

April 19, 2011
City Commission Room, 700 N. Jefferson, Junction City KS 66441

Mayor Mike Rhodes
Vice Mayor Ken Talley
Commissioner Terry Heldstab
Commissioner Scott Johnson
Commissioner Jack Taylor
City Manager Gerry Vernon
City Attorney Catherine Logan
City Clerk Tyler Ficken

1. 7:00 P.M. - CALL TO ORDER

- a. Moment of Silence.
- b. Pledge of Allegiance
- c. Most improved student awards presented by Junction City South Kiwanis.
- d. Presentation of Poster contest award for the Kansas State Forestry Department North Central District.

2. **PUBLIC COMMENT:** The Commission requests that comments be limited to a maximum of five minutes for each person.

3. **CONSENT AGENDA:** All items listed are considered to be routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- a. The consideration and approval of **Appropriation Ordinance A-8-2011** dated March 31, 2011 through April 13, 2011 in the amount of \$925,390.01.
- b. Approval of the **April 5, 2011** City Commission Meeting Minutes.
- c. The consideration and approval for the disposal of Fire Department Surplus Property.
- d. Consideration and approval of ambulance contractual obligation adjustments and bad debt adjustments.

4. **APPOINTMENTS:**

5. **SPECIAL PRESENTATIONS:**

- a. Mayor to present the Pennell Proclamation
- b. Mayor to present the Arbor Day Proclamation
- c. The Department of Kansas, Veterans of Foreign Wars of the United States will present the Kansas VFW Law Office of the Year to Detective Sergeant Tricia Giordano

6. PUBLIC HEARINGS:

7. UNFINISHED BUSINESS:

- a. The consideration and approval of S-3092 to deny Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery. **(Final Reading, Planning & Zoning Director Yearout Presenting)**
- b. 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. **(Final Reading, Planning & Zoning Director Yearout Presenting)**
- c. The consideration and approval of Ordinance S-3093 rezoning property at 1120 South Madison Street from "CSR" Commercial Service Restricted to "IL" Light Industrial. **(Final Reading, Planning & Zoning Director Yearout Presenting)**

8. NEW BUSINESS:

- a. Election of Mayor.
- b. Election of Vice Mayor.
- c. Appointment of Commissioners to City Boards.
 - 1. Health Board
 - 2. Economic Development Commission
 - 3. Convention and Visitors Bureau
 - 4. Animal Shelter
 - 5. Military Affairs
- d. Commission appointment of official City Newspaper (Daily Union).
- e. Designation of area of representation: Northwest, Northeast, Southwest, and Southeast.
- f. The consideration and approval of the Special Event Permit for Toby's Carnival to have their annual carnival from May 18 through May 21, 2011.

- g. The consideration and approval of an agreement between the City and the Military Affairs Commission (MAC) for an office space at 701 N. Jefferson St. **(City Manager Vernon Presenting)**
- h. The consideration and approval of Ordinance G-1097 to change the Name of the Public Services Department to the Administrative Services Department **(City Manager Vernon Presenting)**

9. **COMMISSIONER COMMENTS:**

10. **STAFF COMMENTS:**

11. **EXECUTIVE SESSION:**

12. **ADJOURNMENT:**

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City of Junction City

City Commission

Agenda Memo

March 28, 2011

From: Ray Ibarra, Veolia Water
To: Gerry Vernon, City Manager
Subject:

Objective: Have the Mayor present framed Arbor Day Poster to Jordin Wilson a 5th grade student from Franklin Elementary School who won the Poster contest for the North Central District.

Explanation of Issue: The Kansas State Forestry Service Dept. holds the State annual Arbor Day Poster Contest. This year's winner for the North Central District was Jordin Wilson from Franklin Elementary School. Jordin competed with 5th graders from 14 other counties in the North Central District in which Junction City is assigned to by the Kansas State Forestry Dept.

Budget Impact:

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

Recommendation:

Enclosures:

3a

City of Junction City

City Commission

Agenda Memo

April 19th, 2011

From: Cynthia Sinkler, Water Billing and Accounts Payable Manager
To: City Commissioners
Subject: Appropriations –A-8 2011

Background: Attached is listing of the Appropriations for Mar 31-Apr 13 2011

Appropriations –Mar 31-Apr 13 2011 **\$925,390.01**

For consideration and approval for EFT payment:

Security Bank	<u>\$99,965.15</u>
Veolia Water	<u>\$3,143.15</u>

For consideration and approval- Bills due before Next Commission

Fuel Bill-	<u>\$22,204.29</u>
Card Center-	<u>\$18,124.48</u>

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT		
NON-DEPARTMENTAL	GENERAL FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOURI INTERNAL REVENUE SERVICE	MACSS #41061331/ CV103-753	154.85		
			FEDERAL WITHHOLDING	26,937.91		
		ING LIFE INSURANCE & ANNUITY COMPANY BLUE CROSS BLUE SHIELD OF KS	SOCIAL SECURITY WITHHOLDIN	2,625.99		
			MEDICARE WITHHOLFING	3,207.48		
			ING	2,906.59		
			BLUE CROSS BLUE SHIELD	729.16		
			BLUE CROSS BLUE SHIELD	423.09		
			BLUE CROSS BLUE SHIELD	1,764.30		
			BLUE CROSS BLUE SHIELD	797.63		
			BLUE CROSS BLUE SHIELD	815.73		
			BLUE CROSS BLUE SHIELD	627.33		
			BLUE CROSS BLUE SHIELD	165.27		
			BLUE CROSS BLUE SHIELD	518.06		
			BLUE CROSS BLUE SHIELD	209.44		
			JUNCTION CITY FIREFIGHTERS AID ASSOCIA JAN HAMILTON, CH.13 TRUSTEE- c/o CAPIT	FIREFIGHTERS AID ASSOCIATI	112.57	
			KANSAS PAYMENT CENTER	JAMES WILSON CASE #11-4000	140.00	
		JAY W. VANDER VELDE	KANSAS PAYMENT CENTER	763.00		
		FIREMEN'S RELIEF ASSOCIATION	JAY W VANDER VELDE	228.77		
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	FIREMANS RELIEF	291.77		
		JUNCTION CITY POLICE	I.A.F.F. LOCAL 3309	945.56		
		KANSAS DEPT OF REVENUE	JCPOA	710.00		
		KANSAS PUBLIC EMPLOYEES	STATE WITHHOLDING	10,334.79		
		INTRUST BANK PRE-PAID LEGAL SERVICES, ROLLING MEADOWS GOLF COURSE KANSAS STATE TREASURER	KPERS #1	1,922.33		
			KP&F	12,294.28		
			KPERS #2	802.16		
			FIRST STATE BANK	2,145.13		
			PREPAID LEGAL	323.80		
			ROLLING MEADOWS GOLF COURSE	37.50		
			MARCH 2011 REINSTATEMENTFE	1,807.00		
			MARCH 2011 JE FEES	176.50		
			MARCH 2011 LET FEES	7,004.10		
			UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>260.26</u>	
			TOTAL:	82,182.35		
		GENERAL FUND	GENERAL FUND	QUINTORA WATERS	GYM DEPOSIT REFUND-FEB 201	100.00
				STEVE JONES	GYM DEPOSIT REFUND-APR 201	<u>100.00</u>
				TOTAL:		200.00
		INFORMATION SYSTEMS	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	INFORMATION SYSTEMS	61.85
				NEX-TECH	INFORMATION SYSTEMS	4.89
				BOX N SHIP	GESO - Monitor Warranty Re	<u>29.22</u>
				TOTAL:		95.96
		ADMINISTRATION	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	457.11
					MEDICARE WITHHOLFING	106.91
				ING LIFE INSURANCE & ANNUITY COMPANY BLUE CROSS BLUE SHIELD OF KS	ING	334.62
					BLUE CROSS BLUE SHIELD	249.45
				BLUE CROSS BLUE SHIELD	105.83	
				CENTURYLINK COMMUNICATION, INC.	ADMINISTRATION	409.35
					ADMINISTRATIVE SERVICES	50.86
DBR PUBLISHING CO LLC	CHAMBER OF COMMERCE			111.48		
CENTURY UNITED COMPANIES, INC	2011-2012 SUPPORTIVE ADVER			160.00		
STAPLES ADVANTAGE	2nd Flr Copier - Ann. Copy			808.35		
	STAPLER/ECO BOXES/MISC			41.32		
	TONER FOR PRINTER			407.43		
	ECON BOXES-CITY PROS.DEPT			15.00-		

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			ECONOMY BOXES-CITY PROS. D	15.00
			CONST PAPER/MANILLA ENV. M	52.56
			PAPER CUTTER ADMIN	33.46
		TRAVELERS	ANDREA HALL CES6574	1,166.30
			RAYMOND WOODS CES6399	1,000.00
		KACH	2011 DUES-VERNON, GERRY	210.00
		GEARY COUNTY TREASURER	2401 LACY DRIVE	225.67
			STRAUSS BLVD	970.60
			514 W 14TH-SPIRIT OF 76	55.04
			516 W 14TH-SPIRIT OF 76	55.04
			STRAUSS BLVD	411.61
			000 GRANT AVE-SPIRIT OF 76	205.05
			000 HOOVER-SPIRIT OF 76	24.04
			000 GRANT-SPIRIT OF 76	66.41
			000 HOOVER-SPIRIT OF 76	210.74
			SPRING VALLEY RD	203.69
			LACY DRIVE	380.93
			2618 MID AMERICA DR	10,193.93
		SECURITY SOLUTIONS INC	ALARM CITY CLERK OFFICE	18.00
		KANSAS GAS SERVICE	2718 INDUSTRIAL-MAR 2011	1,851.97
			AIRPORT MAINTENANCE BLDG	90.50
			312 E 9TH	576.29
			900 W SPRUCE	27.27
			2232 W ASH (WATER TOWER)	27.27
			2245 LACY DR	464.34
			2424 N JACKSON	505.71
			225 W 7TH	167.11
			701 N JEFFERSON	111.84
			1017 W 5TH	27.27
			915 S WASHINGTON	1,228.65
			700 N JEFFERSON	2,530.98
			2307 N JACKSON	991.85
			2324 1/2 N JACKSON	245.18
			1017 1/2 W 5TH	27.27
			210 E 9TH	414.68
			540 AIRPORT RD	692.34
			1002 W 12TH	946.69
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	31.55
		WESTAR ENERGY	2718 INDUSTRIAL-MARCH 2011	3,524.97
			351 E CHESTNUT-MAR 2011	249.83
			601 E CHESTNUT-MAR 2011	306.86
			617 N WASHINGTON-MAR 2011	18.50
			900 W 12TH PARK-MAR 2011	16.46
			902 E CHESTNUT-MAR 2011	308.24
			1222 W 8TH ST SIREN	17.83
			5TH ST PARK	159.79
			5TH ST PARK PALS	130.66
			8TH & JEFFERSON	71.41
			WASHINGTON	50.37
			CHESTNUT&WASHINGTON LIGHTS	91.18
			6&7 BLOCK OF WASHINGTON	149.91
			6TH & ADAMS	124.64
			9TH & WASHINGTON	106.79
			8TH & JACKSON	97.42
			14TH& JACKSON	79.78
			6TH & GARFIELD	131.75

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			6TH & EISENHOWER	56.62
			10TH & WASHINGTON	80.84
			6TH & WEBSTER	127.43
			6TH & JACKSON	29.33
			2324 N JACKSON	396.39
			904 N FRANKLIN ST PAL	21.78
			CORONADO PARK SHELTER	16.80
			AIRPORT MAIN BUILDING	255.91
			221 W 7TH	124.61
			225 W 7TH	9.37
			JC BILL	118.67
			MUNICIPAL BUILDING	43.92
			JC ANIMAL SHELTER	219.19
			JC LITTLE THEATRE	36.12
			RIMROCK PARK	81.18
			NORTH PARK	21.78
			SOUTH PARK	70.84
			SECOND PORTION OF SOUTH PA	58.64
			FILBY PARK	54.17
			JUNCTION CITY	182.65
			MUNICIPAL BUILDING	2,075.37
			SECOND PORTION OF NORTH PA	103.20
			S BALL PARK CONC	23.06
			CRESTVIEW DRIVE	16.80
			W 5TH TENNIS CT STGE BD	69.31
			5TH & WASHINGTON	414.07
			SERTOMA BALL PARK	16.80
			AIRPORT FLASHER LTS	48.11
			CLEARY PARK	340.89
			CORONADO PARK	11.73
			RATHERT FIELD	39.57
			SERTOMA BALL PARK	16.80
			RATHERT FIELD	234.32
			CLEARY PARK PLAYGROUND	20.30
			5TH ST POOL	68.40
			5TH & EISENHOWER	98.41
			1200 N FRANKLIN ST	47.95
			RIMROCK PARK	231.77
			CIVIL DEFENSE SIREN	30.15
			CIVIL DEFENSE SIREN	30.15
			CIVIL DEFENSE SIREN	30.15
			630 1/2 E TORNADO SIREN S	27.71
			ST MARYS CEMETARY	27.71
			200 N EISENHOWER	16.80
			107 S WASHINGTON	17.23
			BLINKER LIGHT	17.23
			701 N JEFFERSON	147.03
			CLEARY COURT	16.80
			915 W 4TH	11.73
			9TH & 100 BLK W 9TH	21.78
			CDR LT 9TH & FILLEY	40.59
			PAWNEE PARK	20.30
			RATHERT FIELD	87.10
			AIRPORT LEASED HANGER	293.38
			INDUSTRIAL PARK	60.88
			540 AIRPORT ROAD	16.80

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			15TH & WASHINGTON	17.23
			SPRUCE STREET	16.80
			SPRUCE & BUNKERHILL	18.06
			UTILITY PARKING LOT	49.06
			UTILITY PARKING LOT	49.06
			JEFFERSON BETWEEN 6	91.80
			DR MINNICK PARK LOT	91.80
			6TH & MADISON	87.76
			8TH & WASHINGTON	57.39
			210 E 9TH	1,831.74
			6TH & FRANKLIN	68.24
			8TH & JEFFERSON	308.07
			PARKING LOT	73.67
			1903 SUNFLOWER DRIVE	30.16
			1020 1/2 W 11TH ST	50.51
			CORONADO TENNIS COURT	16.80
			WASHINGTON BRIDGE	69.52
			S OF BALL PARK 2 & 3	16.80
			16TH & WASHINGTON	17.23
			AIRPORT RD & JACKSON S SI	28.17
			1935 NORTHWIND	18.52
			403 GRANT AVE SIREN	19.04
			1935 NORTHWIND	18.95
			8TH & 9TH ST	5.25
			11TH ST	5.25
			703 W ASH ST SIREN	16.89
			1102 ST MARYS RD SIREN	17.41
			312 E 9TH ST	264.36
			2232 W ASH WASTER TOWER	89.90
			BALL PARK ST CONC	189.26
			1002 W 12TH ST	1,166.87
			2245 LACY DR	437.88
			807 N WASHINGTON ST LIGHT	211.50
			615 N WASHINGTON ST LIGHT	131.03
			716 N WASHINGTON ST LIGHT	257.68
			132 N EISENHOWER	17.14
			105 W 7TH ST	237.98
			107 W 7TH ST	169.98
			109 W 7TH ST	152.42
			302 W 18TH ST	251.90
			420 GRANT AVE	89.33
			1419 N JEFFERSON	19.15
			1618 N JEFFERSON	17.06
			2307 N JACKSON	149.44
			915 S WASHINGTON	610.33
			915 S WASHINGTON-GOLF	28.61
			1021 GRANT AVE	25.46
			2800 GATEWAY COURT	86.73
			2301 VALLEY DRIVE	17.21
			US HWY 77 & MCFARLAND	49.88
			2022 LACY DRIVE SIREN	16.80
			1200 S WASHINGTON ST	245.91
			316 N US HIGHWAY 77	18.41
			930 E GUNNER ST	137.72
			701 SOUTHWIND DR SIREN	20.86
			920 E GUNNER ST	98.40

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			145 E ASH ST	203.39
			1760 W ASH SIGNAL	47.52
			601 W CHESTNUT ST FLAG	16.80
			600 W 6TH ST	39.26
			14TH & CUSTER SE	18.41
			1121 S US HWY 77	17.48
			401 CAROLINE COURT	80.02
			CREDIT FOR TAX CHARGE	850.84-
			ST LIGHTS-MARCH 2011	22,853.95
		KANSAS PUBLIC EMPLOYEES	KPERS #1	367.47
			KPERS #2	137.74
		MONTGOMERY COMMUNICATIONS INC	G-1095 IMPERSONATING AN OF	66.81
			JC OUT CCS AD SPONSOR	541.80
		NEX-TECH	ADMINISTRATION	23.71
			ADMINISTRATIVE SERVICES	4.89
		WEST PAYMENT CENTER	MARCH 1-MARCH 31 2011	<u>171.42</u>
			TOTAL:	74,157.76
PARKS	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	423.49
			MEDICARE WITHHOLFING	99.04
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	181.42
			BLUE CROSS BLUE SHIELD	302.36
		CENTURYLINK COMMUNICATION, INC.	PARKS	200.65
		FRY & ASSOCIATES	REPLACEMENT SLIDE-SOUTH PK	766.88
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	42.67
		KANSAS PUBLIC EMPLOYEES	KPERS #1	418.61
			KPERS #2	74.65
		KONZA CONST. CO.	KONZA CONST. CO.	211.22
		NEX-TECH	PARKS	2.75
		CARY COMPANY	TOILET TISSUE	<u>212.20</u>
			TOTAL:	3,087.12
SWIMMING POOL	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM CITY POOL-1017 W 5TH	<u>15.00</u>
			TOTAL:	15.00
AMBULANCE	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	50.46
			MEDICARE WITHHOLFING	474.96
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	244.04
			BLUE CROSS BLUE SHIELD	149.85
			BLUE CROSS BLUE SHIELD	302.16
			BLUE CROSS BLUE SHIELD	1,525.11
			BLUE CROSS BLUE SHIELD	35.46
			BLUE CROSS BLUE SHIELD	150.20
		CENTURYLINK COMMUNICATION, INC.	AMBULANCE	311.94
		MEDICAL BILLING RESOURCES	PYMT TO COLL. AGENCY- INS	140.63
		EMERGENCY MEDICAL PRODUCT	MEDICAL SUPPLIES	310.40
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	189.68
		KANSAS PUBLIC EMPLOYEES	KPERS #1	56.20
			KP&F	5,370.96
		MOORE MEDICAL LLC	MEDICAL SUPPLIES	1,748.73
		NEX-TECH	AMBULANCE	23.29
		OMNI BILLING	MARCH 2011 AMB BILLING	3,660.06
		MUNICIPAL EMERGENCY SVCS	RETURN MASK SEAL	109.96-
			MASK SEAL (DIFFERENT SIZE)	110.26
			CREDIT ON ACCOUNT	28.72-

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			TOTAL:	14,715.71
COUNTY/INS ZONING SVCS	GENERAL FUND	CENTURYLINK COMMUNICATION, INC.	ZONING/COUNTY INSPECTION	61.85
		MONTGOMERY COMMUNICATIONS INC	NOTICE OF PUBLIC HEARING	58.26
			S-3090 REZONE	98.88
			S-1091 REZONE	103.15
			RES 03-14-2011A	233.54
			RES 3-14-2011A	135.21
			NOTICE OF PUBLIC HEARING	34.80
			NOTICE OF PUBLIC HEARING	60.40
			NOTICE OF PUBLIC HEARING	60.40
		NEX-TECH	ZONING/COUNTY INSPECTION	<u>4.89</u>
			TOTAL:	851.38
ENGINEERING	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	174.90
			MEDICARE WITHHOLFING	40.91
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	75.59
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	51.40
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	16.59
		KANSAS PUBLIC EMPLOYEES	KPERS #1	138.55
			KPERS #2	<u>46.15</u>
			TOTAL:	695.27
CODES ENFORCEMENT	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	213.73
			MEDICARE WITHHOLFING	49.98
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	75.59
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18
		CENTURYLINK COMMUNICATION, INC.	CODE ENFORCEMENT	127.14
		JCAT	TITLE SEARCH-139 E 11TH ST	150.00
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	22.78
		KANSAS PUBLIC EMPLOYEES	KPERS #1	263.16
		MARK KARMANN	MARK KARMANN	149.12-
		NEX-TECH	CODE ENFORCEMENT	<u>12.22</u>
			TOTAL:	1,067.84
POLICE	GENERAL FUND	MIDWEST RADAR & EQUIPMENT	138578 RADAR CERTIFICATION	420.00
			138579 RADAR CERTIFICATION	315.00
		INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	436.02
			SOCIAL SECURITY WITHHOLDIN	1,173.62
			MEDICARE WITHHOLFING	1,202.46
			MEDICARE WITHHOLFING	307.52
		KHP PARTNERS	BODY ARMOR	615.87
		EXPRESS POLICE SUPPLY	40MM LAUNCH, LESS LETHAL R	244.95
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	642.51
			BLUE CROSS BLUE SHIELD	188.98
			BLUE CROSS BLUE SHIELD	302.36
			BLUE CROSS BLUE SHIELD	1,133.84
			BLUE CROSS BLUE SHIELD	529.14
			BLUE CROSS BLUE SHIELD	2,381.08
			BLUE CROSS BLUE SHIELD	718.11
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		CENTURYLINK COMMUNICATION, INC.	POLICE	676.61
			DISPATCH	676.61
		STAPLES ADVANTAGE	3152359472 TOWELS, LINERS	92.08
			3152359473 OFFICE SUPPLIES	752.30
		JOHNSON, ROBERTS & ASSOCIATES	115099 OFFICER TESTING	18.24
		KA-COMM	95488 BATTERIES	118.00
			95549 DATA BACKBONE SYSTEM	150.00
			95549 DATA BACKBONE SYSTEM	150.00
			95621 ANTENNA CABLE #223	131.00
			95622 STROBE UNIT 216	64.52
		FOXY'S BODY SHOP	2743 UNIT 202 TAILGATE/BUM	1,068.48
		GEARY COUNTY SHERIFF	JAIL EXPENSE MARCH 2011	30,000.00
		KEY OFFICE EQUIPMENT	J25166 CPA SUPPLIES	193.36
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	486.50
			ADVANCE LIFE INUSRANCE	126.99
		KANSAS JUDICIAL COUNCIL	27729 PIK SUPPLEMENTS	165.00
		KANSAS PEACE OFFICERS	2011 KPOA SPRING SHOOT	40.00
		KANSAS PUBLIC EMPLOYEES	KPERS #1	481.33
			KPERS #1	881.99
			KP&F	12,432.58
			KP&F	563.63
			KPERS #2	436.71
		NEX-TECH	POLICE	101.78
			DISPATCH	101.78
		PDQ EMERGENCY PRODUCTS	14803 DROP SHIP SHOE-HONOR	34.32
		SERVICEMASTER	APR 2011 JANITORIAL SERVIC	754.00
		BOX N SHIP	Dispatch Printer Core Retu	15.40
			Records Printer Core Retur	17.04
		WEST PAYMENT CENTER	822562649 CLEAR SUBSCRIPTI	151.00
			TOTAL:	62,097.43
FIRE	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	50.46
			MEDICARE WITHHOLFING	716.01
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	360.68
			BLUE CROSS BLUE SHIELD	1.33
			BLUE CROSS BLUE SHIELD	455.38
			BLUE CROSS BLUE SHIELD	2,105.57
			BLUE CROSS BLUE SHIELD	115.72
			BLUE CROSS BLUE SHIELD	0.98
		HONEYWELL FIRST RESPONDER	REPAIR BUNKER COAT	129.99
		CENTURYLINK COMMUNICATION, INC.	FIRE	311.94
		EMERGENCY FIRE EQUIPMENT	RUBBER FEET/PPV FAN	27.35
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	261.73
		KANSAS PUBLIC EMPLOYEES	KPERS #1	56.20
			KP&F	7,532.60
		RANDY NABUS	MEAL REIMBURSEMENT- ARSON	28.82
		NEX-TECH	FIRE	23.29
		KANSAS TRUCK CENTER, INC.	PRESSURE SWITCH/E10	16.62
			WRONG SWITCH - RETURNED	16.62-
			PRESSURE SWITCH/E10	9.03
		SAM'S CLUB	BATTERIES	139.72
			LYSOL/TOWELS-MISC	318.06
		MUNICIPAL EMERGENCY SVCS	FACE SEAL	121.84
			TOTAL:	12,766.70
STREET	GENERAL FUND	SURDEX CORPORATION	GIS OVERFLIGHT	3,112.50

