tower discussion.

Sheena Koehn of 7228 Canyon Rd stated that cancer has been linked to cell phone towers, and health impacts should be considered. She suggested that the Commissioners visit the website dontcellout.com for more information. Commissioner Johnson asked Ms. Kaine if she was willing to get rid of her cell phone. Ms. Kaine said she would get rid of her phone to save lives.

CONSENT AGENDA

Consideration of Appropriation Ordinance A-20 2011 dated September 29, 2011 through October 12, 2011 in the amount of $377,291.74. Commissioner Aska 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 October 4, 2011 City Commission Meeting Minutes; and September 30, 2011 Special Commission Minutes. Commissioner Aska 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 payment to KDOT in the amount of $32,026.81 for intersection improvements at I-70 and East Chestnut Street. Commissioner Aska moved, seconded by Commissioner Sands to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration to grant a 20 foot utility easement on the south side of the Municipal Airport between the airport and the new Self Help Housing lots in the 500 Block of West 14th Street. Commissioner Aska moved, seconded by Commissioner Sands to approve the consent agenda as presented. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

APPOINTMENTS

Consideration to make appointment of Linda Hoeffner to the Board of Trustees of the Dorothy Bramlage Public Library. Commissioner Aska moved, seconded by Commissioner Johnson to approved the appointment of Linda Hoeffenr to the Board of Trustees of the Dorothy Bramlage Public Library. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

UNFINISHED BUSINESS

Consideration of Ordinance S-3099 regarding a request for a special use permit to install a communications tower in the southeast corner of Highland Cemetery. (Final Reading) Planning & Zoning Director Yearout Presenting. City Attorney Logan stated that she drafted the ordinance to comply with the telecommunication act. Planning & Zoning Director Yearout sated that the issue of cancer risk with regard to the placement of cell phone towers is not allowed to be taken into consideration. Mayor Landes asked if the City owns property adjacent to the proposed site location. Planning & Zoning Administrator Yearout stated that the City owns the property at South Park, but the Highland Cemetery location is the only location that has been submitted for consideration. Commissioner Johnson stated that he has heard from people who are in support of locating the tower in the cemetery; money from the cell tower can be used to maintain the cemetery. Commissioner Johnson stated that plots that were paid for long ago are still being taken care of today. Commissioner Johnson stated that the engineers know where the tower needs to go. Commissioner Aska stated that he plans to make annual donations to the cemetery in the future. Commissioner Aska stated that while most of the e-mails he received were not in support of the tower, he spoke in person to many who did not like the idea. Commissioner Aska stated the proper use of the cemetery property is the issue that needs to be considered. Mr. Douchant stated that he would like to field last minute questions; 6 criteria need to be met to deny the tower. Mr. Douchant stated that he felt there have been misleading statements made about the tower. Mr. Douchant stated that the Commission needs to consider coverage vs. Capacity. City attorney Logan stated that the Commission should consider location, aesthetics, and appropriate used when locating a tower, and there should be alternatives if the recommendation is for denial. City Attorney Logan stated that Verizon has provided a self serving location site; evidence shows that alternate sites are available. City attorney Logan stated that private communications and e-mails should not be considered; the Commission as a quasi-judicial body should consider the request. Mr. Douchant stated that in the past, entities such as Lifestar simply thanked his organization for providing information. City Attorney Logan stated that the City staff is not required to be passive on this issue. Planning and Zoning Administrator Yearout stated that KAW Valley engineering has identified alternative locations for the tower. Commissioner Johnson stated that Verizon knows best on this issue. Mr. Douchant stated that there has been discussion on alternate locations, but there are many

hurdles on that path. Mr. Douchant stated that they need a resolution of support for another location to reduce costs. KC Goreham stated hat not every location at the cemetery can be used for burials; due to the economy and interest rates, returns on the perpetual care fund have been very low. KC Goreham stated that costs are increasing at the cemetery, and if he would have know the controversy this tower has cause would occur, then he would not have pursued it. Mr. Douchant stated that additional landscaping to hide the tower has been suggested. Commissioner Taylor moved, seconded by Commissioner Sands to approve Ordinance G-3099 on final reading. Ayes: Aska, Sands, Taylor. Nays: Johnson, Landes. Motion carried.

