

**CITY COMMISSION MEETING MINUTES**  
**July 10, 2018**

The Newton City Commission convened in regular session at 7:00 p.m. on July 10, 2018 at City Hall, 201 East 6<sup>th</sup> Street. Attending were Mayor Valentine, Vice Mayor Koehn, Commissioners Davis, Hague, and Kreie, City Manager Myers, Assistant City Manager McElroy, City Attorney Towle, City Engineer/DPW Loomis, Director of Finance Pickman, Director of Communications McDaniel, Chief Metzler, Chief Murphy and City Clerk Duerksen.

Pastor James Hawes with First Church of the Nazarene provided the invocation. The Mayor then led in the Pledge of Allegiance and presided over the items of business.

**CONSENT AGENDA**

1. **Consider approval of the minutes of the June 26 regular meeting.**
4. **City Manager's appointment: Electrical Board – Steve Rogers, term ending 4-30-2021.**

Staff asked that items 2 and 3 be removed from the consent agenda and placed on the regular agenda for discussion.

**MOTION:** Vice Mayor Koehn moved and Commissioner Davis seconded to approve the consent agenda with the removal of item 2 and 3. Motion carried.

**REGULAR AGENDA**

5. **Recognition of community service and achievement:**
  - A. **Recognition of Chisholm Middle School team who participated in National History Day.**

The City Commission honored Newton middle school students who competed at National History Day in Washington, DC. The team of Abby Koontz, Lucy Buller and Caleb Koontz took 7<sup>th</sup> place with their website project on Mennonite conscientious objectors in World War 1. They had the top entry from the State of Kansas and won the outstanding affiliate award.

6. **Presentation of the Yard of the Year award to Edna Otto, 232 Wheatridge.**

The City received nominations for eight different properties for Yard of the Year. Staff narrowed the list down to the top six properties and reviewed those selections. Edna Otto, 232 Wheatridge Drive, was the recipient of the 2018 Yard of the Year Award. The use of buffalo grass is exquisite in color and coverage and makes this yard pristine. A sunflower windmill and flower beds add a pop of color. Mayor Valentine presented Mrs. Otto with a \$50 gift certificate to a local greenhouse.

**7. Consider a proclamation declaring July 12 as All Teachers Day in Newton.**

Melissa Scheffler, Newton High School alum and KWCH Channel 12 news anchor, read the proclamation honoring Mary Anne McCloud. She noted news crews are going to their hometown communities in order to lift up a teacher who was instrumental in their lives.

**MOTION:** Commissioner Hague moved and Commissioner Kreie seconded to approve the proclamation as presented. Motion carried.

**MOTION:** Vice Mayor Koehn moved and Commissioner Kreie seconded to take up the Standard Traffic Ordinance and Uniform Public Offense Code as regular agenda items. Motion carried.

Changes that are noteworthy to the Standard Traffic Ordinance and Uniform Public Offense Code include making an unlawful request for emergency service assistance, throwing stars and passing stationary waste vehicles.

**2. Consider an Ordinance adopting the 2018 Edition of the Standard Traffic Ordinance.**

An Ordinance amending Section 21-101 of the Code of the City of Newton, Kansas, to adopt the 2018 Edition of the Standard Traffic Ordinance for Kansas cities; repealing Section 21-101 of said Code as previously amended by Ordinance 4944-17 and replacing Section 1 of Ordinance No. 4944-17 was considered.

**MOTION:** Vice Mayor Koehn moved and Commissioner Hague seconded this Ordinance, assigned 4959-18, be approved as presented. Motion carried.

**3. Consider an Ordinance adopting the 2018 Edition of the Uniform Public Offense Code.**

An Ordinance amending Section 17-101 of the Code of the City of Newton, Kansas, to adopt the 2018 Edition of the Uniform Public Offense Code for Kansas cities; repealing Section 17-101 of said Code as previously amended by Ordinance 4945-17, repealing Section 1 of Ordinance No. 4945-17 and repealing Section 2 of Ordinance 4864-12 was considered.

**MOTION:** Commissioner Hague moved and Commissioner Davis seconded this Ordinance, assigned 4960-18, be approved as presented. Motion carried.

**8. Receive a special event request to close part of the parking lot behind the Fox Theater and waive fees for traffic cones for Splash Sunday on July 15.**

**MOTION:** Commissioner Davis moved and Vice Mayor Koehn seconded to approve the waiving of fees for traffic cones for splash Sunday. Motion carried.

**9. Consider an application for a temporary alcohol permit for the Harvey County Free Fair.**

Karl Matlack asked the Commission to grant a temporary alcohol permit for the Harvey County Free Fair. Mr. Matlack is waiting on a letter from Harvey County stating it is ok to sell beer on their property. The beer garden would be open August 3, 4, & 5.

**MOTION:** Commissioner Kreie moved and Commissioner Davis seconded to approve the temporary alcohol permit. Motion carried.

**10. Receive a tax abatement request for Kustom Karriers and consider adoption of a Resolution setting this matter for a public hearing.**

**MOTION:** Commissioner Hague moved and Vice Mayor Koehn seconded to table this item until further notice. Motion carried.