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		DAVE'S ELECTRIC, INC.	HUNTER'S RIDGE POLE #1 RET	260.00
		UNION PACIFIC RAILROAD	EAST CHESTNUT RR CROSSING-	682.93
		VEOLIA WATER NORTH AMERICA	PUBLIC WORKS	<u>119,178.67</u>
			TOTAL:	123,234.10
COURT	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	490.59
			MEDICARE WITHHOLFING	114.74
		KONZA LAW LLC	JOSHUA AUSTIN CASE #10-153	250.00
			JOLENE HOME 11-00482	250.00
			JIMMY SKYLES CASE 10-04338	250.00
			ROXANNA DIAZ 10-10378	250.00
			RICKY GLANTON JR 10-16334	250.00
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	302.36
		CENTURYLINK COMMUNICATION, INC.	MUNICIPAL COURT	189.67
		ADDAIR THURSTON, CHTD.	CHAUNCEY CALLOWAY 10-16334	250.00
			DANIEL ORTIZ 11-00923	250.00
			DUSTIN STEPHENS 11-01530	250.00
		STAPLES ADVANTAGE	MUNICIPAL COURT OFFICE SUP	65.16
		SMITH, CHAD A.	BOND REFUND TT140655	48.00
		JACKSON, LAVERN R.	BOND REFUND TT138426	557.50
		FLETCHER, CHRISTINA L.	BOND REFUND 11-01460	500.00
		CORYELL INSURORS, INC.	NOTARY-JENNIFER MCKIM	50.00
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	45.13
		KANSAS PUBLIC EMPLOYEES	KPERS #1	396.45
			KPERS #2	154.09
		NEX-TECH	MUNICIPAL COURT	13.66
		CINTAS #451	MATS @ MUNICIPAL COURT	14.61
			MATS @ MUNICIPAL COURT	<u>14.61</u>
			TOTAL:	4,956.57
JC OPERA HOUSE	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	111.04
			MEDICARE WITHHOLFING	25.97
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
		CENTURYLINK COMMUNICATION, INC.	OPERA HOUSE	127.15
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	9.32
		NEX-TECH	OPERA HOUSE	<u>12.22</u>
			TOTAL:	436.88
JUNCTION CITY ARTS	GENERAL FUND	SECURITY SOLUTIONS INC	ALARM ARTS COUNCIL-109 W7	<u>22.00</u>
			TOTAL:	22.00
RECREATION	GENERAL FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	295.01
			MEDICARE WITHHOLFING	68.99
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	120.94
			BLUE CROSS BLUE SHIELD	151.18
		CENTURYLINK COMMUNICATION, INC.	RECREATION	186.78
		STAPLES ADVANTAGE	NON TAMPER DEPOSIT BAGS	36.00
		KEY OFFICE EQUIPMENT	RIBBON FOR CLOCK	18.89
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	15.15
		KANSAS PUBLIC EMPLOYEES	KPERS #1	179.15
			KPERS #2	51.76
		NEX-TECH	RECREATION	17.60
		CINTAS #451	GRAY MAT AT 12TH ST COMMUN	<u>32.95</u>
			TOTAL:	1,174.40
NON-DEPARTMENTAL	GRANTS	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,367.54

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
			SOCIAL SECURITY WITHHOLDIN	208.40
			MEDICARE WITHHOLFING	188.96
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	123.68
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	39.43
			BLUE CROSS BLUE SHIELD	83.74
			BLUE CROSS BLUE SHIELD	259.03
		JUNCTION CITY FIREFIGHTERS AID ASSOCIA	FIREFIGHTERS AID ASSOCIATI	12.43
		FIREMEN'S RELIEF ASSOCIATION	FIREMANS RELIEF	32.23
		JUNCTION CITY FIRE FIGHTERS ASSOCIATIO	I.A.F.F. LOCAL 3309	104.44
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	524.42
		KANSAS PUBLIC EMPLOYEES	KPERS #1	215.40
			KP&F	573.05
		INTRUST BANK	FIRST STATE BANK	125.83
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>17.91</u>
			TOTAL:	3,876.49
SELF HELP HOUSING	GRANTS	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	307.65
			MEDICARE WITHHOLFING	71.95
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18
		CENTURYLINK COMMUNICATION, INC.	SELF HELP HOUSING	61.85
		EXPERIAN	CREDIT CHECK-FEBRUARY 2011	51.16
			CREDIT CHECK-MARCH 2011	43.06
		HOME LUMBER CO.	ROOFER FALL PROTECTION KIT	175.49
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	27.98
		KANSAS PUBLIC EMPLOYEES	KPERS #1	362.96
		NEX-TECH	SELF HELP HOUSING	<u>4.89</u>
			TOTAL:	1,409.35
SAFER GRANT FD 08	GRANTS	INTERNAL REVENUE SERVICE	MEDICARE WITHHOLFING	31.58
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	38.84
			BLUE CROSS BLUE SHIELD	164.33
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	11.76
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>321.90</u>
			TOTAL:	568.41
SAFER GRANT-FIRE DEPT	GRANTS	INTERNAL REVENUE SERVICE	MEDICARE WITHHOLFING	85.43
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	110.70
			BLUE CROSS BLUE SHIELD	438.03
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	31.89
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>870.87</u>
			TOTAL:	1,536.92
2002 BULLET-PROOF VEST	GRANTS	KHP PARTNERS	BODY ARMOR	<u>615.87</u>
			TOTAL:	615.87
NON-DEPARTMENTAL	SPIN CITY	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	190.05
			SOCIAL SECURITY WITHHOLDIN	185.31
			MEDICARE WITHHOLFING	63.98
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	67.19
		KANSAS PUBLIC EMPLOYEES	KPERS #1	45.86
		PRE-PAID LEGAL SERVICES,	PREPAID LEGAL	<u>25.90</u>
			TOTAL:	578.29
SPIN CITY	SPIN CITY	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	273.55
			MEDICARE WITHHOLFING	63.98

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		LANDMARK NATIONAL BANK	MAY 2011-LOAN PAYMENT	8,717.87
		CENTURYLINK COMMUNICATION, INC.	SPIN CITY	90.04
		LINDSAY MARS	TRVL REIM-MAR 1-MAR 18 201	46.00
		SECURITY SOLUTIONS INC	ALARM-915 S WASHINGTON	22.00
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	7.90
		KANSAS PUBLIC EMPLOYEES	KPERS #1	77.27
		MONTGOMERY COMMUNICATIONS INC	SPIN CITY JOB AD	153.90
		NEX-TECH	SPIN CITY	0.02
		THE STUFF SHOP	REDEMPTION PRIZES	<u>336.21</u>
			TOTAL:	9,788.74
NON-DEPARTMENTAL	MILITARY AFFAIRS/O	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	65.20
			SOCIAL SECURITY WITHHOLDIN	55.66
			MEDICARE WITHHOLFING	19.22
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	28.21
		KANSAS PUBLIC EMPLOYEES	KPERS #1	<u>29.01</u>
			TOTAL:	197.30
MILITARY AFFAIRS	MILITARY AFFAIRS/O	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	82.16
			MEDICARE WITHHOLFING	19.22
		KANSAS PUBLIC EMPLOYEES	KPERS #1	<u>48.88</u>
			TOTAL:	150.26
NON-DEPARTMENTAL	WATER & SEWER FUND	FAMILY SUPPORT PAYMENT CENTER (MISSOURI INTERNAL REVENUE SERVICE	MACSS #41061331/ CV103-753	154.85
			FEDERAL WITHHOLDING	2,166.28
			SOCIAL SECURITY WITHHOLDIN	809.89
			MEDICARE WITHHOLFING	279.58
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	161.62
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	47.14
			BLUE CROSS BLUE SHIELD	359.62
			BLUE CROSS BLUE SHIELD	67.76
			BLUE CROSS BLUE SHIELD	78.29
			BLUE CROSS BLUE SHIELD	248.67
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	839.40
		KANSAS PUBLIC EMPLOYEES	KPERS #1	605.70
			KPERS #2	308.48
		INTRUST BANK	FIRST STATE BANK	142.78
		PRE-PAID LEGAL SERVICES,	PREPAID LEGAL	27.12
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>36.93</u>
			TOTAL:	6,334.11
WATER PRODUCTION	WATER & SEWER FUND	COREFIRST BANK	DISTRICT-BUDGET/CONTRACT	1,127.37
		VEOLIA WATER NORTH AMERICA	WATER UTILITY	111,914.33
			WATER RECON ITEMS	<u>16,238.00</u>
			TOTAL:	129,279.70
WATER ADMINISTRATION	WATER & SEWER FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	688.84
			MEDICARE WITHHOLFING	161.10
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	90.71
			BLUE CROSS BLUE SHIELD	52.91
			BLUE CROSS BLUE SHIELD	105.82
			BLUE CROSS BLUE SHIELD	427.84
			BLUE CROSS BLUE SHIELD	52.91
		CENTURYLINK COMMUNICATION, INC.	WATER ADMINISTRATION	358.14
		CENTRAL NATIONAL BANK	LUIS J WATER BUILDING	21,131.12
		SURDEX CORPORATION	GIS OVERFLIGHT	3,112.50

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		SECURITY SOLUTIONS INC	ALARM WUPD 2307 N JACKSON	35.00
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	53.51
		KANSAS PUBLIC EMPLOYEES	KPERS #1	556.26
			KPERS #2	223.51
		NEX-TECH	WATER ADMINISTRATION	29.44
		PITNEY BOWES PURCHASE POWER	WATER-MAR 2011 POSTAGE REF	2,500.00
		POSTMASTER	APRIL 2011-POST OFFICE MAC	5,000.00
		THE PRINTERY	1000 WATER DEPT TAGS	140.00
		CINTAS #451	SCRAPER/BROWN MAT	26.40
			UNIFORMS-LANGDON, KENNY	9.74
			SCRAPER/BROWN MAT	42.57
			UNIFORMS-LANGDON, KENNY	<u>9.74</u>
			TOTAL:	34,808.06
SEWER ADMINISTRATION	WATER & SEWER FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	506.64
			MEDICARE WITHHOLFING	118.47
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	37.79
			BLUE CROSS BLUE SHIELD	75.59
			BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	276.66
			BLUE CROSS BLUE SHIELD	75.59
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	46.91
		KANSAS PUBLIC EMPLOYEES	KPERS #1	464.33
			KPERS #2	123.00
		PITNEY BOWES PURCHASE POWER	SEWER-MAR 2011 POSTAGE REF	2,500.00
		THE PRINTERY	1000 WATER DEPT TAGS	<u>140.00</u>
			TOTAL:	4,516.16
WATER & SEWER SYS REFU	WATER & SEWER FUND	SURDEX CORPORATION	GIS OVERFLIGHT	<u>3,112.50</u>
			TOTAL:	3,112.50
WASTEWATER PLANTS	WATER & SEWER FUND	VEOLIA WATER NORTH AMERICA	WASTEWATER UTILITY	136,856.67
			WASTEWATER RECONCILABLE	<u>40,996.00</u>
			TOTAL:	177,852.67
NON-DEPARTMENTAL	ROLLING MEADOWS GO	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	1,132.51
			SOCIAL SECURITY WITHHOLDIN	395.57
			MEDICARE WITHHOLFING	136.57
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	33.60
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	392.21
		KANSAS PUBLIC EMPLOYEES	KPERS #1	292.53
			KPERS #2	52.80
		INTRUST BANK	FIRST STATE BANK	25.84
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>14.00</u>
			TOTAL:	2,531.08
GOLF COURSE	ROLLING MEADOWS GO	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	583.93
			MEDICARE WITHHOLFING	136.57
		ALL STAR PRO GOLF	PENCILS, TEES	348.24
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	302.36
		CENTURYLINK COMMUNICATION, INC.	GOLF COURSE	149.84
		REGELMAN LIQUOR STORE	LIQUOR ORDER	116.50
		WINFIELD SOLUTIONS LLC	DORADO,DOCKET,DIMENSION CH	3,860.25
		CROWN DISTRIBUTORS, INC.	COORS ORDER	316.36

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		FLINT HILLS BEVERAGE LLC	BUD ORDER	148.88
			BUD ORDER	380.86
		TITLEIST	910D2	280.08
		GEARY COUNTY RWD #4	MONTHLY WATER BILL	30.00
		HOME LUMBER CO.	CLIPS, GALV RING.	98.14
			SHEETROCK SUPPLIES, INSULAT	36.95
			PINE CASING	25.16
			MOULDING, CAULK	19.12
		KGCSA	KGCSA MEMBERSHIP DUES	80.00
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	41.07
		KANSAS PUBLIC EMPLOYEES	KPERS #1	492.93
			KPERS #2	59.31
		STUDENT PUBLICATIONS	ADVERTISING PROMOTION	69.60
		KONZA CONST. CO.	KONZA CONST. CO.	382.50
		COUNTRY HILLS ENERGY SVC	COUNTRY HILLS ENERGY SVC	380.19
		NIKE USA, INC	NIKE USA, INC	104.08
		NEX-TECH	GOLF COURSE	1.51
		SNACK EXPRESS	PEPSI BEVERAGES	49.68
			PEPSI PRODUCTS	131.22
		SAM'S CLUB	BATTERIES/BATH TISSUE	29.86
			FOOD	90.01
			COFFEE	29.34
		TIELKE ENTERPRISE, LLC	WEEKLY SANDWICH ORDER	71.49
		VAN WALL EQUIPMENT	VBELT,GASKETS, THER, ROLLER	245.07
			EQUIP PARTS 5753A6	114.26
			BALL BEARINGS	33.50
			BEARINGS	33.50
			DOUBLE PAYMENT-VOIDED TRAN	33.50-
		WATERS HARDWARE	PAINT	<u>4.89</u>
			TOTAL:	9,394.93
STORM WATER MANAGEMENT	STORM WATER	SURDEX CORPORATION	GIS OVERFLIGHT	<u>3,112.50</u>
			TOTAL:	3,112.50
NON-DEPARTMENTAL	ECONOMIC DEVELOPE	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	256.82
			SOCIAL SECURITY WITHHOLDIN	125.94
			MEDICARE WITHHOLFING	43.47
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	55.45
			BLUE CROSS BLUE SHIELD	39.86
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	126.40
		KANSAS PUBLIC EMPLOYEES	KPERS #1	82.97
			KPERS #2	64.80
		INTRUST BANK	FIRST STATE BANK	50.00
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>10.00</u>
			TOTAL:	855.71
ECONOMIC DEVELOPMENT	ECONOMIC DEVELOPE	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	185.90
			MEDICARE WITHHOLFING	43.47
		CULLIGAN OF NORTHEAST KANSAS	CULLIGAN TWO 5 GALLON	9.78
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
			BLUE CROSS BLUE SHIELD	151.18
		CENTURYLINK COMMUNICATION, INC.	EDC	183.74
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	17.94
		KANSAS PUBLIC EMPLOYEES	KPERS #1	139.81
			KPERS #2	72.79
		MANHATTAN AREA CHAMBER	MANHATTAN CHAMBER MEET & G	250.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		NEX-TECH	EDC	9.77
		PLATINUM BROADCASTING	PLATINUM BROADCASTING	<u>199.00</u>
			TOTAL:	1,414.56
LIBRARY	LIBRARY FUND	DOROTHY BRAMLAGE LIBRARY	TAX DISTN MARCH 2011	<u>37,180.50</u>
			TOTAL:	37,180.50
SPECIAL HIGHWAY	SPECIAL HIGHWAY FU	CENTURYLINK COMMUNICATION, INC.	ENGINEERING	171.12
		NEX-TECH	ENGINEERING	<u>12.22</u>
			TOTAL:	183.34
NON-DEPARTMENTAL	SANITATION FUND	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	142.88
			SOCIAL SECURITY WITHHOLDIN	69.84
			MEDICARE WITHHOLFING	24.11
		ING LIFE INSURANCE & ANNUITY COMPANY	ING	16.88
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	63.47
			BLUE CROSS BLUE SHIELD	11.96
			BLUE CROSS BLUE SHIELD	5.04
			BLUE CROSS BLUE SHIELD	43.88
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	63.75
		KANSAS PUBLIC EMPLOYEES	KPERS #1	59.92
			KPERS #2	18.73
		INTRUST BANK	FIRST STATE BANK	16.00
		PRE-PAID LEGAL SERVICES,	PREPAID LEGAL	4.78
		UNITED WAY OF JUNCTION CITY-GEARY COUN	UNITED WAY	<u>1.65</u>
			TOTAL:	542.89
SANITATION PICKUP	SANITATION FUND	VEOLIA WATER NORTH AMERICA	SANITATION	108,554.73
			SEPT 2010-1035 NORTHWEST	75.00
			SEPT 2010-116 W 3RD	<u>50.00</u>
			TOTAL:	108,679.73
SANITATION ADMINISTRAT	SANITATION FUND	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	103.12
			MEDICARE WITHHOLFING	24.12
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	22.68
			BLUE CROSS BLUE SHIELD	45.36
			BLUE CROSS BLUE SHIELD	45.35
			BLUE CROSS BLUE SHIELD	22.68
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	10.22
		KANSAS PUBLIC EMPLOYEES	KPERS #1	100.95
			KPERS #2	<u>21.04</u>
			TOTAL:	395.52
EMPLOYEE BENEFITS	EMPLOYEE BENEFITS	DELTA DENTAL (PREMIUMS)	J.BLACK MAR 2011 COBRA	64.52
			MAR.2011 OUTSIDE AGENCIES	1,406.52
		WORKSITE BENEFIT PLAN	APR.2011 FLEX ACCT FEES	384.00
		TMHC SERVICES, INC.	MAR.2011 D/A TESTING PROGR	<u>367.50</u>
			TOTAL:	2,222.54
SUNDOWN SALUTE	SUNDOWN SALUTE	SUNDOWN SALUTE INC	MARCH 2011 WATER BILL DONA	<u>481.00</u>
			TOTAL:	481.00
NON-DEPARTMENTAL	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	308.87
			MEDICARE WITHHOLFING	29.86
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	39.86
		JUNCTION CITY POLICE	JCPOA	20.00

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	112.21
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>146.94</u>
			TOTAL:	657.74
DRUG & ALCOHOL ABUSE	DRUG & ALCOHOL ABU	INTERNAL REVENUE SERVICE	MEDICARE WITHHOLFING	29.86
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	151.18
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	10.20
		KANSAS PUBLIC EMPLOYEES	KP&F	<u>305.85</u>
			TOTAL:	497.09
NON-DEPARTMENTAL	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	FEDERAL WITHHOLDING	39.94
			SOCIAL SECURITY WITHHOLDIN	22.06
			MEDICARE WITHHOLFING	7.62
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	8.40
		KANSAS DEPT OF REVENUE	STATE WITHHOLDING	15.88
		KANSAS PUBLIC EMPLOYEES	KPERS #1	21.85
		INTRUST BANK	FIRST STATE BANK	<u>12.50</u>
			TOTAL:	128.25
SPECIAL LAW ENFORCEMEN	SPECIAL LE TRUST F	INTERNAL REVENUE SERVICE	SOCIAL SECURITY WITHHOLDIN	32.56
			MEDICARE WITHHOLFING	7.61
		GEARY COUNTY ATTORNEY	09CV312 ATTORNEY FEES SETT	100.00
		GRANDVIEW PLAZA PD	09CV312 SETTLEMENT/DISMISS	66.67
		BLUE CROSS BLUE SHIELD OF KS	BLUE CROSS BLUE SHIELD	75.59
		VERIZON WIRELESS	2549254142 DTF PHONE SERVI	47.27
		GEARY COUNTY SHERIFF	09CV312 SETTLEMENT/DISMISS	66.67
		ADVANCE LIFE INSURANCE	ADVANCE LIFE INUSRANCE	3.85
		KANSAS PUBLIC EMPLOYEES	KPERS #1	36.81
		NEX-TECH	DRUG TASK FORCE	6.80
		CHUBBY'S B-B-Q	453019 CITIZENS POLICE ACA	<u>287.50</u>
			TOTAL:	731.33
===== FUND TOTALS =====				
01	GENERAL FUND			381,756.47
02	GRANTS			8,007.04
10	SPIN CITY			10,367.03
14	MILITARY AFFAIRS/OLD TROO			347.56
15	WATER & SEWER FUND			355,903.20
17	ROLLING MEADOWS GOLF FUND			11,926.01
18	STORM WATER			3,112.50
19	ECONOMIC DEVELOPMENT			2,270.27
20	LIBRARY FUND			37,180.50
22	SPECIAL HIGHWAY FUND			183.34
23	SANITATION FUND			109,618.14
35	EMPLOYEE BENEFITS FUND			2,222.54
46	SUNDOWN SALUTE			481.00
47	DRUG & ALCOHOL ABUSE FUND			1,154.83
50	SPECIAL LE TRUST FUND			859.58

	GRAND TOTAL:			925,390.01

SELECTION CRITERIA

SELECTION OPTIONS

VENDOR SET: 01-CITY OF JUNCTION CITY, KS
VENDOR: All
CLASSIFICATION: All
BANK CODE: All
ITEM DATE: 0/00/0000 THRU 99/99/9999
ITEM AMOUNT: 9,999,999.00CR THRU 9,999,999.00
GL POST DATE: 0/00/0000 THRU 99/99/9999
CHECK DATE: 3/31/2011 THRU 4/13/2011

PAYROLL SELECTION

PAYROLL EXPENSES: NO
CHECK DATE: 0/00/0000 THRU 99/99/9999

PRINT OPTIONS

PRINT DATE: None
SEQUENCE: By Department
DESCRIPTION: Distribution
GL ACCTS: NO
REPORT TITLE: APPROPRIATIONS-MAR 31-APR 13 2011
SIGNATURE LINES: 0

PACKET OPTIONS

INCLUDE REFUNDS: YES
INCLUDE OPEN ITEM:NO

April 5, 2011

3b

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.