Consideration to adopt Ordinance G-1103 rate changes for water and wastewater utilities. (Final Reading) Finance Director Beatty Presenting. Commissioner Johnson asked why sewer rates are high in Junction City. Finance Director Beatty stated that Junction City has 2 treatment plants, and the purpose of the increase is for capital improvements. City Manager Vernon stated that the City will consider creating a commercial non-industrial category. Commissioner Aska moved, seconded by Commissioner Johnson to approve Ordinance G-1103 on final reading. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

NEW BUSINESS

Consideration of Resolution R-2650 to approve revisions to Consolidation Agreements. Commissioner Aska moved, seconded by Commissioner Sands, To approve R-2650. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Resolution R-2649 adoption of a Fiscal Policy. Finance Director Beatty Presenting. Finance Director Beatty stated that the document will be an important tool for City staff. Commissioner Taylor wanted to ensure that multiple charges just under $10,000 are not allowed. Finance Director Beatty stated that the issue is addressed by the policy. Commissioner Sands moved, seconded by Commissioner Johnson to approve R-2649. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

Consideration of Nash Finch funding agreement for consideration of proposal. City Attorney Logan presenting. City attorney Logan stated 3 issues were researched regarding the Nash Finch request for additional tax abatement. First, is it possible? City Attorney Logan stated that additional abatement of taxes is allowed. Second, can the Commissioner consider less than the requested maximum? Finally, will Nash Finch pay attorney fees for the consideration and research of this consideration. City Attorney Logan stated that this agreement was initially made with GSC, and is now with Nash Finch. The City approved a grant of $2 million with claw backs if employment milestones were not met. Commissioner Johnson stated that he does not like their method of threatening to leave the community if they are required to pay taxes; he stated that he believes their relocation is a paperwork shuffle. City Attorney Logan stated the Nash Finch completed the formal application; the approval of this agreement would be to cover the City's cost in processing the abatement request. Commissioner Taylor moved, seconded by

Commissioner Sands to approve the Nash Finch funding agreement. Ayes: Aska, Johnson, Landes, Sands, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Aska stated that a court clerks association meeting is going to be held in Junction City which will bring approximately 150 people to the community. Commissioner Aska thanked the Marriott and CVB for making a pitch to the group.

Commissioner Johnson stated that there is going to be a large tax sale in the spring. Commissioner Johnson stated that he would support a law that would revoke a person's driver's license if their taxes are not paid.

Commissioner Sands thanked the Parks Department staff for mowing the grassy area on K-18. Commissioner Sands thanked those who participated in filling the truck for the Open Door.

Commissioner Taylor gave his condolences to Dr. Reynoldson's family. Commissioner Taylor congratulated Cloud County Community College on receiving grant funds for a mobile biotech lab. Commissioner Taylor stated that he will be speaking with students at the middle school to teach them about government.

Mayor Landes thanked Commissioner Aska for driving back to the meeting from a conference he was attending. Mayor Landes stated that the AUSA meetings went well; it was good to have face to face time with the elected officials and their staff. The City needs to improve on access points to Ft. Riley. Mayor Landes stated that the problems that the City is confronted with are our own fault, but Ft. Riley is going to be our neighbor forever. Mayor Landes stated that the Commission needs to work on treating each other with respect; he stated that recent developments on that front have been disappointing.

STAFF COMMENTS

City Manager Vernon stated that there will be a meeting on Wednesday at 1:30PM to discuss the results of the AUSA trip.

City Attorney Logan stated that she would provide information to the Commission regarding violation of the Kansas Open Meeting Act.

Assistant City Manager McCaffery stated that the City will begin Micro surfacing streets soon.

ADJOURNMENT

Commissioner Sands moved, seconded by Commissioner Aska to adjourn at 8:39 PM Ayes: Aska, Johnson, Landes, Sands. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 1st DAY OF NOVEMBER 2011 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR OCTOBER 18TH, 2011.

Tyler Ficken, City Clerk

Pat Landes, Mayor