**11. Consider the Notice of Hearing for the 2019 Budget with a not to exceed budget amount.**

The notice of hearing for publication of the 2019 budget was presented. State Statute requires this to be published no less than 10 days before the official public hearing. The proposed budget has a not to exceed amount of \$52,644,780.00. The budget could be reduced below this amount, but it cannot go above it. The General Fund proposed budget includes all requested budget enhancements and all external agency requests. The official budget hearing will be July 24, 2018 at 7:00 p.m.

Commissioners noted they feel this is a starting point and there is more work to do. They invited input from the community.

**MOTION:** Commissioner Davis moved and Commissioner Kreie seconded to establish the public hearing for July 24 at 7:00 p.m. and set the not to exceed budget amount as \$52,644,780. Motion carried.

**12. Consider bids for Rolling Hills 6<sup>th</sup> Addition grading.**

Bids received for the Rolling Hills 6<sup>th</sup> Addition grading project were over the engineer's estimate, which would make it necessary to reject all bids and go through a rebidding of the project, thus slowing down the development. Staff was able to get the City's costs (which, in turn, will be assessed against the project properties) down to the amount of the engineer's estimate by (a) getting the low bidder to further reduce their bid to get closer to the estimate, and (b) helping facilitate a deal between the low bidder and the developer. The top soil will remain onsite for the contractor to use and the development will pay \$10,146.72 cash towards the project to supplement the petition. Staff recommends awarding the contract to Unruh Excavating.

<b>BIDDER</b>	<b>BID AMOUNT</b>
Unruh Excavating	\$214,682.66
Pearson Construction	\$256,873.00
Mies Construction	\$276,609.50
Engineer's Estimate	\$182,671.15

**MOTION:** Vice Mayor Koehn moved and Commissioner Hague seconded to accept the negotiated bid and award the contract to Unruh Excavating in the amount of \$192,817.87. Motion carried.

**13. Receive an update on Amtrak services.**

Commissioner Hague gave an update on discussions being held regarding Amtrak services. Currently, Amtrak is withholding their commitment for the third TIGER grant unless the state of Kansas, Colorado and New Mexico can figure out a way to pay \$3 million in track maintenance per year. Amtrak has stated they will not operate rail without Positive Train Control, which is not available from LaJunta to Albuquerque. Train service between Dodge City and Albuquerque will be suspended as of December 31 requiring riders to take a bus on that portion of the route.

**14. Receive a report from the Fire Chief and Police Chief on July 4<sup>th</sup> activity.**

Both Chief's reported their departments had very little fireworks related activity. The fire department responded to one fireworks incident. The police department responded to 30 calls, which was down from last year. They did not have to make any arrests or issue citations.

**15. City Manager's Update.**

- A list of community events were shared.
- A community survey was completed regarding the municipal swimming pool. More the 1,000 responses were received. Conversations have been held with the YMCA regarding their interest or future plans for a water park. They have not issued a formal statement to date, but have indicated they have no plans for building a water park. At the work session there were discussions on how to pay for pool improvements as well as ballfield improvements. Once the Public Building Commission bonds are paid off in 2024, the .80 mill levy set aside by the school district, NRC and City could be used to help fund the improvements. The interlocal agreement between the three entities would need to be updated.
- The community library task force has 12 members, who will meet Monday at noon. They will be visiting Wichita's new advanced learning facility.

**16. Citizen's Forum.**

Pam Stevens, Chamber Director, invited the public to be part of the Kansas Proud Inspirations that will be filmed at the High School on July 19 with Melissa Scheffler.

**17. Executive session to consult with Senior Legal Counsel and the City Attorney in regard to a matter of potential litigation.**

**MOTION:** Commissioner Hague moved and Vice Mayor Koehn seconded to go into executive session to consult with Senior Legal Counsel and the City Attorney in regard to a matter of potential litigation, to return to open session at 8:15 p.m. Motion carried.

The Commission recessed to executive session at 8:05 p.m. and reconvened in open session at 8:15 p.m.

**18. Consider a tolling agreement associated with the gym floor at the Newton Recreation Center.**

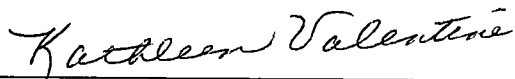
There have been some failures in the newly constructed gymnasium floor at the Newton Recreation Center, and there is a dispute between the contractor and the architect. Staff anticipates that a settlement between them will be achieved. However, additional time is needed to get such a deal negotiated. In the meantime, the statute of limitations is about to run out as to any needed civil litigation. Staff presented a tolling agreement for consideration. This agreement waives the running of the statute of limitations while negotiations continue.

**MOTION:** Vice Mayor Koehn moved and Commissioner Hague seconded to approve the tolling agreement as presented. Motion carried.

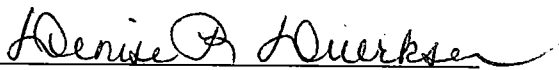
In other business it was noted several construction projects are underway: Slate Creek bank restoration, Centennial Park drainage, restroom and press box construction, street annual overlay, grading at Rolling Hills 6<sup>th</sup> Addition, and Warkentin House painting.

**19. Adjournment**

There being no further business, the meeting adjourned 8:20 p.m.

  
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Mayor

ATTEST:

  
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City Clerk