April 5, 2011

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.

April 5, 2011

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

April 5, 2011

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

April 5, 2011

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

3c

City of Junction City

City Commission

Agenda Memo

April 11, 2011

From: Fire Chief Mike Steinfort
To: City Manager Gerry Vernon and City Commission
Subject: Fire Department Surplus Equipment

Objective: To have the following surplus equipment approved for disposal.

Explanation of Issue:

The following list of equipment is not used by the Junction City Fire Department and is being listed as surplus equipment. This equipment was replaced several years ago by a grant received by the department. The fire department has been contacted by other smaller fire departments that are interested in purchasing these items to upgrade their own older equipment. I would suggest selling the surplus items on a public auction.

1. Eleven 2216 psi air pack cylinders (number 03, 37, 20, 40, 23, 41, 26, 42, 28, 43, and 32).
2. Four 4500 psi cascade cylinders
3. Thirteen EZ-Radio communications for Scott Airpacks
4. Ten 2216 psi 2.2 Scott Airpacks (number 07, 15, 08, 17, 12, 22, 13, 24, 14, 25)

Budget Impact: Income from the sale of surplus items.

Alternatives:

1. Approve disposal of equipment
2. Disapprove disposal of equipment
3. Modify the proposal.
4. Table the request.

Recommendation: Staff recommends approval of the disposal of surplus equipment in the manner most appropriate to the City of Junction City.

Suggested Motion:

Move to approve disposal of surplus Fire Department equipment.

Enclosures: none

3d

City of Junction City

City Commission

Agenda Memo

April 11, 2011

From: Michael Steinfert, Fire Chief
To: City Commission and City Manager
Subject: **March 2011 Ambulance Adjustments**

Objective: Approval of ambulance contractual obligation adjustments and bad debt adjustments.

Explanation of Issue:

Budget Impact:

Contractual Obligation Adjustment	\$22,462.79
Bad Debt Adjustment	\$18,477.36

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve ambulance contractual obligation and bad debt adjustments in the amounts listed.
2. Disapprove ambulance contractual obligation and bad debt adjustments in the amounts listed.
3. Modify the proposal...
4. Table the request.

Recommendation: Staff recommends approval of adjustments as listed

Enclosures:

5a

PROCLAMATION

J. J. PENNELL DAY IN JUNCTION CITY

WHEREAS, photographer Joseph Judd Pennell effectively used his camera to record and preserve the lifestyles, people, growth, and development of Junction City, Fort Riley and Geary County, Kansas from 1890 to 1922; and

WHEREAS, the photographs he produced reflect not only this community but the entire nation during a significant period of transition and change; and

WHEREAS, over 30,000 of these artistic images have been preserved on glass negatives stored at the University of Kansas where they have become a valuable resource for researchers, historians, scholars, authors and film makers, thus making Junction City scenes and people recognized throughout the world; and

WHEREAS, the Arts and Humanities agencies of Junction City desire to share the legacy of Joseph Judd Pennell with a new generation of Kansans, and to recognize and celebrate the contribution that this local entrepreneur made toward preserving and expanding the culture and history of this state and town,

NOW THEREFORE, I MIKE RHODES, MAYOR of Junction City, Kansas do hereby proclaim Saturday, April 30th, 2011 as

PENNELL DAY IN JUNCTION CITY

And do hereby commend the efforts of the organizers and all who participate for their desire to recognize and share J.J. Pennell's contribution to Junction City's rich historical and cultural heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, 2011.

Mike Rhodes, Mayor

Attest:

Witness

5b

City of Junction City

City Commission

Agenda Memo

April 12, 2011

From: Ray Ibarra, Veolia Water
To: Gery Vernon, City Manager
Subject: **Arbor Day Proclamation**

Objective: Veolia Water would like the Arbor Day Proclamation to be read at the City Commission Meeting to start the celebration of Arbor Day which is celebrated on Friday, April 29th, 2011.

Explanation of Issue:

Budget Impact:

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

Recommendation:

Enclosures:

ARBOR DAY

PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, Junction City has been recognized as a Tree City USA by the National Arbor Day foundation and desires to continue its tree-planting ways;

NOW, THEREFORE, I, TERRY HELDSTAB, MAYOR of the City of Junction City, Geary County, Kansas, do hereby proclaim April 30, 2010 as the 138th Anniversary celebration of

ARBOR DAY

In the City of Junction City, and I urge all citizens to support efforts to care for our trees and woodlands and to support our city's community forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

DATED THIS 19th DAY OF April, 2011

MIKE RHODES, MAYOR

ATTEST

TYLER FICKEN, CITY CLERK

5c

City of Junction City

City Commission

Agenda Memo

04-19-11

From: Tim Brown, Chief of Police
To: Gerry Vernon, City Manager
Subject: Special Presentation of Kansas VFW Law Officer of the Year

Objective: The Department of Kansas, Veterans of Foreign Wars of the United States will present the Kansas VFW Law Officer of the Year to Detective Sergeant Tricia Giordano.

Explanation of Issue: Detective Sergeant Tricia Giordano is being recognized by the Veterans of Foreign Wars with the Kansas VFW Law Officer of the Year.

Budget Impact: This presentation has no budget impact.

Recommendation: Staff recommends the special presentation of the Kansas VFW Law Officer of the Year to Detective Sergeant Tricia Giordano for her dedication to duty during her law enforcement career with the Junction City Police Department.

Enclosures: Letter of congratulations from Ken Stodgell, Adj.-Qm., Department of Kansas, VFW and Outstanding Law Enforcement Officer Nominee letter from Tim Brown, Chief of Police.

OUTSTANDING LAW ENFORCEMENT OFFICER NOMINEE

Sergeant Trish Giordano
Investigations Division
Junction City Police Department
210 E. 9th
Junction City, Kansas
Home: 705 Sagebrush Way
Phone 785-375-3842

November 5th, 2010

Sergeant Trish Giordano was born in Brooklyn, New York, and in 1978 moved to the Junction City area with her Mother and Step Father who was a Ft. Riley Military Police Officer. She graduated from Junction City High School in 1986 and then attended K-State University. She has one daughter, and is a member of the St. Xavier's Catholic Church. She is on the board of the Junction City Big Brother & Big Sisters of Geary County, a member of the Noon Kiwanis Club, and a 1996 graduate of the Crossroads of Leadership class.

She was hired by the Junction City Police Department in 1993, and shortly after graduated from the Kansas Law Enforcement Training Center. She was assigned to patrol duties after KLETC and worked patrol until 1996 at which time she was assigned as a Narcotics Detective working with the Junction City/Geary County Drug Task Force. In 1997, she returned to patrol duties and in 2002 was promoted to the rank of Patrol Sergeant, the first female officer to have reached that rank. She was a Shift Sergeant until 2008, at which time she was moved to Investigations and currently serves in that capacity as a Detective Sergeant.

Some of Sergeant Giordano's most notable accomplishments are the completion of DEA Narcotics School in 1996, participation in undercover drug buys in Salina and Junction City, and working as an undercover officer in several Prostitution Stings carried out by the JCPD in Junction City. She has been a Field Training Officer and a Master Officer. In 2009, she attended the Finding Words Class, which fine tuned her skills at interviewing child victims. She currently is a member of the Junction City Police Officer's Association and the Kansas Peace Officer's Association, and also a member of the JCPOA's bargaining unit.

One of the most notable arrests during Sergeant Giordano's career came in January of 2007 after 32 year old Rachelle Peterson was murdered in Junction City by her estranged husband. Ms. Peterson was attacked in her apartment and stabbed some 97 times by the suspect who had broken into her apartment during the night and waited for her to return in the morning. The suspect, a Cedric Peterson, fled the scene of the murder in an SUV belonging to him. Within 90 minutes of the murder, Sergeant Giordano by herself, located and arrested Mr. Peterson as he drove into the trailer court in which he lived. Peterson was found to have fresh cuts on his person, blood on his clothing, and the

murder weapon was found in the vehicle along with trace evidence belonging to the victim. Mr. Peterson is now serving 25 years to life in the Kansas Department of Corrections after having pled guilty to 1st Degree Murder in Geary County District Court in late 2007.

I am recommending Sergeant Trish Giordano for the Law Enforcement Officer of the Year for 2010-2011, for her role in the arrest and subsequent conviction of a serial rapist that terrorized the Junction City and Manhattan areas from March until May 2009.

In the early morning hours of March 23rd, 2009, a black male entered the residence of a 29 year old Junction City woman on North Park Drive and raped her at gunpoint. The suspect then forced the victim to drive him to a local bank where she was forced to withdraw money from her account. She was subsequently released.

Over the course of the next two month's, the same man raped another woman at gunpoint in Junction City and then tried to kidnap a third but the victim was able to escape from the car as the suspect drove her away. During the same period of time, Manhattan, Kansas Police had reported to them the rapes of three different women in the city, all of which were believed to have been done by the same man using the same mode of operation as here in Junction City.

On May 27th, 2010, an alert Riley County Police Officer noted a man acting suspiciously in a parking lot in Manhattan, Kansas. The man was identified as Tony Lewis, a 21 year old Ft. Riley soldier. Lewis was driving a vehicle similar to one used in the attempted kidnapping of a woman in Junction City that occurred on May 17th, 2010.

Once Lewis was identified, Sergeant Giordano, the Detective assigned to the cases for the Junction City Police Department, and Riley County Detectives with the cooperation of Agents from the Ft. Riley Criminal Investigation Command, began looking into the background of Lewis and collecting evidence in the case. They quickly developed probable cause to arrest him in connection with the Kidnappings, Rapes and Robberies that occurred in Junction City. Lewis was subsequently charged in the Junction City cases and on September 15th, 2010, pled guilty in Geary County District Court in connection with the crimes and was sentenced to 155 months in the Kansas Department of Corrections.

He was later transferred to the custody of the Riley County Department and in October of 2010, went on trial there for the alleged crimes he committed there. As in Junction City, he was found guilty for the crimes alleged and on November 15th, 2010 was sentenced to (5) Life terms without the possibility of parole, and an additional 402 years.

It should also be noted that Lewis was also identified through DNA results to be connected to a rape that occurred in Virginia in 2006 when he was 16 years old. The facts surrounding that case are similar to what occurred here.

It was only through the outstanding individual efforts and unsurpassed dedication to duty by Sergeant Giordano and the other Investigators assigned to these cases, that Mr. Lewis was brought to justice and forever removed from society to never again prey on helpless victims such as those who were terrorized by him during that two month crime spree in 2009.

**Tim Brown
Chief of Police
Junction City, Kansas**



VETERANS OF FOREIGN WARS OF THE UNITED STATES

DEPARTMENT OF KANSAS



February 8, 2011

Trish Giordano
210 E 9th St
Junction City, Kansas 66441

Dear Sergeant Giordano:

On behalf of State Commander J.T. Plummer and the Department of Kansas, Veterans of Foreign Wars of the United States, please accept our sincere congratulations on being named the Kansas VFW Law Officer of the Year.

Emergency Services Director Andrew Culbertson will contact you to set a date for presentation of your award.

Thank you.

Cordially,

A handwritten signature in black ink, which appears to read "Ken Stodgell".

Ken Stodgell, Adj.-Qm.
Department of Kansas, VFW

cc: State Commander
Director Culbertson

7a

City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Case No. SUP-01-01-11 – Special Use Permit request of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, for a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas (S-3092)

Issue: Consideration of the request of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, for a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas.

Explanation of Issue: The Metropolitan Planning Commission held a hearing on March 10, 2011, at the direction of the City Commission to reconsider the petition of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas. Verizon Wireless is seeking approval of a location to construct a new tower to enhance its service in Junction City. Additional testimony was taken and more neighbors spoke in opposition to the request. By a vote of 5 to 2, the MPC has resubmitted a recommendation that the Special Use Permit be denied. The City Commission passed the ordinance denying the Special Use Permit on first reading on April 5, 2011.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a Special Use Permit on first appearance, which follows the same process as a rezoning application:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby denying the Special Use Permit.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby approving the Special Use Permit, subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.

Staff Recommendation: Staff recommended denial of the Special Use Permit for the reasons outlined in the staff report. As such, staff recommends the City Commission accept the recommendation of the MPC and approve the Ordinance, thereby denying the Special Use Permit.

Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3092, an ordinance denying a Special Use Permit request of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, to install a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas, be approved.

Commissioner _____ seconded the motion.

Enclosures:

MPC Minutes of January 20, 2011 and March 10, 2011
 Staff Reports
 Ordinance S-3092

ORDINANCE NO. S-3092

AN ORDINANCE RELATING TO PROPERTY DESCRIBED AS THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 5 EAST OF THE 6TH PRIME MERIDIAN, JUNCTION CITY, GEARY COUNTY, KANSAS, AND COMMONLY KNOWN AS HIGHLAND CEMETERY, AND DENYING A SPECIAL USE PERMIT FOR CONSTRUCTION OF A COMMUNICATIONS TOWER THEREON.

WHEREAS, application has been made by the owner, Highland Cemetery Association, request a Special Use Permit on certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application on January 20, 2011, and, by a majority vote of members present, recommended the requested Special Use Permit be denied;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the application for a Special Use Permit seeking approval for construction of a communications tower for property located at 703 West Ash Street within the City of Junction City, Geary County, Kansas, and described as follows:

DESCRIPTION:

THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 5 EAST OF THE 6TH PRIME MERIDIAN, JUNCTION CITY, GEARY COUNTY, KANSAS.

be, and the same is, hereby denied as provided in K.S.A. 12-757.

Section 2. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

MICHAEL RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

January 20, 2011
7:00 P.M.

Members Present

Maureen Gustafson
Ken Mortensen
Brandon Dibben
Mike Steinfort
John Moyer

Members Absent

Mike Ryan
Rick Ziegler

Staff

David Yearout
Shari Lenhart

1. CALL TO ORDER AND ROLL CALL

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted a quorum present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the December 9th meeting as written. Commissioner Dibben seconded the motion and it passed unanimously.

3. OLD BUSINESS

None.

4. NEW BUSINESS

Item No. 1 – Case No. SUP-01-01-11 – Public Hearing for Special Use Permit for a Communications Tower at 703 West Ash.

Chairman Steinfort called the public hearing to order on the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, Junction City, Kansas.

Mr. Yearout reviewed the staff report giving all the background on this matter, including a report of the chronology of inquiries from representatives from Verizon Wireless for a tower site. Past discussions have included sites in South Park, as well as other locations in the southern portion of the City. Mr. Yearout noted the site proposed for the tower, as evidenced by this application, is in the southeast corner of the Highland Cemetery.

Mr. Yearout noted staff's recommendation is for denial of this request, primarily because of the incompatibility of a tower within the cemetery. Mr. Yearout reported all the reasoning and rationale for that recommendation was contained in the staff report.

Mr. Yearout noted the introduction of a "commercial use" into property that was set aside for a cemetery in 1870 and used exclusively for that purpose is wrong for the land and is not compatible with the general use of the property.

Chairman Steinfort asked if there were questions of staff from the Commission. Hearing none he opened the public hearing to comments from the public.

Randy Powers, a property owner along Webster Street east of the cemetery, spoke in opposition to the request. He indicated he would be able to see the tower from his property and he did not believe it was appropriate for that type of structure to be located at this location. He stated he believed the communications tower should not be allowed because of concerns its placement may have to the health of residents in the area; because of general unsightliness of the tower; because of a potential loss of value to the residential properties; because of general safety concerns in the event of a collapse of the tower; and because of the intrusion of maintenance trucks and other vehicles into the neighborhood.

Doug Dolan, owner of Dolan Realty Advisors, the agent for Verizon Wireless, spoke to the request. He reviewed documentation submitted in support of this site, including a study conducted by a Verizon engineer that purported to show the cemetery location would provide the best enhancement of coverage for this portion of Junction City. That study also evaluated other sites previously discussed with staff, including land in South Park. The conclusion of the study is the cemetery being the best location to improve coverage.

Mr. Dolan further stated the evaluation process had been going on for several months and the company appreciated the difficulty in citing a tower in an urban area.

Terry Redel, owner of land on Webster Street, indicated he is building two new homes on Webster Street that will back up to the cemetery in the general vicinity of the proposed new tower. He stated he believes the tower would impact the potential sale of the homes and would possibly devalue the new homes. He stated he was opposed to the tower at this location.

Casey Gorham, manager and Sexton of the Highland Cemetery, addressed the Commission concerning the rationale of the Cemetery in pursuing the lease for the tower. He stated the location chosen is an area that will not be used for any burials and the Cemetery board felt the additional revenue would assist in the ongoing maintenance demands.

There being no further comments from the public, Chairman Steinfort closed the public hearing and called for questions or comments from the Commission, of which there were several.

Mr. Gorham was asked about the ownership structure of the Cemetery Association. Mr. Gorham stated the ownership is comprised of everyone that owns lots, but the operations are addressed by a Board elected from the members. It was this Board that approved

the lease for the tower. Mr. Gorham was asked if the decision had been made exclusively by the Board, or whether the full membership had been poled. Mr. Gorham stated it was a decision of the Board only. The Commissioner's noted this new activity impacted all "owners" and their heirs that had family buried at the Cemetery and most Commissioners felt all those opinions should have been sought before a decision by the Board was made.

Commissioner Mortensen stated he did not agree with the staff position and did not believe the placement of the tower would be harmful to either the cemetery or the area. He asked if other locations had been reviewed and if this site had been evaluated with additional screening or other actions to "soften" the impact. Mr. Gorham stated the Cemetery Association had not made any specific demands on the placement. Mr. Dolan briefly reviewed the other locations considered and then noted that Verizon would be willing to place landscaping around the equipment compound.

There were no further questions, but several members offered comments. Commissioner Mortensen again noted he did not believe this was an inappropriate use or location and felt modifications to the site plan requirements regarding landscaping could be made to improve the placement of the tower.

Commissioner Gustafson noted she was not persuaded this was an appropriate use in the cemetery. She stated she had family members buried there and did not feel the tower was a compatible use in the cemetery. She also stated she felt there were other locations that would work as well. Commissioners Moyer and Dibben agreed with those comments.

Chairman Steinfort noted he felt an approval of the tower at this location would open other areas of the cemetery for potential commercial uses. He was concerned this would open the way for the Cemetery Association to decide other parts of the cemetery could be leased or sold for other commercial purposes, which would be potentially more incompatible with the commitment of the land for cemetery purposes.

There being no further comments, Chairman Steinfort called for a motion.

Commissioner Mortensen moved to recommend the Special Use Permit for Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, to install a communications tower at 703 West Ash Street be recommended to the City Commission for approval, with the requirement the site plan be modified to add landscaping around the equipment compound and submitted with the recommendation to the City Commission. The motion died for a lack of a second.

Commissioner Gustafson moved to recommend denial of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, based on the facts presented in the staff report and as heard at this hearing. Commissioner Dibben seconded the motion and it passed 4 to 1, with Commissioner Mortensen voting no.

Item No. 2 – Case No. Z-01-01-11 – Public Hearing to Rezone Property at 518 North Madison.

Chairman Steinfort opened the public hearing on the application of Jodie Wilkey and/or Beth Mathis, agent, for Steven and Norma Stanislow, owners, to rezone property at 518 North Madison from “CSP” Special Commercial District to “RM” Multiple Family Residential.

Mr. Yearout noted this is the property located north of the alley between 5th Street and 6th Street on the west side of Madison Street. Mr. Yearout stated research of records show the property was zoned for multiple-family uses on the 1936 Zoning Map, but the land was shown on the 1975 Zoning Map as being zoned “CSP” Special Commercial District. Staff is unsure of when the change occurred. The records show this property has only been used for residential purposes since the home was built many years ago.

There be no questions of staff, Chairman Steinfort opened the hearing for comments from the public.

Beth Mathis and Jodie Wilkey addressed the Commission and acknowledged this rezoning is in response to the desire of the owners to sell the property. The buyers are not able to complete the financing because the present zoning classification does not allow the residence to be rebuilt in the event it is destroyed or damaged beyond 50% of its value. Both indicated the property had been recently remodeled and the buyers were ready to move forward with closing the sale once the zoning is changed. Copies of pictures of the remodeled home were provided.

There being no further comments from the public, Chairman Steinfort closed the public hearing and asked for questions, comments or a motion from the Commission.

Commissioner Gustafson moved to recommend approval of the request of Wilkey and/or Beth Mathis, agent, for Steven and Norma Stanislow, owners, to rezone property at 518 North Madison from “CSP” Special Commercial District to “RM” Multiple Family Residential to the City Commission. Commissioner Moyer seconded the motion and it passed unanimously.

Item No. 3 – Case No. Z-01-03-11 – Public Hearing to Rezone Property at 239 West 9th Street.

Chairman Steinfort opened the public hearing on the application of Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, to rezone property at 239 West 9th Street, Junction City, Kansas, from “RM” Multiple Family Residential District to “PDD” Planned Development District.

Mr. Yearout reviewed the staff report and noted this request also grew from a desire of the present owner to sell the property. Because two residences are located on a single lot, most interested buyers are having difficulty in obtaining financing to buy the property.

Mr. Yearout noted a review of the records from the County Appraiser's Office show the house facing 9th Street was constructed in 1912 and the house facing Adams Street was constructed in 1915. The property was never split and it appears each owner has had the two homes from that time.

Mr. Yearout stated the intent of the PDD rezoning is to allow the land to be divided into two lots. No changes to the use are to be done, with each maintaining the residential structure. This process will allow the lots sizes to accommodate what can be attached to each without creating any nonconformities; as well as deal with the reduced setbacks resulting from the existing construction. The develop plan presented shows all the existing conditions and, if approved, will not permit expansions of any of the buildings without having the development plan modified and reapproved. The necessary notations concerning easements and other rights to provide access to all supporting infrastructure will be shown on the replat of the property.

Chairman Steinfort opened the hearing to comments from the public.

Jason Loader of Kaw Valley Engineering, agent for the owner, reviewed the overall plan and stated the issues discussed within the staff report would be addressed. The intention is to use the easements on the plat as a means of access to the utility mains and not to have the mains extended to the north lot.

There being no further comments the Chairman closed the public hearing and called for questions, comments or a motion.

Commissioner Gustafson moved to recommend approval of the request of Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, to rezone property at 239 West 9th Street, Junction City, Kansas, from "RM" Multiple Family Residential District to "PDD" Planned Development District, including the final development plan to be modified as outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

Item No. 4 – Case No. FP-01-01-11 – Consideration of Final Plat of the Phillips Planned Development District.

Chairman Steinfort opened the meeting for consideration of the final plat of the Phillips Planned Development District, a replat of Lot 10, Block 14, Junction City Original Townsite, submitted by Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner.

Mr. Yearout reviewed the staff report and noted this is in association with the rezoning of the property to the Planned Development District that was just considered. As previously stated, the only change proposed is to clarify the easement on the east side of Lot 2 is for extension of the service lines from the home on 9th Street to the utilities located in the alley and not to be for extension of any main lines.

Jason Loader, Kaw Valley Engineering, agent for the owner, confirmed the clarification on the easement on Lot 2 would be made.

There being no further questions or comments, Commissioner Mortensen moved to approve the final plat of the Phillips Planned Development District, a replat of Lot 10, Block 14, Junction City Original Townsite, submitted by Kaw Valley Engineering, agent, on behalf of Edward Phillips, owner, and authorize the Chairman and Secretary to sign the plat and submit it to the City Commission for final approval. Commissioner Dibben seconded the motion and it carried unanimously.

Item No. 5 – Case No. FP-01-02-11 – Consideration of Final Plat of the Madison Street Addition.

Chairman Steinfort opened the meeting for consideration of the Final Plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition, submitted by Kaw Valley Engineering, agent, on behalf of Donald S. Boyer, owner.

Mr. Yearout reviewed the staff report and noted this replat is intended to combine the properties Mr. Boyer has recently acquired, which will also remove some easements on the common lot lines. Mr. Yearout stated he had received confirmation from the utility companies that no existing lines are in these easements and that no future lines will be necessary given the manner in which the land is being redeveloped. Mr. Yearout noted Mr. Boyer is present.

Donald S. Boyer, owner, stated his intention is to combine the lots into a single lot and develop the property for storage units. He was aware the land recently acquired behind the Subway building in the Rexrode Addition will require a rezone before building permits can be approved.

There being no further questions, Commissioner Mortensen moved to approve the final plat of the Madison Street Addition, a replat of the Janke Addition and a portion of the Rexrode Addition, submitted by Kaw Valley Engineering, agent, on behalf of Donald S. Boyer, owner, and authorize the Chairman and Secretary to sign the plat and submit it to the City Commission for final approval. Commissioner Gustafson seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – Discussion on Comprehensive Plan review and update.

Mr. Yearout noted the need to have a review of the Comprehensive Plan. It is supposed to be reviewed annually, and updated as needed. The Commissioners noted they had copies of the Comprehensive Plan, but were unsure of what needed to be done. Mr. Yearout stated the formal action would be placed on an agenda in the near future and staff would provide a memo on what steps need to be taken. Staff is aware of a desire to update the Plan, but funds are not available for that project.

6. ADJOURNMENT

There being no further business, Commissioner Gustafson moved to adjourn at 8:47 p.m. Commissioner Moyer seconded the motion and it carried unanimously.

PASSED AND APPROVED this _____ day of February, 2011.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

MINUTES

**March 10, 2011
7:00 P.M.**

Members Present

Members Absent

Staff

Rick Ziegler
Ken Mortensen
Brandon Dibben
Mike Steinfort
John Moyer
Mike Ryan
Maureen Gustafson

David Yearout
Shari Lenhart

1. CALL TO ORDER AND ROLL CALL

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the January 20th and February 10th meetings. Commissioner Dibben seconded the motion and it passed unanimously.

3. OLD BUSINESS

Item No. 1 – Case No. SUP-01-01-11 – Reconsideration of Special Use Permit at 703 West Ash.

Reconsideration of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, Junction City, Kansas. Proposed site is generally in the southeast corner of the cemetery.

Mr. Yearout stated the City Commission voted to return this case to the Planning Commission for reconsideration at the February 15, 2011, meeting. The reason for the return is because the applicant presented new information at the City Commission meeting showing landscaping around the equipment compound. The Planning Commission can re-open this case for further review or take no action. State statute requires the Planning Commission to act on a returned matter at its next regular meeting. If no action is taken, the case will go back to the City Commission with the original recommendation.

Mr. Yearout reported a valid protest petition was presented to the City Clerk within the statutory timeframe, which will require a ¾'s majority of the governing body to approve the request regardless of the action taken by the Planning Commission. Mr. Yearout shared a map showing the notification area and the property owners who signed the petition and stated that 32% of the notification area had signed the protest petition.

Mr. Yearout reported that all additional information presented by the applicant was included in the packets for this meeting. Copies of material received earlier in the day from Verizon's RF engineer were also provided.

Mr. Yearout commented that the graphic submitted today which shows two existing cell towers and their coverage, the proposed Highland Cemetery location, and the original location in the South Park area does not show the latest location discussed in South Park. As such, staff believes the material is somewhat misleading.

Mr. Yearout stated staff is still recommending denial based on the position that a cell tower is not an appropriate land use in a cemetery and that other locations are available in the area to service this section of the community.

Chairman Steinfort asked if any members had questions of staff.

Commissioner Moyer asked if the only reason the City Commission returned the case was because of the photographs and the artist rendering of proposed landscaping. Mr. Yearout indicated the City Commission felt the Planning Commission should also have the opportunity to review the additional information presented by the applicant and include that information in its recommendation.

Mr. Yearout responded to the Commission that there was no obligation to open the meeting up for additional comments from the public since this is a review of the information as returned by the City Commission. It was up to the Commission whether the opportunity for additional comments from the applicant or the public would be taken.

Commissioner Ziegler moved that the Planning Commission not open the review to additional comments and, pursuant to state statute, the case be resubmitted to the City Commission with the original recommendation of denial. Commissioner Moyer seconded the motion and it failed by a vote of 3 yeas and 4 nays. (Commissioners Ziegler, Moyer and Steinfort voted for the motion, and Commissioners Ryan, Mortensen, Gustafson and Dibben voted against the motion.)

Commissioner Gustafson stated she wished to ask some additional questions of the applicant and was open to hearing from the public.

Commissioner Mortensen stated he still believes that installation of the tower will not be detrimental to the cemetery or the surrounding areas.

At this point, Chairman Steinfort opened the meeting for public comment.

Randy Powers, 1013 South Webster, stated he had voiced his opinions in opposition to the tower at the January meeting. He presented the members with a copy of an article, printed in the *Daily Union*, February 12, 2011, relating to wireless advances and how cell towers may become obsolete in the future. He reiterated that he is still opposed to a cell tower at this particular location.

Jim and Phyllis Nelson, 710 Sunshine, expressed concern about no light on top of the tower. Life Watch helicopters frequently use this flight path to and from the hospital, and a tower at this location could be a safety issue. Mr. Nelson stated he is concerned about noise from the generators proposed at the location since their home is immediately south of the proposed site.

Eileen Small, 724 Sunshine, felt the tower would have a negative effect on property values and she also felt this is not an appropriate use in a cemetery.

Mike Douchant, Dolan Realty Advisors, agent for Verizon, spoke on the need for Verizon to install additional towers. He elaborated on the technical aspects of coverage and the continued demand for Verizon to provide service to their customers. He indicated if aesthetics is one of the main concerns, there are numerous options available to make this a "stealth" tower and the applicant is willing to consider such options. He agreed that, even though the FAA does not require lighting, a light can be installed, if required.

Discussion ensued between Mr. Douchant and Commissioners regarding capacity, construction, landscape upkeep responsibilities, additional carriers, tower at 7th & Monroe, future building installations, maintenance issues, noise, cosmetic possibilities, wireless technology advancements, other possible locations, increase of the proposed area for other users, and other potential commercial uses in the cemetery once this first commercial use occurred.

Casey Gorham, manager and Sexton of Highland Cemetery, reiterated the Cemetery Board has agreed that the proposed use will not interfere with the operations of the cemetery and it will provide additional income. Mr. Gorham pointed out that the City installed a siren which requires maintenance and there have been no complaints from the surrounding property owners. Mr. Gorham stated the Cemetery Association supports having the Special Use Permit approved because of the additional revenue and the fact the existing roadway to the proposed tower site would be improved with additional gravel by Verizon.

There being no further public appearances, Chairman Steinfort closed the public hearing.

Mr. Yearout reminded the Commission the Zoning Regulations were amended last year to allow consideration of other locations for proposed cell towers. Prior to the amendment, cell towers were allowed by right on in the Industrial districts. The tower at 7th and Monroe is in an industrial zone. The growth of cell phone usage will require the installation of more cell towers and limiting towers to areas zoned industrial would limit the opportunities to improve service within the community. The amendment provided for the Special Use Permit procedure.

Mr. Yearout stated staff is still of the opinion other alternative locations can provide the needs of Verizon in this portion of the City. Staff is aware those locations may not be as ideal as an RF engineer would wish, but the original propagation maps show the proposed site in South Park is workable. It is still staff's opinion that a cemetery is not the appropriate setting for this type of land use or any other type of commercial uses. In staff's opinion, the South Park location would be workable.

Commissioner Ziegler stated he believed this was not an appropriate land use for the cemetery, and it could open up the cemetery for other commercial endeavors.

Commissioner Mortensen reiterated he did not believe the tower would be detrimental in the cemetery and that the proposed landscaping around the equipment compound would provide adequate screening. In addition, the location is somewhat down over the hill and less visible from surrounding properties.

Commissioner Gustafson reiterated that she did not have a problem with the tower, per se, but was very opposed to the buildings on the ground. She felt it would need a lot of landscaping and that would require more maintenance responsibility on the part of the cemetery. She felt that even with the landscaping, the proposed tower is not appropriate for the cemetery.

Commissioner Mortensen moved to recommend approval of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, provided the applicant meets the recommendations suggested in the March 3rd staff report; adding the requirement of a red light at night, and additional installation of the landscaping as presented by the applicant. Commissioner Ryan seconded the motion. The motion failed by a vote of 3 ayes and 4 nays. (Commissioners Mortensen, Ryan and Dibben voted for the motion, and Commissioners Ziegler, Gustafson, Moyer and Steinfort voted against the motion.)

Commissioner Moyer moved to recommend denial of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, based on the facts presented in the January 19th staff report and as heard at both public hearings; that the additional information provided by the applicant did not significantly alter the impact the cell tower would have on the area; and because there appears to be a viable alternative site at the northeast corner of South Park. Commissioner Gustafson seconded the motion and it carried by a vote of 5 ayes and 2 nays. (Commissioners Ziegler, Gustafson, Steinfort, Moyer and Dibben voted for the motion and Commissioners Mortensen and Ryan voted against the motion.)

Mr. Yearout informed the audience and Commission this case would be on the April 5th City Commission agenda.

4. NEW BUSINESS

Item No. 1 – Case No. Z-03-01-11 – Public Hearing to Rezone Property at 1120 South Madison

Chairman Steinfort opened the public hearing on the application of Don Boyer, owner, to rezone property at 1120 South Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, KS.

Mr. Yearout reviewed the staff report explaining this rezoning was intended to be considered at the time of review of the Final Plat of Madison Street Addition heard earlier this year, but the application for the replat was the only one originally submitted. The purpose of this request is to make all the zoning industrial to enable Mr. Boyer to construct storage buildings on the property. The area under consideration is the property purchased by the applicant behind the existing Subway on South Washington. Mr. Yearout stated the proposed rezoning makes all the land of the applicant consistent; that the rezoning does not negatively impact other existing uses in the area; and staff recommends approval.

Mr. Boyer, applicant, confirmed the rezoning was intended to come with the replat, but unfortunately that didn't happen. Mr. Boyer had no other comments and was supportive of the staff report and recommendation.

There being no further comments from the public, Chairman Steinfort closed the public hearing.

Commissioner Mortensen moved that Case No. Z-03-01-11, request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CS” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda.

Item No. 2 – Case No. TA-03-01-11 – Public Hearing on proposed Text Amendment to the Geary County and Junction City Zoning Regulations concerning Special Use Permits.

Chairman Steinfort opened the public hearing on the proposed text amendment to the Geary County and Junction City Zoning Regulations concerning the use of Special Use Permits and asked for the staff report.

Mr. Yearout stated the proposed amendment would allow for greater flexibility in dealing with issues not allowed by right or not listed as a land use in any zoning category, especially in the County. He identified a couple of situations in the rural area that prompted this proposed amendment. The staff report identifies the different sections in the City and county Zoning Regulations that will be amended.

Chairman Steinfort asked how many cases might be generated over a year. Mr. Yearout indicated there is more of a need in the County for this flexibility, but it will also be helpful to have the same procedure in place for the City's regulations. He does not anticipate that many cases would be considered in the City, but it would probably generate about a half dozen cases in the County.

Mr. Yearout reminded the Commissioners that this is under the Special Use Permit procedure, which has the Metropolitan Planning Commission holding a public hearing and the Governing Body making the final determination on each case.

There being no public appearances, Chairman Steinfort closed the public hearing.

Commissioner Gustafson moved that the proposed amendments to the Geary County Zoning Regulations and Junction City Zoning Regulations concerning the use of Special Use Permits be recommended for adoption by the Board of County Commissioners of Geary County and the City Commission of the City of Junction City as outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda, but the intention is to take the proposed resolution to complete the amendment to the Board of County Commission on Monday, March 14th.

Item No. 3 – Case No. CP-03-01-11 - Review of the Comprehensive Plan for Junction City and Geary County.

Mr. Yearout reported that a public hearing is not required for the yearly review of the Comprehensive Plan by the Planning Commission. A public hearing is only necessary if the Plan is to be amended. As previously reported, there is a need to update the Plan; however, there are no monies available for the extensive work required. Mr. Yearout reported that the 2010 Census data is now available and Geary County's population increased at a rate that made Geary County the fastest growing County in Kansas, based on percentage increase change. Staff believes this indicates that the City, County, and surrounding area continues to grow and makes the need for a current Comprehensive Plan very important. However, given the current financial situation, the current Plan should be acknowledged as the valid Plan for Junction City and Geary County.

Mr. Yearout recommended the Commission acknowledge this review of the Comprehensive Plan confirms it is still the valid Plan for Junction City and Geary County, but that changing conditions warrant additional studies of the impacts of growth once funds become available.

Commissioner Mortensen moved to acknowledge review of the Comprehensive Plan, as adopted in April of 2007, is the official Plan for Junction City and Geary County and that consideration needs to be given to allocating funds for an update of the Plan when economically feasible. Commissioner Ziegler seconded the motion and it carried unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS THE BOARD OF ZONING APPEALS

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

1. **OLD BUSINESS – None**
2. **NEW BUSINESS**

Item No. 1 – Case No. BZACU-03-01-11 - Public hearing on the application for a Conditional Use Permit for a Day Care Home at 1018 Coyote Drive, Junction City, Kansas.

Chairman Steinfort opened the public hearing on the application of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive.

Mr. Yearout reminded the Board of reasoning behind the amendments to the Zoning Regulations over the past couple of years. Initially, if a provider was approved by Fort Riley under the Homes Off Post (HOP) program they were automatically limited to 6 children even though their State KDHE License was for 10 or more children. The Child Care Code and text amendments to the Zoning Regulations used 6 as the maximum for a Family Day Care Home, which was permitted by right in the residential districts. Any provider wishing to care for more than 6 children would still be required to apply for a Conditional Use Permit.

It has now come to staff's attention the other Post program, ACCYN (Army Child Care in Your Neighborhood), allows a maximum of 8 children. Even though the applicant in this case, Ms. Cooper, is applying for a Conditional Use Permit for a Day Care Home (DCH) allowing a maximum of 10 children, she will be limited to 8 because she participates in the ACCYN program. Staff believes this may mean the City and County day care regulations need revised again. With the influx of military personnel, there will undoubtedly be additional requests for many more day care operations. And the question is whether the rules and regulations should be further revised to accommodate the Army programs and avoid the Conditional Use Permit process.

With respect to the application before the Board, Mr. Yearout stated the staff report addresses each item the Board must take into consideration when making a determination. He explained that staff is recommending denial as outlined in the report; primarily because of the precedent it would set for Day Care Homes in residential areas. Mr. Yearout informed the Board it can disagree with the recommendation and stipulations can be attached to a Conditional Use Permit if granted.

There being no further questions of staff, Chairman Steinfort opened the hearing to comments or questions from the public.

Regina Cooper, 1018 Coyote Drive, stated she has provided childcare for 4 years in the City of Milford and has been a participant with the ACCYN program all this time. As previously explained, even though this application is for maximum of 10 children, she will be limited to 8 so long as she remains in the ACCYN program. Ms. Cooper stated she has 4 children of her own, of which 2 count toward the limit of 8. Two of her families have 2 children each; therefore, traffic and parking will not be a problem.

Ms. Cooper further indicated she has moved to Junction City partly to be closer to her day care families, who wish to stay with her. Her day care hours of operation are from 7 a.m. to 5:30 p.m. In response to the staff concern of the existing fence not being high enough to block the view of toys in the yard, she indicated a willingness to consider additional screening if necessary.

Vicki Sutton, ACCYN Coordinator from Manhattan, verified how stringent the Post programs were. She indicated that Ms. Cooper has been an excellent provider and has attended the extended childcare courses.

Richard Hagerty, 1902 Silver Court, indicated his concerns were type of signage allowed, cars driving upon his lawn and the hours of operation. He stated he was not opposed to the day care operation. Staff confirmed the Zoning Regulations limit any sign to one square foot size and it must be located on the home.

There being no further comments, Chairman Steinfort closed the public hearing.

General discussion ensued between the Board and staff relating to parking, signage, hours of operation, width of streets, and the differences between the density of development in the newer portions of the city versus these operations in the older section of the city where lots are generally smaller and narrower.

Commissioner Gustafson moved that Case No. BZACU-03-01-11, request of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive, Junction City, Kansas, be approved with the conditions that the hours of operation be limited from 6:30 a.m. to 6:30 p.m., and that the Conditional Use Permit be granted only for this applicant at this location and it will become null and void if the applicant leaves this location. Commissioner Mortensen seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as Metropolitan Planning Commission. Commissioner Ziegler seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – Work Session – Review of County Zoning Regulations

Mr. Yearout stated the complete rewrite of the draft for the Zoning and Subdivision Regulations and Sanitation Code is not finished. He asked if the Commission wished to postpone the scheduled work session for the following week. It was the consensus of the Commission to cancel the work session scheduled for Thursday, March 17th.

6. ADJOURNMENT

There being no further business, Commissioner Gustafson moved to adjourn at 9:02 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

PASSED AND APPROVED this _____ day of April, 2011.

Mike Steinfort, Chairman

ATTEST:

David L. Yearout, AICP, Secretary



**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**



STAFF REPORT

January 19, 2011

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: SUP-01-01-11 – Special Use Permit to allow construction of commercial communications tower for Verizon Wireless at 703 West Ash, Junction City, Kansas.

Background: This is the application of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas.

Text Amendments: On April 20, 2010, the City Commission of Junction City passed the first reading of Ordinance G-1066 amending the Junction City Zoning Regulations adding commercial communication towers as requiring a Special Use Permit approved by the City Commission. In specific, the following language was added with respect to commercial communications towers within the City of Junction City:

SECTION 445.180: SPECIAL USES ENUMERATED

The following Special Uses may be approved by the City Commission as provided in this Article.

- A. Commercial and communication towers, including wireless communication facilities, whether allowed by right subject to a building permit or by Special Use Permit approval, shall be subject to the following provisions:
1. All commercial and communication towers, including wireless communication facilities, shall include information for review as required in this provision and said information shall be shown on a site plan drawn to scale.
 2. The location of every tower, whether by right or by Special Use Permit, shall be setback from all property lines a distance equal to at least one-half of its height, and shall be of monopole or a lattice self-support type. Guyed towers shall not be permitted unless the tower is capable of meeting a setback requirement from all property line equal to its height.

3. The following wireless communication facilities are permitted by right in any zoning district, subject to the issuance of a building permit, if they conform to all other requirements in this section:
 - (a) New facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures, including support structures up to twenty (20) feet above the building, but not more than twenty (20) feet above the maximum height permitted by a building permit in the underlying zoning district.
 - (b) Modification and/or replacement of support structures (light poles, flag poles, electrical poles, private dispatch towers, etc.) that are not significantly more visible or intrusive, including cumulative height extensions no greater than twenty (20) feet above the original structure height.
 - (c) New monopole towers no more than seventy (70) feet in height measured from grade. If the Zoning Administrator determines that the proposed monopole does not conform to any requirements of this section, the building permit shall be denied. Towers denied building permits may pursue approval by applying for a Special Use.
4. All other communication towers including wireless communication facilities that do not meet the requirements of Section (3) above shall be reviewed through the Special Use process as outlined in these Regulations.
5. All lighting necessary to comply with the FAA lighting requirements shall consist of dual lighting structures with day time strobe lights on medium intensity and night time red lights only. No high intensity strobes or night time strobes shall be permitted. Further, all towers requiring lighting shall provide battery backup or other alternative power source to assure lighting operations during times of power outages. Lighting for security purposes shall be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs shall be permitted.
6. No signs shall be allowed on an antenna support structure other than those required by applicable governmental agencies.
7. At the time of requesting a Special Use or a building permit for an approvable wireless communication facility as permitted in Section (3) above, as applicable, the applicant shall demonstrate to the satisfaction of the approving authority that:
 - (a) no available space exists on existing or approved wireless communication facilities or other structures that can be utilized to meet the applicant's communication needs (an existing site will be considered "available

space" only if the site is economically and technically feasible with a ready, willing, and able landlord); and

- (b) no other economically and technically feasible opportunity to modify or rebuild an existing structure on which the communication equipment may be located exists (a rebuilding opportunity will be considered economically feasible if the cost of rebuilding an existing facility is no more than the cost of building a new facility on a new site).
- 8. At the time of requesting a Special Use or a building permit for a wireless communication facility, as applicable, the owner of a proposed new wireless communication facility and the owner of the land, if not the same, shall agree in writing that every commercial telecommunication tower shall be designed to provide co-location with a minimum of forty-eight (48) antennas and their attendant cables and that such space shall be made available for additional users.
- 9. Any communication tower that is unused for a period of twelve (12) months or more shall be declared abandoned and shall be notified of the necessity of removing the tower and appurtenances and reclaiming the lands as provided herein.
- 10. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation of the proposed use of the site upon the removal of the tower. The applicant shall also provide financial security in a form acceptable to the City to assure the reclamation of the property shall occur in conformance with the reclamation plan. Financial security provided to the landowner is sufficient, provided it names the City as well.

Ordinance G-1066 was approved on second reading on May 4, 2010, and published on May 7, 2010. The above amendments to the Zoning Regulations completed a process that began in the fall of 2009 concerning this activity. This is the first application to be considered under these standards within the City of Junction City.

Special Use Permit Request: Verizon Wireless, through its agent, Dolan Realty, has been in communication with the City of Junction City since May of 2010 regarding a potential location for a new communication tower in the south part of Junction City. Several potential sites have been discussed over the many months, including the site submitted by Verizon Wireless in a portion of Highland Cemetery. Initial discussion in this staff report will address the proposed site in Highland Cemetery.

There is conflicting information in the submittals as to the proposal. The application indicates this will be a 120-foot monopole communications tower; however subsequent requests from other parties providing documentation have referred to this being a 150-foot tower. This has been published and will be considered as a 120-foot monopole as indicated on the application. Any modifications to that height will require this case to be considered new.

The site plan and preliminary construction drawings indicate the actual location is in the far southeast corner of the cemetery property, which covers a 40-acre tract from its original grant to the Highland Cemetery Association in 1870. The second page of the preliminary construction drawings show a meandering 20-foot access easement covering almost ¼ mile from Ash Street to the actual tower location in a 30-foot by 50-foot compound for the tower and supporting structures. It appears the access easement generally follows the roadway along the eastern side of the cemetery to that corner of the property; although it is apparent from the drawings it is not completely accurate to that roadway. Given the specificity normally required for these facilities, staff would question whether the access easement truly reflects how access will be gained to this site. This issue needs to be resolved if this case moves forward.

The preliminary construction drawings provide a site plan showing setback distances of the compound area from all property lines. The setbacks are incorrectly labeled on page 2 of the drawings and need to be corrected. Further, the actual setback from the south property line shown as 44 feet may not meet the requirement of the Zoning Regulations. This will need to be verified before final action can be taken.

There is no information submitted that addresses the manner in which electric and telephone utilities will be brought to the proposed lease site. Staff is fully aware no communications tower can function without these utilities. As proposed, this lease site fails to have access to these utilities. This deficiency will need to be addressed before anything further can be done.

The proposed tower shows locations for a total of three carriers; but no information is provided concerning the capacity of these platforms with respect to the number of antennas capable of being supported. The Zoning Regulations require each tower must show it is being designed to provide capacity to support 48 antennas and supporting cables and appurtenant apparatus. The preliminary construction drawings, as well as all other submitted documentation, fails to provide this information. This deficiency will need to be addressed before anything further can be done.

The preliminary construction drawings propose a potential of three equipment buildings within the 30-foot by 50-foot fenced compound lease area for the tower. The initial equipment building will house the Verizon equipment, including a backup generator. The site plan shows the manner in which all the building will be placed, which appears to limit the ability of this site to fully support future users of the tower. This is contrary of the intent of the Zoning Regulations. This matter needs further documentation and discussion by the applicant before final comments can be made.

Verizon Wireless has provided a report from an RF Engineer (Emmanuel Castro, Senior RF Engineer for Verizon, lettered dated January 17, 2011 – attached) that concludes the Highland Cemetery site provides the best coverage expansion for Verizon, as compared to a site in South Park (discussed below) and a third site near the KDOT facility on south Highway 77 south of I-70. Staff must conclude this is a generic conclusion because the only basis for the findings appears to be from the measurements of the proposed towers to the existing towers. There is no discussion as to whether further engineering modifications can be made to the towers to boost signal strength and/or reduce signal strength to manipulate the signals to provide the required coverage. This is a practice very common in the industry and has been done repeatedly

throughout the industry to make tower locations serve coverage needs. Staff rejects the conclusion provided in this report based on previous experience with this industry in these matters.

The Zoning Regulations require a specific reclamation plan in the event the tower is allowed to be constructed and subsequently abandoned. To date no such plan has been provided.

In summary, there are a number of issues that staff believes are deficiencies to the submitted materials for this site. As such, staff feels this matter is not ready for further action at this time.

Alternative Sites: As previously noted, staff has been in contact with representatives from Verizon Wireless for many months concerning a potential location for a new communications tower. The initial location proposed by the applicant, Dolan Realty, was in the northwest corner of South Park adjacent to the horseshoe pits. This site was proposed on the assumption the existing tower adjacent to South Park (owned by Westar) would not meet the needs of Verizon, which was subsequently determine did not. Following internal discussions by the City, the site was opened for further discussions, but Verizon determined the tower needed to be further to the east.

Staff proposed a location in the northeast corner of South Park accessible from Highland Drive where it dead ends into South Park. This is an open access because it provides access to a sewer lift station in that area. Full information was provided to Dolan Realty for this site and it was evaluated along with a number of other "open lots" that went from that location to Washington Street between Ash Street and I-70.

Considerable communication was exchanged regarding the potential Highland Cemetery location long before this application was made. Staff provided comments in those exchanges discouraging the Highland Cemetery site for many reasons. A copy of that email is provided for your review. Specifically, staff strongly believes the construction of a communications tower and the associated ground structures is highly incompatible with the use of this property as a cemetery. As previously noted in this staff report, this has been a dedicated site for a cemetery for 140 years and it has remained true to its use as a sanctuary and final resting place for the many generations of citizens whose remains, and the remains of family members, are at home in the cemetery. The placement of a communications tower at this location is so out-of-character to the primary use of the property as a cemetery staff does not believe this is the best location for this use.

Finally, as noted previously, the RF report on the coverage needs for Verizon Wireless are rejected as to the conclusions. Staff strongly believes the location in South Park can be made to meet all the needs of Verizon with little effort. Staff is confident the engineers for Verizon can and will make another location work very well for the customers of Verizon should the Highland Cemetery location be denied by the City.

Regardless, it is not exclusively the needs of Verizon that are the basis of this matter; but also the needs and interests of the community at large as to the best location of these facilities. That is the essence of every land use decision and was of primary importance in implementing the

amendments to the Zoning Regulations to provide a method of reviewing and evaluating proposed locations for communications towers within the City. Having made those regulatory changes does not mean the City is to just abdicate its responsibilities based solely on the "needs of the applicant." As stated herein, staff does not believe the Highland Cemetery location to serve the "needs of the community."

In short, staff believes the best site for the location of this tower is in the northeast corner of South Park. We believe we have provided ample information and sufficient advice concerning the inquiries to the applicant to strongly support our position on this application.

Staff Recommendation: Staff strongly recommends this application be recommended for denial. Our reasoning for this recommendation is based primarily on the incompatibility of the proposed use of a communications tower within a cemetery. This recommendation is further based on the fact that another viable site has been identified and staff fully believes this site (northeast corner of South Park) is capable of providing the necessary coverage for Verizon Wireless.

In the event the Metropolitan Planning Commission wishes to move this case forward with a recommendation of approval, staff recommends the Special Use Permit be continued to the February meeting in order for the applicant to provide additional information and/or clarification of the following:

1. The applicant provide documentation confirming the actual proposed height of the monopole and remove or clarify documentation that contradicts the proposed height.
2. The applicant provide documentation that the tower is being designed to carry the load of 48 antennas and that the leased compound can be adequately used by other carriers for equipment buildings in a manner that allows co-location as required by the Zoning Regulations.
3. The applicant provide documentation showing the access provided to the lease site of the proposed tower will follow the roadway so there are no legal access issues.
4. The applicant provide documentation showing the manner in which utility access will be provided to the lease site of the proposed tower.
5. The applicant provide documentation that the FAA, the FCC and the Army has approved the siting of the tower.
6. The applicant provide documentation that, either through the lease document or other written format, showing the manner in which the property shall be reclaimed in the event the tower is removed.

Suggested Motion:

Alternative 1:

I move that Case No. SUP-01-01-11, the application of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery be recommended for denial by the City Commission of Junction City, Kansas, for the reasons outlined in the staff report and as presented at the public hearing.

Alternative 2:

I move that Case No. SUP-01-01-11, be continued to the February, 2011, meeting and the applicant provide information as outlined in the staff report and as presented at the public hearing.



**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**



STAFF REPORT

March 3, 2011

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: SUP-01-01-11 – Special Use Permit to allow construction of commercial communications tower for Verizon Wireless at 703 West Ash, Junction City, Kansas.

Background: At the January 20, 2011, meeting the Metropolitan Planning Commission conducted the public hearing on the application of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a 120-foot monopole communications tower in the southeast corner of Highland Cemetery, with an address of 703 West Ash Street, Junction City, Kansas. At the conclusion of that public hearing, the MPC voted 4 to 1 to recommend denial of the Special Use Permit.

This case was heard by the City Commission of the City of Junction City on February 15, 2011. Staff reported that a sufficient protest petition had been submitted to require a $\frac{3}{4}$ majority of the City Commission to vote to approve the Special Use Permit. Additionally, at that meeting the applicant presented new drawings showing the proposed compound for the tower and equipment buildings, including a proposed landscaping layout. The City Commission voted unanimously to return the case to the MPC for reconsideration in order to review the new landscaping plans and whether these would alter the recommendation of the MPC.

Reconsideration of Special Use Permit: Kansas statutes outline the duties of the Metropolitan Planning Commission when any matter is returned for reconsideration.

In short, the MPC must make a decision at the first appearance of the matter after being returned by the governing body. Failure to do so results in the resubmission of the original recommendation for the original reasons.

The MPC is to address the full case issues as presented, but is to give specific attention to the issues the governing body identifies as the basis for its decision to return the case. In this instance, this means evaluating the impact, if any, of the new site plans which show the landscaping proposals. Copies of the drawings submitted, along with photos taken from the proposed site within the cemetery, are attached to this staff report. These were also submitted to the City Commission, but were not provided at the MPC meeting in January, 2011.

Additionally, it is staff's opinion the MPC may reconsider its entire recommendation of the request, including any and all reasons given for the original recommendation. However, saying that, staff does not believe the MPC is under any obligation to change or alter its original recommendation. Instead, your responsibility is to evaluate whether the new information does constitute a change to such a degree as to justify altering the original recommendation. If an MPC member feels there is no change in the position originally taken on this case by reviewing the new site plans, then it is appropriate to state as much and maintain the position taken at the January meeting. If the new information does justify a change in the position, then state as much and vote differently.

Substance of New Information: The primary bit of new information is the copy of the rendering of the enclosed equipment compound for the tower and equipment buildings. The rendering shows the manner in which the applicant is proposing to install trees to provide screening of the equipment on the ground. These plantings will be outside the fenced area. It should be noted that if this is acceptable, these plantings will be outside the leased area for the tower, since the leased area will be enclosed by the fence. As such, the trees will be exclusively on the land owned by the Highland Cemetery Association. Staff would recommend that, if the project is ultimately approved, the lease be clarified as to the responsibility of the maintenance for the trees.

Staff Recommendation: Staff continues to recommend this application be recommended for denial. Our reasoning for this recommendation is based primarily on the incompatibility of the proposed use of a communications tower within a cemetery. This recommendation is further based on the fact that another viable site has been identified and staff fully believes this site (northeast corner of South Park) is capable of providing the necessary coverage for Verizon Wireless.

In the event the Metropolitan Planning Commission wishes to move this case forward with a recommendation of approval, staff recommends the Metropolitan Planning Commission be comfortable with the following:

1. The applicant provide documentation confirming the actual proposed height of the monopole and remove or clarify documentation that contradicts the proposed height. *The applicant indicates this will be a 120-foot monopole, but some information submitted refers to a 150-foot monopole.*
2. The applicant provide documentation that the tower is being designed to carry the load of 48 antennas and that the leased compound can be adequately used by other carriers for equipment buildings in a manner that allows co-location as required by the Zoning Regulations. *The applicant has stated they intend to comply with this requirement, but it should be stated clearly within the action that this is required.*

3. The applicant provide documentation showing the access provided to the lease site of the proposed tower will follow the roadway so there are no legal access issues. *The applicant indicates no actual site surveys have been done and the drawings submitted are representative only. It should be clear that no actual building permit would be issued until actual surveys have been done and the leased area accurately identified.*
4. The applicant provide documentation showing the manner in which utility access will be provided to the lease site of the proposed tower. *The site plan does show an easement from the south property line for access to the site, which addresses this issue.*
5. The applicant provide documentation that the FAA, the FCC and the Army has approved the siting of the tower. *The applicant provided verbal confirmation this has been done, but written documentation should be in the file before a building permit would be issued; especially regarding confirmation from the Army.*
6. The applicant provide documentation that, either through the lease document or other written format, showing the manner in which the property shall be reclaimed in the event the tower is removed. *The regulations mandate a reclamation plan and the MPC should be comfortable the reclamation plan conforms to the requirements of the Regulations.*

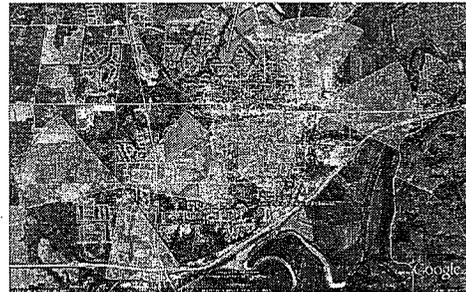
Suggested Motion:

I move that Case No. SUP-01-01-11, the application of Mike Douchant, Dolan Realty Advisors, agent, for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower in the southeast corner of Highland Cemetery be resubmitted to the City Commission of the City of Junction City, Kansas, with a recommendation of denial by the City Commission of Junction City, Kansas, for the reasons outlined in the staff report and as presented at the public hearing.

- The objective of Junction City 5 is to offload the gamma sector of Junction City 4 and to improve the coverage on I-70
 - The South Park location is much closer to Junction City 2 than to Junction City 4.
 - The distance between Junction City 2 and South Park is only about a 3rd of the distance between Junction City 2 and Junction City 4
 - It will help improve the coverage on I-70 but it will not offload Junction City 4 gamma.
 - It will cover the same area that the alpha sector of Junction City 2 already covers therefore it is a waste of resources.

- In order for a cell site at South Park to have the same impact (in coverage) as a cell site located at the Highland Cemetery, it needs to transmit at a higher power than necessary.
 - The technology that Verizon Wireless uses can be compared to a pie.
 - The bigger the share, the fewer people can taste it. The smaller the share, the more people can taste it.
 - In radio propagation, that pie is the power that the cell site transmits.
 - the closer the cell site to the area that it needs to serve, the lesser power is transmitted therefore more are served

- Placing a cell site at South Park is self defeating
 - The cell site will transmit more power just to reach the area that it needs to cover.
 - As it transmits more power, less people are served
 - As it transmits more power, it creates more noise to the system forcing the surrounding cell sites to transmit more power as well, reducing their respective capacity (analogy of the pie) and reducing the capacity of South Park even more.
 - It will compete with Junction City 2 because South Park will be serving the same area that Junction City 2 already serves.
 - Because of terrain, there will be areas that Highland Cemetery can cover that South Park cannot even if the power is increased.



7b

City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: David L. Yearout, AICP, Director of Planning and Zoning
To: City Commission & Gerry Vernon, City Manager
Subject: Amendment to the Junction City Municipal Code (G-1096 attached)

Issue: Consideration 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.

Explanation of Issue: The Metropolitan Planning Commission held a public hearing on March 10, 2011, to consider amending the Junction City Zoning Regulations to clarify the manner in which Special Use Permits may be used to address uses that are not otherwise identified with the Zoning Regulations. The amendment will also clarify the manner in which Special Use Permits work within the overall zoning process. The MPC has recommended by unanimous vote the amendments be approved. The City Commission passed the ordinance on first reading on April 5, 2011.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for text amendments on first appearance:

1. To accept the recommendation of the MPC and approve the first reading of the Ordinance.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the first reading of the Ordinance as so modified.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not accept the text amendments.

Staff Recommendation: Accept the recommendation of the MPC and approve the Ordinance amending the Code.

Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. G-1096, an ordinance amending the Zoning Regulations of Junction City, Kansas, be approved.

Commissioner _____ seconded the motion.

Enclosures:

Ordinance G-1096
March 10, 2011 MPC Minutes

ORDINANCE NO. G-1096

AN ORDINANCE AMENDING TITLE IV. LAND USE, OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS, BY CLARIFYING THE USE OF SPECIAL USE PERMITS AND BY ADDING LANGUAGE TO ARTICLE V – SPECIAL USE PERMITS, TO CHAPTER 445 OF THE MUNICIPAL CODE OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, the Junction City – Geary County Metropolitan Planning Commission did on March 10, 2011, conduct a public hearing on the proposed amendments to the Junction City Zoning Regulations pertaining to amending certain sections of said Zoning Regulations regarding Special Use Permits; and,

WHEREAS, this City Commission has reviewed the record of said Metropolitan Planning Commission meeting and thoroughly discussed the recommendation made therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. ARTICLE IV, GENERAL PROVISIONS, of the Municipal Code of the City of Junction City, Kansas, is hereby amended by adding the following section:

SECTION 400.235: SPECIAL USES. Use of a structure or land by a Special Use Permit may occur in any zoning district provided the Special Use Permit is secured in accordance with the appropriate provisions of these regulations. Special Use Permits may be used to allow uses to occur in a more restrictive zoning district rather than to seek rezoning to a more permissive zoning district.

Section 2. Section 400.240(A) of the Municipal Code of the City of Junction City, Kansas, is hereby amended by deleting the existing language and replacing it with the following:

SECTION 400.240: NUMBER OF STRUCTURES AND USES ON THE ZONING LOT.

A. Not more than one principal residential structure shall be located on a single zoning lot, unless permitted by the district regulations in which located, nor shall a principal residential building be located on the same zoning lot with any other principal building, except as may be permitted by Chapter 435 of this Title relating to planned development districts, and as allowed by the issuance of a Special Use Permit as provided in Chapter 455 of this Title.

Section 3. Section 445.180(B) of the Municipal Code of the City of Junction City, Kansas, is hereby amended by adding the following:

SECTION 445.180: SPECIAL USES ENUMERATED.

The following Special Uses may be approved by the City Commission as provided in this Article.

B. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations; as a Conditional Use Permit; or as a prohibited use.

Section 4. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

MIKE RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK



**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**



STAFF REPORT

March 7, 2011

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: TA-03-01-11 – Text Amendment concerning the application of Special Use Permits in the Geary County Zoning Regulations and the Junction City Zoning Regulations

Background: At the direction of the Metropolitan Planning Commission, staff published for a public hearing at the March, 2011, meeting for consideration of a text amendment to both the Geary County Zoning Regulations and the Junction City Zoning Regulations concerning the use of the Special Use Permit process to consider uses proposed that do not fit cleanly into the existing Zoning Regulations. This is a much bigger issue in the rural areas than within the City; but there are occasions when this process would allow a more flexible approach to a development issue than the more intensive rezoning. Additionally, this is the general approach that will be taken in the new County Zoning Regulations and staff anticipates a more extensive discussion of how this approach may better deal with some issues within the City when the City Zoning Regulations are being considered for updating in the future.

As reported at the last MPC meeting, the primary event that triggered this idea was the impact of a conversion of a second floor in a garage in the rural portion of Geary County into an apartment for separate living quarters. The land in question is a little over 5 acres in size and the building permit issued for the garage indicated the second floor would be for storage only. The subsequent conversion was done without building permits or inspections. However, there are other issues that come into play with this situation because it creates a second “dwelling” on the property, which is a violation of the Zoning Regulations; and there are some potential issues regarding the conformance to the Sanitation Code requirements. The other options under the current Zoning Regulations require more land, so that presents a problem as well. A Special Use Permit would provide the most reasonable method of addressing this issue without a more drastic rezoning to some category that might cause more problems.

Zoning Regulation Amendments

The proposed language to be inserted into the **Geary County Zoning Regulations** is as follows.

In Article 3, GENERAL PROVISIONS, the following changes need to be made:

PART 3. GENERAL REQUIREMENTS IN ALL ZONING DISTRICTS. Add the following section:

3-311. Special Uses. Use of a structure or land by a Special Use Permit may occur in any zoning district provided the Special Use Permit is secured in accordance with the appropriate provisions of these regulations. Special Use Permits may be used to allow uses to occur in a more restrictive zoning district rather than to seek rezoning to a more permissive zoning district.

PART 4. MISCELLANEOUS REQUIREMENTS. Amend the following:

3-401. Number of Structures and Uses on the Zoning Lot.

- A. Not more than one principal residential structure shall be located on a single zoning lot, unless permitted by the district regulations in which located, nor shall a principal residential building be located on the same zoning lot with any other principal building, except as may be permitted by Article 10 of these regulations relating to planned development districts, and as allowed by the issuance of a Special Use Permit as provided in Article 11 of these regulations.

In Article 11, ADMINISTRATION, the following change needs to be made:

PART 8. METROPOLITAN PLANNING COMMISSION. Add the following:

11-803. Special Use Permits Listed. The uses listed below shall only be permitted as a special use following the procedure identified above and in accordance with all requirements for each respective special use as identified below. These uses shall not be permitted in any other zoning category except as described herein.

- F. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations; as a Conditional Use Permit; or as a prohibited use.

The proposed language to be inserted into the **Junction City Zoning Regulations** in Title IV Land Use is as follows.

In ZONING – GENERAL PROVISIONS; make the following changes:

ARTICLE IV. GENERAL REQUIREMENTS - ALL ZONING DISTRICTS. Add the following section:

SECTION 400.235: SPECIAL USES. Use of a structure or land by a Special Use Permit may occur in any zoning district provided the Special Use Permit is secured in accordance with the appropriate provisions of these regulations. Special Use Permits may be used to allow uses to occur in a more restrictive zoning district rather than to seek rezoning to a more permissive zoning district.

ARTICLE V. MISCELLANEOUS REQUIREMENTS. Amend the following:

SECTION 400.240: NUMBER OF STRUCTURES AND USES ON THE ZONING LOT.

- A. Not more than one principal residential structure shall be located on a single zoning lot, unless permitted by the district regulations in which located, nor shall a principal residential building be located on the same zoning lot with any other principal building, except as may be permitted by Chapter 435 of this Title relating to planned development districts, and as allowed by the issuance of a Special Use Permit as provided in Chapter 455 of this Title.

In CHAPTER 445: AMENDMENTS. Add the following:

ARTICLE V. SPECIAL USE PERMITS.

SECTION 445.180: SPECIAL USES ENUMERATED.

The following Special Uses may be approved by the City Commission as provided in this Article.

- B. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations; as a Conditional Use Permit; or as a prohibited use.

Staff Recommendation: Staff recommends the MPC recommend approval of these amendments to the Geary County Zoning Regulations and the Junction City Zoning Regulations.

SAMPLE MOTION:

I move that the proposed amendments to the Geary County Zoning Regulations and Junction City Zoning Regulations concerning the use of Special Use Permits be recommended for adoption by the Board of County Commissioners of Geary County and the City Commission of the City of Junction City as outlined in the staff report.

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

MINUTES

**March 10, 2011
7:00 P.M.**

Members Present

Members Absent

Staff

Rick Ziegler
Ken Mortensen
Brandon Dibben
Mike Steinfort
John Moyer
Mike Ryan
Maureen Gustafson

David Yearout
Shari Lenhart

1. CALL TO ORDER AND ROLL CALL

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the January 20th and February 10th meetings. Commissioner Dibben seconded the motion and it passed unanimously.

3. OLD BUSINESS

Item No. 1 – Case No. SUP-01-01-11 – Reconsideration of Special Use Permit at 703 West Ash.

Reconsideration of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, Junction City, Kansas. Proposed site is generally in the southeast corner of the cemetery.

Mr. Yearout stated the City Commission voted to return this case to the Planning Commission for reconsideration at the February 15, 2011, meeting. The reason for the return is because the applicant presented new information at the City Commission meeting showing landscaping around the equipment compound. The Planning Commission can re-open this case for further review or take no action. State statute requires the Planning Commission to act on a returned matter at its next regular meeting. If no action is taken, the case will go back to the City Commission with the original recommendation.

Mr. Yearout reported a valid protest petition was presented to the City Clerk within the statutory timeframe, which will require a ¾'s majority of the governing body to approve the request regardless of the action taken by the Planning Commission. Mr. Yearout shared a map showing the notification area and the property owners who signed the petition and stated that 32% of the notification area had signed the protest petition.

Mr. Yearout reported that all additional information presented by the applicant was included in the packets for this meeting. Copies of material received earlier in the day from Verizon's RF engineer were also provided.

Mr. Yearout commented that the graphic submitted today which shows two existing cell towers and their coverage, the proposed Highland Cemetery location, and the original location in the South Park area does not show the latest location discussed in South Park. As such, staff believes the material is somewhat misleading.

Mr. Yearout stated staff is still recommending denial based on the position that a cell tower is not an appropriate land use in a cemetery and that other locations are available in the area to service this section of the community.

Chairman Steinfort asked if any members had questions of staff.

Commissioner Moyer asked if the only reason the City Commission returned the case was because of the photographs and the artist rendering of proposed landscaping. Mr. Yearout indicated the City Commission felt the Planning Commission should also have the opportunity to review the additional information presented by the applicant and include that information in its recommendation.

Mr. Yearout responded to the Commission that there was no obligation to open the meeting up for additional comments from the public since this is a review of the information as returned by the City Commission. It was up to the Commission whether the opportunity for additional comments from the applicant or the public would be taken.

Commissioner Ziegler moved that the Planning Commission not open the review to additional comments and, pursuant to state statute, the case be resubmitted to the City Commission with the original recommendation of denial. Commissioner Moyer seconded the motion and it failed by a vote of 3 yeas and 4 nays. (Commissioners Ziegler, Moyer and Steinfort voted for the motion, and Commissioners Ryan, Mortensen, Gustafson and Dibben voted against the motion.)

Commissioner Gustafson stated she wished to ask some additional questions of the applicant and was open to hearing from the public.

Commissioner Mortensen stated he still believes that installation of the tower will not be detrimental to the cemetery or the surrounding areas.

At this point, Chairman Steinfort opened the meeting for public comment.

Randy Powers, 1013 South Webster, stated he had voiced his opinions in opposition to the tower at the January meeting. He presented the members with a copy of an article, printed in the *Daily Union*, February 12, 2011, relating to wireless advances and how cell towers may become obsolete in the future. He reiterated that he is still opposed to a cell tower at this particular location.

Jim and Phyllis Nelson, 710 Sunshine, expressed concern about no light on top of the tower. Life Watch helicopters frequently use this flight path to and from the hospital, and a tower at this location could be a safety issue. Mr. Nelson stated he is concerned about noise from the generators proposed at the location since their home is immediately south of the proposed site.

Eileen Small, 724 Sunshine, felt the tower would have a negative effect on property values and she also felt this is not an appropriate use in a cemetery.

Mike Douchant, Dolan Realty Advisors, agent for Verizon, spoke on the need for Verizon to install additional towers. He elaborated on the technical aspects of coverage and the continued demand for Verizon to provide service to their customers. He indicated if aesthetics is one of the main concerns, there are numerous options available to make this a "stealth" tower and the applicant is willing to consider such options. He agreed that, even though the FAA does not require lighting, a light can be installed, if required.

Discussion ensued between Mr. Douchant and Commissioners regarding capacity, construction, landscape upkeep responsibilities, additional carriers, tower at 7th & Monroe, future building installations, maintenance issues, noise, cosmetic possibilities, wireless technology advancements, other possible locations, increase of the proposed area for other users, and other potential commercial uses in the cemetery once this first commercial use occurred.

Casey Gorham, manager and Sexton of Highland Cemetery, reiterated the Cemetery Board has agreed that the proposed use will not interfere with the operations of the cemetery and it will provide additional income. Mr. Gorham pointed out that the City installed a siren which requires maintenance and there have been no complaints from the surrounding property owners. Mr. Gorham stated the Cemetery Association supports having the Special Use Permit approved because of the additional revenue and the fact the existing roadway to the proposed tower site would be improved with additional gravel by Verizon.

There being no further public appearances, Chairman Steinfort closed the public hearing.

Mr. Yearout reminded the Commission the Zoning Regulations were amended last year to allow consideration of other locations for proposed cell towers. Prior to the amendment, cell towers were allowed by right on in the Industrial districts. The tower at 7th and Monroe is in an industrial zone. The growth of cell phone usage will require the installation of more cell towers and limiting towers to areas zoned industrial would limit the opportunities to improve service within the community. The amendment provided for the Special Use Permit procedure.

Mr. Yearout stated staff is still of the opinion other alternative locations can provide the needs of Verizon in this portion of the City. Staff is aware those locations may not be as ideal as an RF engineer would wish, but the original propagation maps show the proposed site in South Park is workable. It is still staff's opinion that a cemetery is not the appropriate setting for this type of land use or any other type of commercial uses. In staff's opinion, the South Park location would be workable.

Commissioner Ziegler stated he believed this was not an appropriate land use for the cemetery, and it could open up the cemetery for other commercial endeavors.

Commissioner Mortensen reiterated he did not believe the tower would be detrimental in the cemetery and that the proposed landscaping around the equipment compound would provide adequate screening. In addition, the location is somewhat down over the hill and less visible from surrounding properties.

Commissioner Gustafson reiterated that she did not have a problem with the tower, per se, but was very opposed to the buildings on the ground. She felt it would need a lot of landscaping and that would require more maintenance responsibility on the part of the cemetery. She felt that even with the landscaping, the proposed tower is not appropriate for the cemetery.

Commissioner Mortensen moved to recommend approval of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, provided the applicant meets the recommendations suggested in the March 3rd staff report; adding the requirement of a red light at night, and additional installation of the landscaping as presented by the applicant. Commissioner Ryan seconded the motion. The motion failed by a vote of 3 ayes and 4 nays. (Commissioners Mortensen, Ryan and Dibben voted for the motion, and Commissioners Ziegler, Gustafson, Moyer and Steinfort voted against the motion.)

Commissioner Moyer moved to recommend denial of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, based on the facts presented in the January 19th staff report and as heard at both public hearings; that the additional information provided by the applicant did not significantly alter the impact the cell tower would have on the area; and because there appears to be a viable alternative site at the northeast corner of South Park. Commissioner Gustafson seconded the motion and it carried by a vote of 5 ayes and 2 nays. (Commissioners Ziegler, Gustafson, Steinfort, Moyer and Dibben voted for the motion and Commissioners Mortensen and Ryan voted against the motion.)

Mr. Yearout informed the audience and Commission this case would be on the April 5th City Commission agenda.

4. NEW BUSINESS

Item No. 1 – Case No. Z-03-01-11 – Public Hearing to Rezone Property at 1120 South Madison

Chairman Steinfort opened the public hearing on the application of Don Boyer, owner, to rezone property at 1120 South Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, KS.

Mr. Yearout reviewed the staff report explaining this rezoning was intended to be considered at the time of review of the Final Plat of Madison Street Addition heard earlier this year, but the application for the replat was the only one originally submitted. The purpose of this request is to make all the zoning industrial to enable Mr. Boyer to construct storage buildings on the property. The area under consideration is the property purchased by the applicant behind the existing Subway on South Washington. Mr. Yearout stated the proposed rezoning makes all the land of the applicant consistent; that the rezoning does not negatively impact other existing uses in the area; and staff recommends approval.

Mr. Boyer, applicant, confirmed the rezoning was intended to come with the replat, but unfortunately that didn't happen. Mr. Boyer had no other comments and was supportive of the staff report and recommendation.

There being no further comments from the public, Chairman Steinfort closed the public hearing.

Commissioner Mortensen moved that Case No. Z-03-01-11, request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CS” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda.

Item No. 2 – Case No. TA-03-01-11 – Public Hearing on proposed Text Amendment to the Geary County and Junction City Zoning Regulations concerning Special Use Permits.

Chairman Steinfort opened the public hearing on the proposed text amendment to the Geary County and Junction City Zoning Regulations concerning the use of Special Use Permits and asked for the staff report.

Mr. Yearout stated the proposed amendment would allow for greater flexibility in dealing with issues not allowed by right or not listed as a land use in any zoning category, especially in the County. He identified a couple of situations in the rural area that prompted this proposed amendment. The staff report identifies the different sections in the City and county Zoning Regulations that will be amended.

Chairman Steinfort asked how many cases might be generated over a year. Mr. Yearout indicated there is more of a need in the County for this flexibility, but it will also be helpful to have the same procedure in place for the City's regulations. He does not anticipate that many cases would be considered in the City, but it would probably generate about a half dozen cases in the County.

Mr. Yearout reminded the Commissioners that this is under the Special Use Permit procedure, which has the Metropolitan Planning Commission holding a public hearing and the Governing Body making the final determination on each case.

There being no public appearances, Chairman Steinfort closed the public hearing.

Commissioner Gustafson moved that the proposed amendments to the Geary County Zoning Regulations and Junction City Zoning Regulations concerning the use of Special Use Permits be recommended for adoption by the Board of County Commissioners of Geary County and the City Commission of the City of Junction City as outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda, but the intention is to take the proposed resolution to complete the amendment to the Board of County Commission on Monday, March 14th.

Item No. 3 – Case No. CP-03-01-11 - Review of the Comprehensive Plan for Junction City and Geary County.

Mr. Yearout reported that a public hearing is not required for the yearly review of the Comprehensive Plan by the Planning Commission. A public hearing is only necessary if the Plan is to be amended. As previously reported, there is a need to update the Plan; however, there are no monies available for the extensive work required. Mr. Yearout reported that the 2010 Census data is now available and Geary County's population increased at a rate that made Geary County the fastest growing County in Kansas, based on percentage increase change. Staff believes this indicates that the City, County, and surrounding area continues to grow and makes the need for a current Comprehensive Plan very important. However, given the current financial situation, the current Plan should be acknowledged as the valid Plan for Junction City and Geary County.

Mr. Yearout recommended the Commission acknowledge this review of the Comprehensive Plan confirms it is still the valid Plan for Junction City and Geary County, but that changing conditions warrant additional studies of the impacts of growth once funds become available.

Commissioner Mortensen moved to acknowledge review of the Comprehensive Plan, as adopted in April of 2007, is the official Plan for Junction City and Geary County and that consideration needs to be given to allocating funds for an update of the Plan when economically feasible. Commissioner Ziegler seconded the motion and it carried unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS THE BOARD OF ZONING APPEALS

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

1. **OLD BUSINESS – None**
2. **NEW BUSINESS**

Item No. 1 – Case No. BZACU-03-01-11 - Public hearing on the application for a Conditional Use Permit for a Day Care Home at 1018 Coyote Drive, Junction City, Kansas.

Chairman Steinfort opened the public hearing on the application of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive.

Mr. Yearout reminded the Board of reasoning behind the amendments to the Zoning Regulations over the past couple of years. Initially, if a provider was approved by Fort Riley under the Homes Off Post (HOP) program they were automatically limited to 6 children even though their State KDHE License was for 10 or more children. The Child Care Code and text amendments to the Zoning Regulations used 6 as the maximum for a Family Day Care Home, which was permitted by right in the residential districts. Any provider wishing to care for more than 6 children would still be required to apply for a Conditional Use Permit.

It has now come to staff's attention the other Post program, ACCYN (Army Child Care in Your Neighborhood), allows a maximum of 8 children. Even though the applicant in this case, Ms. Cooper, is applying for a Conditional Use Permit for a Day Care Home (DCH) allowing a maximum of 10 children, she will be limited to 8 because she participates in the ACCYN program. Staff believes this may mean the City and County day care regulations need revised again. With the influx of military personnel, there will undoubtedly be additional requests for many more day care operations. And the question is whether the rules and regulations should be further revised to accommodate the Army programs and avoid the Conditional Use Permit process.

With respect to the application before the Board, Mr. Yearout stated the staff report addresses each item the Board must take into consideration when making a determination. He explained that staff is recommending denial as outlined in the report; primarily because of the precedent it would set for Day Care Homes in residential areas. Mr. Yearout informed the Board it can disagree with the recommendation and stipulations can be attached to a Conditional Use Permit if granted.

There being no further questions of staff, Chairman Steinfort opened the hearing to comments or questions from the public.

Regina Cooper, 1018 Coyote Drive, stated she has provided childcare for 4 years in the City of Milford and has been a participant with the ACCYN program all this time. As previously explained, even though this application is for maximum of 10 children, she will be limited to 8 so long as she remains in the ACCYN program. Ms. Cooper stated she has 4 children of her own, of which 2 count toward the limit of 8. Two of her families have 2 children each; therefore, traffic and parking will not be a problem.

Ms. Cooper further indicated she has moved to Junction City partly to be closer to her day care families, who wish to stay with her. Her day care hours of operation are from 7 a.m. to 5:30 p.m. In response to the staff concern of the existing fence not being high enough to block the view of toys in the yard, she indicated a willingness to consider additional screening if necessary.

Vicki Sutton, ACCYN Coordinator from Manhattan, verified how stringent the Post programs were. She indicated that Ms. Cooper has been an excellent provider and has attended the extended childcare courses.

Richard Hagerty, 1902 Silver Court, indicated his concerns were type of signage allowed, cars driving upon his lawn and the hours of operation. He stated he was not opposed to the day care operation. Staff confirmed the Zoning Regulations limit any sign to one square foot size and it must be located on the home.

There being no further comments, Chairman Steinfort closed the public hearing.

General discussion ensued between the Board and staff relating to parking, signage, hours of operation, width of streets, and the differences between the density of development in the newer portions of the city versus these operations in the older section of the city where lots are generally smaller and narrower.

Commissioner Gustafson moved that Case No. BZACU-03-01-11, request of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive, Junction City, Kansas, be approved with the conditions that the hours of operation be limited from 6:30 a.m. to 6:30 p.m., and that the Conditional Use Permit be granted only for this applicant at this location and it will become null and void if the applicant leaves this location. Commissioner Mortensen seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as Metropolitan Planning Commission. Commissioner Ziegler seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – Work Session – Review of County Zoning Regulations

Mr. Yearout stated the complete rewrite of the draft for the Zoning and Subdivision Regulations and Sanitation Code is not finished. He asked if the Commission wished to postpone the scheduled work session for the following week. It was the consensus of the Commission to cancel the work session scheduled for Thursday, March 17th.

6. ADJOURNMENT

There being no further business, Commissioner Gustafson moved to adjourn at 9:02 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

PASSED AND APPROVED this _____ day of April, 2011.

Mike Steinfert, Chairman

ATTEST:

David L. Yearout, AICP, Secretary

7c

City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: David L. Yearout, AICP, Director of Planning and Zoning

To: City Commission & Gerry Vernon, City Manager

Subject: Case No. Z-03-01-11 – Rezoning of property at 1120 South Madison Street from “CSR” Commercial Service Restricted to “IL” Light Industrial – Don Boyer (S-3093)

Issue: Consideration of request of Don Boyer, owner, to rezone from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, property at 1120 S. Madison Street, Junction City, Kansas. The rezoning deals only with the land recently purchased behind the Subway restaurant on South Washington Street and included in the replat of this area as the Madison Street Addition.

Explanation of Issue: The Metropolitan Planning Commission held a public hearing on March 10, 2011, to consider the petition of Don Boyer, owner, to rezone from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, property at 1120 S. Madison Street, Junction City, Kansas. The purpose of the rezoning is to place the entire property in the same zoning classification to allow the development of a storage complex. By unanimous vote, the MPC has recommended the rezoning be granted. The City Commission passed the first reading of the ordinance on April 5, 2011.

Alternatives: In accordance with K.S.A. 12-757, the City Commission has the following alternatives for a rezoning application on first appearance:

1. To accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.
2. Modify the recommendation of the Planning Commission by a 2/3 majority vote and approve the Ordinance as so modified, thereby rezoning the property subject to said changes.
3. Return the recommendation to the Planning Commission for further consideration, specifying the items, concerns or issues with said recommendation.
4. Disapprove the recommendation of the Planning Commission by a 2/3 majority vote and not rezone the property.

Staff Recommendation: Accept the recommendation of the MPC and approve the Ordinance, thereby rezoning the property.

Suggested Motion:

Commissioner _____ moved that the recommendation of the Planning Commission be accepted and that Ordinance No. S-3093, an ordinance rezoning property at described as the south 55.58 feet of Lots 1 and 2, Block 36 of the Original Townsite of Junction City, from “CSR” Service Commercial Restricted District to “IL” Light Industrial District be approved.

Commissioner _____ seconded the motion.

Enclosures:

- MPC Minutes of March 10, 2011
- Staff Report
- Ordinance S-3093

ORDINANCE NO. S-3093

AN ORDINANCE RELATING TO PROPERTY DESCRIBED AS LOT 1, BLOCK 1, REXRODE ADDITION TO JUNCTION CITY, KANSAS, EXCLUDING THE EAST 150 FEET M/L OF THE SOUTH 124 FEET M/L THEREOF, REZONING SAID PROPERTY FROM SERVICE COMMERCIAL RESTRICTED DISTRICT (CSR) TO LIGHT INDUSTRIAL DISTRICT (IL), ALL WITHIN THE CORPORATE LIMITS OF THE CITY OF JUNCTION CITY, KANSAS.

WHEREAS, application has been made by the owner, Don Boyer, to rezone certain property within the City of Junction City, Kansas; and,

WHEREAS, proper notice has been given by publication of legal notice and by mailed notice to surrounding property owner in conformance with K.S.A. 12-757; and,

WHEREAS, the Junction City/Geary County Metropolitan Planning Commission held a public hearing on the application on March 10, 2011, and, by a majority vote of members present, recommended the property in question be rezoned;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. That the property located at 1120 South Madison Street within the City of Junction City, Geary County, Kansas, and described as follows:

DESCRIPTION:

LOT 1, BLOCK 1, REXRODE ADDITION TO JUNCTION CITY, KANSAS, EXCLUDING THE EAST 150 FEET M/L OF THE SOUTH 124 FEET M/L THEREOF.

be, and the same is, hereby ordered rezoned from its present classification of Service Commercial Restricted District (CSR) to Light Industrial District (IL) as provided in K.S.A. 12-757.

Section 2. The Zoning Administrator of the City of Junction City, Kansas is hereby ordered and directed to cause said designation to be made on the Official Zoning Map of said City in his custody and to show the property herein described to be zoned as Light Industrial (LI).

Section 3. This Ordinance shall be in full force and effect from and after its publication once in the Junction City Daily Union.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

MICHAEL RHODES, MAYOR

ATTEST:

TYLER FICKEN, CITY CLERK



**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**



STAFF REPORT

January 14, 2011

TO: Metropolitan Planning Commission / Board of Zoning Appeals

FM: David L. Yearout, AICP, Director of Planning and Zoning

SUBJECT: Z-03-01-11 – Request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas.

This is the request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas. This will complete the actions concerning this property which was included in the Final Plat of the Madison Street Addition heard earlier this year. That plat replatted the Janke Addition and a part of the Rexrode Addition into a single lot, primarily to resolve some easement issues and to clean up the legal description. Mr. Boyer acquired a portion of the Rexrode Addition, which sits to the west of the existing Subway store on South Washington, and combined it with the land within the Janke Addition he already owned. This rezoning will make the zoning classification all “IL” Light Industrial. This rezone will also permit Mr. Boyer to complete the construction of storage buildings on the property. There is already significant dirt work underway on this project as Mr. Boyer prepares for the construction of the building in the near future.

Staff believes this is a reasonable zoning classification for this property. The property will be accessible only from Madison Street and the use of the property as storage buildings reduces the demands on water and sewer service in this area, which is challenged because of the terrain.

Staff Recommendation: Staff recommends the request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas, be recommended for approval.

Suggested Motion:

I move that Case No. Z-03-01-11, concerning the request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at this public hearing.

**JUNCTION CITY/GEARY COUNTY
METROPOLITAN PLANNING COMMISSION
BOARD OF ZONING APPEALS**

MINUTES

March 10, 2011
7:00 P.M.

Members Present

Members Absent

Staff

Rick Ziegler
Ken Mortensen
Brandon Dibben
Mike Steinfort
John Moyer
Mike Ryan
Maureen Gustafson

David Yearout
Shari Lenhart

1. CALL TO ORDER AND ROLL CALL

Chairman Steinfort called the meeting to order at 7:00 p.m. and noted all members present.

2. APPROVAL OF MINUTES

Commissioner Moyer moved to approve the minutes of the January 20th and February 10th meetings. Commissioner Dibben seconded the motion and it passed unanimously.

3. OLD BUSINESS

Item No. 1 – Case No. SUP-01-01-11 – Reconsideration of Special Use Permit at 703 West Ash.

Reconsideration of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, Junction City, Kansas. Proposed site is generally in the southeast corner of the cemetery.

Mr. Yearout stated the City Commission voted to return this case to the Planning Commission for reconsideration at the February 15, 2011, meeting. The reason for the return is because the applicant presented new information at the City Commission meeting showing landscaping around the equipment compound. The Planning Commission can re-open this case for further review or take no action. State statute requires the Planning Commission to act on a returned matter at its next regular meeting. If no action is taken, the case will go back to the City Commission with the original recommendation.

Mr. Yearout reported a valid protest petition was presented to the City Clerk within the statutory timeframe, which will require a ¾'s majority of the governing body to approve the request regardless of the action taken by the Planning Commission. Mr. Yearout shared a map showing the notification area and the property owners who signed the petition and stated that 32% of the notification area had signed the protest petition.

Mr. Yearout reported that all additional information presented by the applicant was included in the packets for this meeting. Copies of material received earlier in the day from Verizon's RF engineer were also provided.

Mr. Yearout commented that the graphic submitted today which shows two existing cell towers and their coverage, the proposed Highland Cemetery location, and the original location in the South Park area does not show the latest location discussed in South Park. As such, staff believes the material is somewhat misleading.

Mr. Yearout stated staff is still recommending denial based on the position that a cell tower is not an appropriate land use in a cemetery and that other locations are available in the area to service this section of the community.

Chairman Steinfort asked if any members had questions of staff.

Commissioner Moyer asked if the only reason the City Commission returned the case was because of the photographs and the artist rendering of proposed landscaping. Mr. Yearout indicated the City Commission felt the Planning Commission should also have the opportunity to review the additional information presented by the applicant and include that information in its recommendation.

Mr. Yearout responded to the Commission that there was no obligation to open the meeting up for additional comments from the public since this is a review of the information as returned by the City Commission. It was up to the Commission whether the opportunity for additional comments from the applicant or the public would be taken.

Commissioner Ziegler moved that the Planning Commission not open the review to additional comments and, pursuant to state statute, the case be resubmitted to the City Commission with the original recommendation of denial. Commissioner Moyer seconded the motion and it failed by a vote of 3 yeas and 4 nays. (Commissioners Ziegler, Moyer and Steinfort voted for the motion, and Commissioners Ryan, Mortensen, Gustafson and Dibben voted against the motion.)

Commissioner Gustafson stated she wished to ask some additional questions of the applicant and was open to hearing from the public.

Commissioner Mortensen stated he still believes that installation of the tower will not be detrimental to the cemetery or the surrounding areas.

At this point, Chairman Steinfort opened the meeting for public comment.

Randy Powers, 1013 South Webster, stated he had voiced his opinions in opposition to the tower at the January meeting. He presented the members with a copy of an article, printed in the *Daily Union*, February 12, 2011, relating to wireless advances and how cell towers may become obsolete in the future. He reiterated that he is still opposed to a cell tower at this particular location.

Jim and Phyllis Nelson, 710 Sunshine, expressed concern about no light on top of the tower. Life Watch helicopters frequently use this flight path to and from the hospital, and a tower at this location could be a safety issue. Mr. Nelson stated he is concerned about noise from the generators proposed at the location since their home is immediately south of the proposed site.

Eileen Small, 724 Sunshine, felt the tower would have a negative effect on property values and she also felt this is not an appropriate use in a cemetery.

Mike Douchant, Dolan Realty Advisors, agent for Verizon, spoke on the need for Verizon to install additional towers. He elaborated on the technical aspects of coverage and the continued demand for Verizon to provide service to their customers. He indicated if aesthetics is one of the main concerns, there are numerous options available to make this a "stealth" tower and the applicant is willing to consider such options. He agreed that, even though the FAA does not require lighting, a light can be installed, if required.

Discussion ensued between Mr. Douchant and Commissioners regarding capacity, construction, landscape upkeep responsibilities, additional carriers, tower at 7th & Monroe, future building installations, maintenance issues, noise, cosmetic possibilities, wireless technology advancements, other possible locations, increase of the proposed area for other users, and other potential commercial uses in the cemetery once this first commercial use occurred.

Casey Gorham, manager and Sexton of Highland Cemetery, reiterated the Cemetery Board has agreed that the proposed use will not interfere with the operations of the cemetery and it will provide additional income. Mr. Gorham pointed out that the City installed a siren which requires maintenance and there have been no complaints from the surrounding property owners. Mr. Gorham stated the Cemetery Association supports having the Special Use Permit approved because of the additional revenue and the fact the existing roadway to the proposed tower site would be improved with additional gravel by Verizon.

There being no further public appearances, Chairman Steinfort closed the public hearing.

Mr. Yearout reminded the Commission the Zoning Regulations were amended last year to allow consideration of other locations for proposed cell towers. Prior to the amendment, cell towers were allowed by right on in the Industrial districts. The tower at 7th and Monroe is in an industrial zone. The growth of cell phone usage will require the installation of more cell towers and limiting towers to areas zoned industrial would limit the opportunities to improve service within the community. The amendment provided for the Special Use Permit procedure.

Mr. Yearout stated staff is still of the opinion other alternative locations can provide the needs of Verizon in this portion of the City. Staff is aware those locations may not be as ideal as an RF engineer would wish, but the original propagation maps show the proposed site in South Park is workable. It is still staff's opinion that a cemetery is not the appropriate setting for this type of land use or any other type of commercial uses. In staff's opinion, the South Park location would be workable.

Commissioner Ziegler stated he believed this was not an appropriate land use for the cemetery, and it could open up the cemetery for other commercial endeavors.

Commissioner Mortensen reiterated he did not believe the tower would be detrimental in the cemetery and that the proposed landscaping around the equipment compound would provide adequate screening. In addition, the location is somewhat down over the hill and less visible from surrounding properties.

Commissioner Gustafson reiterated that she did not have a problem with the tower, per se, but was very opposed to the buildings on the ground. She felt it would need a lot of landscaping and that would require more maintenance responsibility on the part of the cemetery. She felt that even with the landscaping, the proposed tower is not appropriate for the cemetery.

Commissioner Mortensen moved to recommend approval of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, provided the applicant meets the recommendations suggested in the March 3rd staff report; adding the requirement of a red light at night, and additional installation of the landscaping as presented by the applicant. Commissioner Ryan seconded the motion. The motion failed by a vote of 3 ayes and 4 nays. (Commissioners Mortensen, Ryan and Dibben voted for the motion, and Commissioners Ziegler, Gustafson, Moyer and Steinfort voted against the motion.)

Commissioner Moyer moved to recommend denial of the application of Mike Douchant, Dolan Realty Advisors, agent for Verizon Wireless, lessee, on behalf of Highland Cemetery, owner, requesting a Special Use Permit to install a communications tower at 703 West Ash Street, based on the facts presented in the January 19th staff report and as heard at both public hearings; that the additional information provided by the applicant did not significantly alter the impact the cell tower would have on the area; and because there appears to be a viable alternative site at the northeast corner of South Park. Commissioner Gustafson seconded the motion and it carried by a vote of 5 ayes and 2 nays. (Commissioners Ziegler, Gustafson, Steinfort, Moyer and Dibben voted for the motion and Commissioners Mortensen and Ryan voted against the motion.)

Mr. Yearout informed the audience and Commission this case would be on the April 5th City Commission agenda.

4. NEW BUSINESS

Item No. 1 – Case No. Z-03-01-11 – Public Hearing to Rezone Property at 1120 South Madison

Chairman Steinfort opened the public hearing on the application of Don Boyer, owner, to rezone property at 1120 South Madison Street from “CSR” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, KS.

Mr. Yearout reviewed the staff report explaining this rezoning was intended to be considered at the time of review of the Final Plat of Madison Street Addition heard earlier this year, but the application for the replat was the only one originally submitted. The purpose of this request is to make all the zoning industrial to enable Mr. Boyer to construct storage buildings on the property. The area under consideration is the property purchased by the applicant behind the existing Subway on South Washington. Mr. Yearout stated the proposed rezoning makes all the land of the applicant consistent; that the rezoning does not negatively impact other existing uses in the area; and staff recommends approval.

Mr. Boyer, applicant, confirmed the rezoning was intended to come with the replat, but unfortunately that didn't happen. Mr. Boyer had no other comments and was supportive of the staff report and recommendation.

There being no further comments from the public, Chairman Steinfort closed the public hearing.

Commissioner Mortensen moved that Case No. Z-03-01-11, request of Don Boyer, owner, to rezone property at 1120 S. Madison Street from “CS” Service Commercial Restricted District to “IL” Light Industrial District, Junction City, Kansas, be recommended for approval by the City Commission based on the reasoning stated in the staff report and as presented at the public hearing. Commissioner Dibben seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda.

Item No. 2 – Case No. TA-03-01-11 – Public Hearing on proposed Text Amendment to the Geary County and Junction City Zoning Regulations concerning Special Use Permits.

Chairman Steinfort opened the public hearing on the proposed text amendment to the Geary County and Junction City Zoning Regulations concerning the use of Special Use Permits and asked for the staff report.

Mr. Yearout stated the proposed amendment would allow for greater flexibility in dealing with issues not allowed by right or not listed as a land use in any zoning category, especially in the County. He identified a couple of situations in the rural area that prompted this proposed amendment. The staff report identifies the different sections in the City and county Zoning Regulations that will be amended.

Chairman Steinfort asked how many cases might be generated over a year. Mr. Yearout indicated there is more of a need in the County for this flexibility, but it will also be helpful to have the same procedure in place for the City's regulations. He does not anticipate that many cases would be considered in the City, but it would probably generate about a half dozen cases in the County.

Mr. Yearout reminded the Commissioners that this is under the Special Use Permit procedure, which has the Metropolitan Planning Commission holding a public hearing and the Governing Body making the final determination on each case.

There being no public appearances, Chairman Steinfort closed the public hearing.

Commissioner Gustafson moved that the proposed amendments to the Geary County Zoning Regulations and Junction City Zoning Regulations concerning the use of Special Use Permits be recommended for adoption by the Board of County Commissioners of Geary County and the City Commission of the City of Junction City as outlined in the staff report. Commissioner Moyer seconded the motion and it carried unanimously.

Mr. Yearout stated this case would also be on the April 5th City Commission agenda, but the intention is to take the proposed resolution to complete the amendment to the Board of County Commission on Monday, March 14th.

Item No. 3 – Case No. CP-03-01-11 - Review of the Comprehensive Plan for Junction City and Geary County.

Mr. Yearout reported that a public hearing is not required for the yearly review of the Comprehensive Plan by the Planning Commission. A public hearing is only necessary if the Plan is to be amended. As previously reported, there is a need to update the Plan; however, there are no monies available for the extensive work required. Mr. Yearout reported that the 2010 Census data is now available and Geary County's population increased at a rate that made Geary County the fastest growing County in Kansas, based on percentage increase change. Staff believes this indicates that the City, County, and surrounding area continues to grow and makes the need for a current Comprehensive Plan very important. However, given the current financial situation, the current Plan should be acknowledged as the valid Plan for Junction City and Geary County.

Mr. Yearout recommended the Commission acknowledge this review of the Comprehensive Plan confirms it is still the valid Plan for Junction City and Geary County, but that changing conditions warrant additional studies of the impacts of growth once funds become available.

Commissioner Mortensen moved to acknowledge review of the Comprehensive Plan, as adopted in April of 2007, is the official Plan for Junction City and Geary County and that consideration needs to be given to allocating funds for an update of the Plan when economically feasible. Commissioner Ziegler seconded the motion and it carried unanimously.

RECESS AS METROPOLITAN PLANNING COMMISSION AND CONVENE AS THE BOARD OF ZONING APPEALS

Commissioner Ryan moved to recess as the Metropolitan Planning Commission and convene as the Board of Zoning Appeals. Commissioner Ziegler seconded the motion and it carried unanimously.

1. **OLD BUSINESS – None**
2. **NEW BUSINESS**

Item No. 1 – Case No. BZACU-03-01-11 - Public hearing on the application for a Conditional Use Permit for a Day Care Home at 1018 Coyote Drive, Junction City, Kansas.

Chairman Steinfort opened the public hearing on the application of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive.

Mr. Yearout reminded the Board of reasoning behind the amendments to the Zoning Regulations over the past couple of years. Initially, if a provider was approved by Fort Riley under the Homes Off Post (HOP) program they were automatically limited to 6 children even though their State KDHE License was for 10 or more children. The Child Care Code and text amendments to the Zoning Regulations used 6 as the maximum for a Family Day Care Home, which was permitted by right in the residential districts. Any provider wishing to care for more than 6 children would still be required to apply for a Conditional Use Permit.

It has now come to staff's attention the other Post program, ACCYN (Army Child Care in Your Neighborhood), allows a maximum of 8 children. Even though the applicant in this case, Ms. Cooper, is applying for a Conditional Use Permit for a Day Care Home (DCH) allowing a maximum of 10 children, she will be limited to 8 because she participates in the ACCYN program. Staff believes this may mean the City and County day care regulations need revised again. With the influx of military personnel, there will undoubtedly be additional requests for many more day care operations. And the question is whether the rules and regulations should be further revised to accommodate the Army programs and avoid the Conditional Use Permit process.

With respect to the application before the Board, Mr. Yearout stated the staff report addresses each item the Board must take into consideration when making a determination. He explained that staff is recommending denial as outlined in the report; primarily because of the precedent it would set for Day Care Homes in residential areas. Mr. Yearout informed the Board it can disagree with the recommendation and stipulations can be attached to a Conditional Use Permit if granted.

There being no further questions of staff, Chairman Steinfort opened the hearing to comments or questions from the public.

Regina Cooper, 1018 Coyote Drive, stated she has provided childcare for 4 years in the City of Milford and has been a participant with the ACCYN program all this time. As previously explained, even though this application is for maximum of 10 children, she will be limited to 8 so long as she remains in the ACCYN program. Ms. Cooper stated she has 4 children of her own, of which 2 count toward the limit of 8. Two of her families have 2 children each; therefore, traffic and parking will not be a problem.

Ms. Cooper further indicated she has moved to Junction City partly to be closer to her day care families, who wish to stay with her. Her day care hours of operation are from 7 a.m. to 5:30 p.m. In response to the staff concern of the existing fence not being high enough to block the view of toys in the yard, she indicated a willingness to consider additional screening if necessary.

Vicki Sutton, ACCYN Coordinator from Manhattan, verified how stringent the Post programs were. She indicated that Ms. Cooper has been an excellent provider and has attended the extended childcare courses.

Richard Hagerty, 1902 Silver Court, indicated his concerns were type of signage allowed, cars driving upon his lawn and the hours of operation. He stated he was not opposed to the day care operation. Staff confirmed the Zoning Regulations limit any sign to one square foot size and it must be located on the home.

There being no further comments, Chairman Steinfort closed the public hearing.

General discussion ensued between the Board and staff relating to parking, signage, hours of operation, width of streets, and the differences between the density of development in the newer portions of the city versus these operations in the older section of the city where lots are generally smaller and narrower.

Commissioner Gustafson moved that Case No. BZACU-03-01-11, request of Regina Cooper, owner, requesting a Conditional Use Permit to conduct a Day Care Home for not more than ten (10) children at 1018 Coyote Drive, Junction City, Kansas, be approved with the conditions that the hours of operation be limited from 6:30 a.m. to 6:30 p.m., and that the Conditional Use Permit be granted only for this applicant at this location and it will become null and void if the applicant leaves this location. Commissioner Mortensen seconded the motion and it carried unanimously.

ADJOURN AS BOARD OF ZONING APPEALS AND RECONVENE AS METROPOLITAN PLANNING COMMISSION

Commissioner Ryan moved to adjourn as the Board of Zoning Appeals and reconvene as Metropolitan Planning Commission. Commissioner Ziegler seconded the motion and it carried unanimously.

5. GENERAL DISCUSSION

Item No. 1 – Work Session – Review of County Zoning Regulations

Mr. Yearout stated the complete rewrite of the draft for the Zoning and Subdivision Regulations and Sanitation Code is not finished. He asked if the Commission wished to postpone the scheduled work session for the following week. It was the consensus of the Commission to cancel the work session scheduled for Thursday, March 17th.

6. ADJOURNMENT

There being no further business, Commissioner Gustafson moved to adjourn at 9:02 p.m. Commissioner Ryan seconded the motion and it carried unanimously.

PASSED AND APPROVED this _____ day of April, 2011.

Mike Steinfert, Chairman

ATTEST:

David L. Yearout, AICP, Secretary

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City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: Public Works Department
To: Gerry Vernon, City Manager and the City Commissioners
Subject: **Special Event Permit - Toby's Carnival**

Objective: The consideration and approval of the Special Event Permit for Toby's Carnival to have their annual carnival from May 18 through May 21, 2011 in the lot next to Dick Edwards Auto Plaza.

Explanation of Issue: Code Enforcement has received a Special Event Permit Application for Toby's Carnival. This event is being sponsored by Partner's of the First Territorial Capital. Toby's Carnival is requesting to have this special event May 18 through May 21, 2011. They have received permission from the General Manager to set up the carnival on the lot next to Dick Edwards Auto Plaza. They are expecting between 1,500 – 2,500 people to attend.

Budget Impact: The Special Event Fee for the Carnival is \$150.00 and has been paid.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve the Special Permit for Toby's Carnival to have their carnival from May 18 through May 21, 2011.
2. Disapprove the Special Events Carnival.
3. Modify the request.
4. Table the request.

Recommendation: Staff recommends the Commission approve the Special Permit Application submitted by Toby's Carnival to have their carnival from May 18 through May 21, 2011.

Enclosures: Special Event Permit Application

SPEICAL EVENT PERMIT APPLICATION

This application must be filed at the office of the Code Administrator.
AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED OR PROCESSED.

Applicant Name: RON HARRIS
Address: 530 N. Adams, J.C. Ks 66441
Email Address: rharris@gchs.kscoxmail.com
Phone Numbers: Home: 238-7808 Office: 238-1666
Cellular: 375-6617 Fax: _____

Alternate Applicant Name: Toby's Carnival / Daniel Yarnell
Address: Box 978 Arma, Ks 66712
Email Address: danielyarnell@hotmail.com
Phone Numbers: Home: 620-235-6667 Office: _____
Cellular: 620-235-6667 Fax: _____

Organization Name: Partners of the First Territorial Capitol
Address: 530 N. Adams, J.C. Ks, 66441
Phone Numbers: Office: 238-1666 Fax: _____

Event On-Site Contact Person: Daniel Yarnell
Phone Numbers: Home: _____ Office: _____
Cellular: 620-235-6667

(Use separate sheet if necessary for names of additional applicants/organizations.)

Event Name: Toby's Carnival Co. Inc.
Event Location: lot next to Dick Edwards Auto Plaza.

Event Date(s) and Time(s): MAY 18 to MAY 21 - 2011

Estimated Number of Attendees: 1500-2500

Event Description: CARNIVAL

(Use additional paper if necessary.)

Additional Required Documents:

- Detailed Site Plan, drawn to scale, showing the layout and uses to be established at the location for the Special Event. The site plan shall address all uses and supporting amenities proposed, including but not limited to required parking, access points, signage, sanitation facilities, and all other relevant materials.
- Written authorization from the property owner, naming the agent, and that the property owner is aware and approves of the requested Special Event Permit.

I (We) realize that this application cannot be processed unless it is completely filled in; is accompanied by a detailed site plan as required by City Code; and is accompanied by the appropriate fee.

Daniel Yarnell
(Applicant Name - Printed)

[Signature]
Applicant Signature

(Applicant Name - Printed)

Applicant Signature

OFFICE USE ONLY:

This application was received at the office of the Code Administrator at 9:18 (AM) (PM) on the 4th day of April, 2011. This application has been checked and found to be complete and accompanied by the required documents and the appropriate fee of \$ 150.00 OK 1892

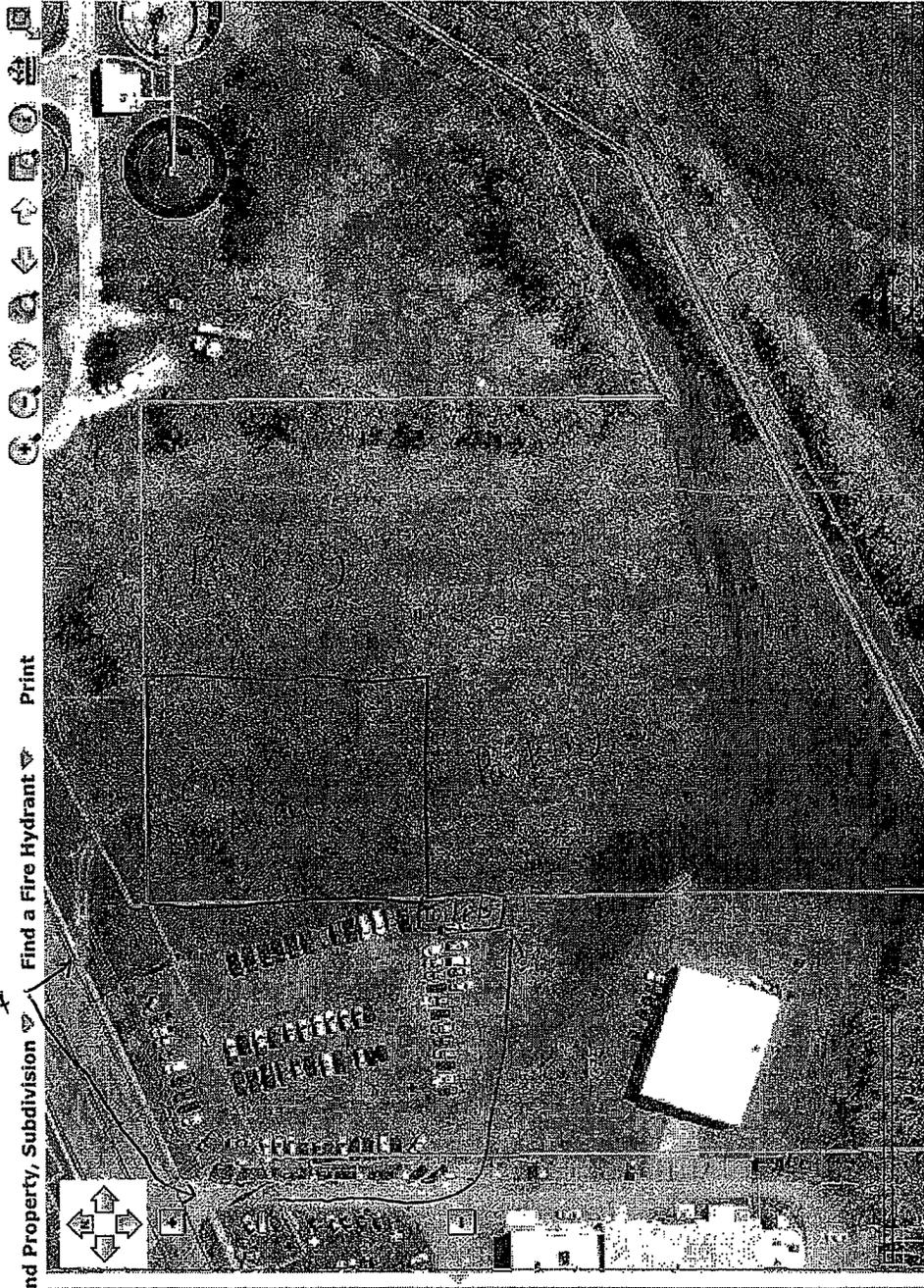
Sarah Brown
Name
Secretary
Title

Approved Disapproved

Code Administrator

Date

Access Point
+
Signs



Find Address, Roads, Attractions ▾ Find Property, Subdivision ▾ Find a Fire Hydrant ▾ Print

Results

Map Contents

- Roads and Land Parcels
- Water Lines & Valves
- Sewer Lines & Manhole
- Storm Water Drainage
- Subdivision
- County Roads
- Contours 1 Meter
- Census Block & Population 2000
- Places of Importance
- City Aerial Image 2007
- City Aerial Image 2002

DICK EDWARDS

OF JUNCTION CITY
375 Grant Avenue
785-238-5114 www.dickedwardsauto.com In state 800-444-5114



April 2, 2011

To whom it may concern,

Tobys Carnival has
permission to set up and
manage their fair at

Dick Edwards Auto Plaza.

Approved dates May 18th thru
May 21st.

Shawn K Ellis
GENERAL MGR

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City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: Gerry Vernon, City Manager
To: City Commission
Subject: **Agreement between the City of Junction City and the Military Affairs Commission.**

Objective: Approval of an agreement between the City of Junction City and the Military Affairs Commission (MAC) for an office space at 701 North Jefferson Street.

Explanation of Issue: Due to budgetary constraints, the City of Junction City reduced funding to zero for the Military Affairs Commission. Geary County also reduced funding to the MAC to \$35,000.00. In a effort for MAC to continue to provide its services to Fort Riley and the Community, the City offered an office space in the city owned building at 701 North Jefferson. The move actually occurred at the beginning of the year and it continues to be available to MAC with little or no impact on EDC or Chamber functions. The MAC has approved this agreement.

Budget Impact: The agreement stipulates that MAC pay \$50.00 a month for utility service in the building. The budget impact will then be \$350.00 for the remaining seven months of the contract. "Rent" cannot be charged and is not charged to the other organizations residing in the building as this would change the non-property tax status of the building. The Chamber pays \$200.00 per month for utilities.

Alternatives: It appears that the City Commission has the following alternatives concerning the issues at hand. The Commission may:

1. Approve
2. Disapprove
3. Modify the proposal...
4. Table the request.

Recommendation: Staff recommends approval of this agreement.

Enclosures: Agreement

Kansas Commercial Lease Agreement

This Commercial Lease Agreement ("Lease") is made effective January 1, 2011 by and between the city of Junction City, Kansas ("Landlord") and the Military Affairs Commission ("Tennant").

Landlord is the owner of land and improvements commonly known and numbered as 701 North Jefferson Street, Junction City, Kansas and legally described as (the "Building"):

W 91.5 LOTS 11,12,13 BLK 21
(Legal Description of Building)

Landlord makes available for lease a portion of the Building designated as one office within the aforesaid "Building" with use of common areas, to be specifically designated at a later time (the "Leased Premises").

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the term, at the rental and upon the covenants, conditions, and provisions herein set forth.

THEREFORE, in consideration of the mutual promises herein, contained and other good and valuable consideration, it is agreed:

1. Term.

A. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord, for an "Initial Term" beginning January 1, 2011 and ending December 31, 2012.

B. Tenant may renew the Lease for one extended term of two (2) years. Tenant shall exercise such renewal option, if at all, by giving written notice to Landlord not less than six (6) months prior to the expiration of the Initial Term. The renewal term shall be at the rental set forth below and otherwise upon the same covenants, conditions, and provisions as provided in this Lease.

2. Rental.

A. Tenant shall pay to Landlord during the Initial Term rental of \$1.00 (one dollar) per year, the first yearly rental payment being payable upon the signing of this agreement. Each other yearly rental payment shall be due in advance on the anniversary date of each prior payment to Landlord at 701 North Jefferson Street, Junction City, Kansas or at such other place designated by written notice from Landlord or Tenant.

3. Use.

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device.

4. Sublease and Assignment.

Tenant shall not sublease all or any part of the Leases premises, or assign this lease in whole or part without Landlord's consent.

5. Repairs.

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs to the Leased Premises. Repairs shall include such items as routine repairs of floors, walls, ceilings, and other parts of the Leased Premises damaged or worn through normal occupancy, except for major mechanical systems or the roof, subject to the obligations of the parties otherwise set forth in this Lease.

6. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following Landlord's consent to remodel, redecorate, and make additions, improvements, and replacements of and to all or any part of the Leased Premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease provided that all damage to the Leased Premises caused by such removal shall be repaired by Tenant at Tenant's expense.

7. Property Taxes.

Landlord shall pay, prior to delinquency, all general real estate taxes and installments of special assessments coming due during the Lease term on the Leased Premises, and all personal property taxes with respect to Landlord's personal property, if any, on the Leased Premises. Tenant shall be responsible for paying all personal property taxes with respect to the Tenant's personal property at the Leased Premises.

8. Insurance.

A. If the Leased Premises or any other part of the Building is damaged by fire or other casualty resulting from any act or negligence of Tenant or any of Tenant's agents, employees or invitees, rent shall not be diminished or abated while such damages are under repair, and Tenant shall be responsible for the cost of repair not covered by insurance.

B. Landlord shall maintain fire and extended coverage insurance on the Building and the Leased Premises in such amounts as Landlord shall deem appropriate. Tenant shall be responsible, at its expense, for fire and extended coverage insurance on all of its personal property, including removable trade fixtures, located in the Leased Premises.

C. Tenant and Landlord shall, each at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the respective activities of each in the Building with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by Landlord, such insurance to afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Landlord shall be listed as an additional insured on Tenant's policy or policies of comprehensive general liability insurance, and Tenant shall provide Landlord with current Certificates of Insurance evidencing Tenant's compliance with this Paragraph. Tenant shall obtain the agreement of Tenant's insurers to notify Landlord that a policy is due to expire at least ten (10) days prior to such expiration. Landlord shall not be required to maintain insurance against thefts within the Leased Premises or the Building.

9. Utilities.

Landlord shall pay all charges for water, sewer, gas and electricity. Tenant shall pay the amount of \$50.00 (\$50.00) per month to Landlord for such utilities and for reimbursement of other incidental expenses. Tenant shall pay such amount within fifteen (15) days of invoice. Tenant acknowledges that the Leased premises are designed to provide standard offices use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical service to other tenants.

10. **Signs.**

Following Landlord's consent, Tenant shall have the right to place on the Leased Premises, at locations selected by Tenant, any signs which are permitted by applicable zoning or ordinances and private restrictions. Landlord may refuse consent to any proposed signage that is in Landlord's opinion too large, deceptive, unattractive or otherwise inconsistent with or inappropriate to the Leased Premises or use of any other tenant. Landlord shall assist and cooperate with Tenant in obtaining any necessary permission from governmental authorities or adjoining owners and occupants for Tenant to place or construct the foregoing signs. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by Tenant.

11. **Entry.**

Landlord shall have the right to enter upon the Leased Premises at reasonable hours to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

12. **Damage and Destruction.**

Subject to Section 8 A, above, if the Leases Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage at the cost of the Landlord. In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or the matters which are beyond reasonable control of Landlord. Tenant shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole, or in part, for Tenant's next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

13. **Default.**

If default shall at any time be made by Tenant in the payment of rent when due to Landlord as herein provided, and if said default shall continue for fifteen (15) days after written notice thereof shall have been given to Tenant by Landlord, or if default shall be made in any of the other covenants or conditions to be kept, observed and performed by Tenant shall continue for thirty (30) days after notice thereof in writing to Tenant by Landlord without Correction thereof then having been commenced and thereafter diligently prosecuted, Landlord may declare the term of this Lease ended and terminated by giving Tenant written notice of such intention, and if possession of the Leased Premises is not surrendered, Landlord may reenter said premises. Landlord shall have, in addition to the remedy above provided, any other right or remedy available to Landlord on account of any Tenant default, either in law or equity. Landlord shall use reasonable efforts to mitigate its damages.

14. **Quiet Possession.**

Landlord covenants and warrants that upon performance by Tenant of its obligations hereunder, Landlord will keep and maintain Tenant in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Leased Premises during the term of this Lease.

15. Condemnation.

If any legally, constituted authority condemns the Building or such part thereof which shall make the Leased Premises unsuitable for leasing, this lease shall cease when the public authority takes possession, and Landlord and Tenant shall account for rentals as of that date. Such termination shall be without prejudice to the rights of either party to recover compensation from the condemning authority for any loss or damage caused by the condemnation. Neither party shall have any rights in or to any award made to the other by the condemning authority.

16. Subordination.

Tenant accepts this Lease subject and subordinate to any mortgage, deed of trust or other lien presently existing or hereafter arising upon the Leased Premises, or upon the building and to any renewals, refinancing and extensions thereof, but Tenant agrees that any such mortgages shall have the right at any time to subordinate such mortgage, deed of trust, or other lien to this Lease on such terms and subject to such conditions as such mortgagee may deem appropriate in its discretion. Landlord is hereby irrevocably vested with full power and authority to subordinate this Lease to any mortgage, deed of trust or other lien now existing or hereafter placed upon the Leased Premises of the Building, and Tenant agrees upon demand to execute such further instruments subordinating to this Lease or attorning to the holder of any such liens as Landlord may request. In the event that Tenant should fail to execute any instrument of subordination herein required to be executed by Tenant promptly as requested, Tenant hereby irrevocably constitutes Landlord as its attorney-in-fact to execute such instrument in Tenant's name, place and stead, it being agreed that such power is one coupled with interest. Tenant agrees that it will from time to time upon request by Landlord execute and deliver to such persons as Landlord shall request a statement in recordable form certifying that this Lease is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as so modified), stating the dates to which rent and other charges payable under this Lease have been paid, stating that Landlord is not in default hereunder (or if Tenant alleges a default stating the nature of such alleged default) and further stating such other matters as Landlord shall reasonably require.

17. Notice.

Any notice required or permitted under this Lease shall be deemed sufficiently given or serviced if sent by United States certified mail, return receipt requested, addressed as follows:

If to Landlord to:

City of Junction City, Kansas
700 N. Jefferson Street
Junction City, Kansas 66441

If to Tenant to:

Military Affairs Council
701 N. Jefferson Street
Junction City, Kansas 66441

Landlord and Tenant shall each have the right from time to time to change the place notice is to be given under this paragraph by written notice thereof to the other party.

18. **Brokers.**

Tenant represents that Tenant was not shown the Premises by any real estate broker or agent and that Tenant has not otherwise engaged in, any activity which could form the basis for a claim for real estate commission, brokerage fee, finder's fee or other similar charge, in connection with this Lease.

19. **Waiver.**

No waiver of any default of Landlord or Tenant hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and the extent therein stated. One or more waivers by Landlord or Tenant shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

20. **Headings.**

The headings used in this Lease are for convenience of the parties only and shall not be considered in interpreting the meaning of any provision of this Lease.

21. **Successors.**

The provisions of this Lease shall extend to and be binding upon Landlord and Tenant and their respective legal representatives, successors and assigns.

22. **Consent.**

Landlord shall not unreasonably withhold or delay its consent with respect to any matter for which Landlord's consent is required or desirable under this Lease.

23. **Performance.**

If there is a default with respect to any of Landlord's covenants, warranties or representations under this Lease, and if the default continues for more than fifteen (15) days after notice in writing from Tenant to Landlord specifying the default, Tenant may, at its option and without affecting any other remedy hereunder, cure such default and deduct the cost thereof from the next accruing installment or installments of rent payable hereunder until Tenant shall have been fully reimbursed for such expenditures, together with interest thereon at a rate equal to the lesser of twelve percent (12%) per annum or the then highest lawful rate. If this Lease terminates prior to Tenant's receiving full reimbursement, Landlord shall pay the unreimbursed balance plus accrued interest to Tenant on demand.

24. **Compliance with Law.**

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereafter pertaining to tenant's use of the Leased Premises. Landlord shall comply with all laws, orders, ordinances and other public requirements now or hereafter affecting the Leased Premises.

25. **Final Agreement.**

This agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This agreement may be modified only by a further writing that is duly executed by both parties.

26. **Governing Law.**

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Kansas.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

Mike Rhodes, Mayor

Ben Bennett, Chairman of Military Affairs

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City of Junction City

City Commission

Agenda Memo

April 19, 2011

From: Gerry Vernon, City Manager
To: City Commission
Subject: **Ordinance relating to departments established**

Objective: Approval of this ordinance revision will change the name of the Public Services Department name to the Administrative Services Department

Explanation of Issue: This ordinance was revised in 2009 to consolidate several departments into five. That consolidation will remain in effect except to rename the Public Services Department to Administrative Services Department.

The main reason for the minor revision is to also inform the Commission of the City Manager directive for a re-organization within that department. Please refer to the original organizational chart and the revised organizational chart. The main components of the change include:

Co-directorship of Department – Finance Director supervises most financial operations; Admin Services Director to retain Municipal Court and Human Resources but add City Clerk as area of oversight.

Opera House Manager directly reporting to City Manager

Assistant City Manager versus Public Works Director

Budget Impact: There is no budgetary impact to the ordinance revision.

Alternatives: The Commission may approve, deny, or postpone this item.

Recommendation: Staff recommends approval of this ordinance revision.

ORDINANCE NO. G-1097

AN ORDINANCE RELATING TO ADMINISTRATIVE DEPARTMENTS OF THE CITY BY AMENDING SECTIONS 105.270 OF ARTICLE IV, ENTITLED "ADMINISTRATIVE DEPARTMENTS," OF CHAPTER 105, ENTITLED "ADMINISTRATION," OF THE CODE OF ORDINANCES OF THE CITY OF JUNCTION CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

Section 1. Sections 105.270, to Article IV of Chapter 105 of the Code of Ordinances of the City of Junction City, Kansas are hereby amended to read as follows:

ARTICLE IV. ADMINISTRATIVE DEPARTMENTS

SECTION 105.270: DEPARTMENTS ESTABLISHED

A. The following administrative departments of the City of Junction City are hereby established.

- A.1. Department of Administrative Services.
- A.2. Department of Public Works.
- A.3. Department of Parks and Recreation.
- A.4. Police Department.
- A.5. Fire Department.

B. The Departments shall consist of such employees as may be appointed from time to time by the City Manager.

Section 2. All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED by the governing body of the City on May 3, 2011 and signed by the Mayor.

(Seal)

Mayor

ATTEST

Tyler Ficken, City Clerk

City of Junction City

Revised - April 2011

