

CITY COMMISSION MEETING MINUTES
August 28, 2018

The Newton City Commission convened in regular session at 7:00 p.m. on August 28, 2018 at City Hall, 201 East 6th Street. Attending were Mayor Valentine, Vice Mayor Koehn, Commissioners Davis, Hague and Kreie, City Manager Myers, Assistant City Manager McElroy, City Attorney Towle, Director of Finance Pickman, Director of Communications McDaniel, Deputy Chief Dunlavy, Chief Metzler, Chief Murphy and City Clerk Duerksen. City Engineer/DPW Loomis was absent.

Pastor Amos McCarthy with First United Methodist Church 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 August 14 work session and regular meeting and August 23 agenda review.**
2. **Rolling Hills 6th Addition water & sewer improvements.**
 - A. **Consider an amended Improvement Resolution finding advisable and authorizing the water improvements.**

This Resolution finds advisable and authorizes the water improvements for Rolling Hills 6th Addition and is assigned I-1177.

- B. **Consider an amended Ordinance establishing Water District 14-C.**

This Ordinance creates Water District 14-C and is assigned No. 4966-18.

- C. **Consider an amended Improvement Resolution finding advisable and authorizing the sewer improvements.**

This Resolution finds advisable and authorizes the sewer improvements for Rolling Hills 6th Addition, and is assigned No. I-1178.

- D. **Consider an Ordinance establishing Sewer District 28-F.**

This Ordinance establishes Sewer District 28-F and is assigned No. 4967-18.

3. **Mayor's appointments – Historic Preservation Commission – reappoint Jerry Wall & Steve Johnson, terms ending 8/30/2021.**

MOTION: Vice Mayor Koehn moved and Commissioner Davis seconded to approve the consent agenda. Motion carried.

REGULAR AGENDA

4. **Consider a request to approve a special event to waive the fees for use of Centennial Park parking lot and barricades for Touch-A-Truck Night, September 21, 2018.**

MOTION: Commissioner Davis moved and Commissioner Hague seconded to approve the request and waive the special event fees. Motion carried.

5. **Consider a request to close 5th Street from Poplar to Plum and Poplar from 5th to 4th Street on September 29, 2018 for the Red Hot Chili Pepper 5K and to waive the special event request for barricades and traffic cones.**

MOTION: Commissioner Kreie moved and Commissioner Hague seconded to approve the request to close 5th Street from Poplar to Plum and Poplar from 5th to 4th Street and waive the special event fees. Motion carried.

6. **Consider a request to close 6th Street from Main to Poplar and consider a special event request for use of picnic tables and trash receptacles for the Chili Cook-off on September 29, 2018.**

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded to approve closing 6th Street from Main to Poplar and waive the special event fees. Motion carried.

7. **Consider a temporary alcohol permit for the Chili Cook-Off on September 29, 2018.**

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

8. **Future Foam Tax Abatement:**

Future Foam is planning a \$5.4 million expansion to their existing location. A new 70,000 square foot warehouse will be built. It is anticipated seven new jobs will be created in the first four years as part of this expansion. The project is expected to break ground in September and to be completed in August 2019. They are requesting a ten year, 100 percent tax abatement from the City.

Future Foam is headquartered in Council Bluffs, Iowa, and has 27 locations worldwide. Its Newton facility manufactures polyurethane foam used in furniture, bedding, boat seats, office chair seats, carpet pads and related products.

A. Conduct a public hearing on the tax abatement for Future Foam, Inc.

The Mayor opened the public hearing at 7:16 p.m.

Beth Shelton, EDC Director, reported Future Foam exceeds the average wage paid in Harvey County by 10 percent. The abatement only applies to the proposed expansion and does not affect the property taxes collected from the company on their current facility.

There being no one else to speak, the hearing was closed at 7:19 p.m.

B. Consider a Resolution authorizing the tax abatement.

A Resolution declaring the intent of the governing body of the City of Newton, Kansas, to grant an exemption from ad valorem taxation for certain property proposed to be improved, expanded and equipped by Future Foam, Inc., for manufacturing purposes was considered.

MOTION: Commissioner Hague moved and Commissioner Davis seconded this Resolution, assigned G-1191, be approved as presented. Motion carried.

9. Consider an agreement extending the 2004 Interlocal Agreement with USD 373 and the Newton Recreation Commission.

This interlocal agreement is slated to expire in 2024. Currently, USD 373, the Newton Recreation Commission and City each contribute .8 mills to the Public Building Commission, which since 2004 has used the funding to renovate Fischer Field with artificial turf, replace scoreboards, construct new restrooms, and do other projects at facilities throughout town. This extension will continue it to 2044. The new agreement includes a good faith (but non-binding) interest in undertaking improvements to the Newton Municipal Pool and additional ballfields at Centennial Park, as well as a willingness to increase the PBC contribution to 1 mill from each entity.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded to approve the interlocal agreement as presented. Motion carried.

10. Continue discussion of municipal swimming pool and Centennial ballfield improvements.

Discussion continued from the previous meeting on the swimming pool and Centennial ballfield improvements.

Joe Solomon, 219 Chatfield, questioned if the pool made enough money to be self-sufficient. It was noted by staff that pools are not self-sufficient. Currently, the NRC pays for the staffing out of their budget and the City supplies the water and equipment and does the repairs.

Brandon Weeks, Vice President of the Newton Baseball Club, stated in 2018 there were 47 games played inside Newton. If improvements were made to the ballfields, more tournaments could be held, bringing more money into the City. He urged the Commission to support the improvements.

Scott Seirer, 220 Wheatridge Court, expressed support for improvements to the ballfields. He said the improvements would bring more tournaments and teams to town, who would stay and spend money. He noted teams would utilize the pool as well and hoped that could be brought along with the ballfields.

Kay Self, 400 West 6th Street, thanked the Commission for the improvements already done to the ballfields and encouraged them to continue the improvements.

Commissioners all expressed a desire to provide the kind of high-quality amenities that draw young families to move to a community or entice a company to locate a business there. But Commissioners were not ready to commit to a \$1.7 million renovation proposal to add water features and other improvements to the existing pool structure. They did not want to rush into a decision about what a new pool should look like just to meet the construction deadline for 2019's swim season. The Commission agreed to spend more time considering the future of the pool and to do some strategic planning about all community amenities, including the pool, the library, and downtown enhancements, possibly including a scientific survey to learn more about residents' desires and what they are willing to pay for. In the meantime, staff were directed to make necessary repairs to the pool to ensure operations for 2019.

The City Commission gave the go-ahead to continue the planning process for additional ballfields and enhancements at Centennial Park, with a rough estimated cost of \$900,000.

11. Consider an Automatic Mutual Aid Agreement for the fire departments serving Harvey County.

Since 2009, fire departments in and around Harvey County have operated under an automatic aid agreement for rural structure fires (fires in buildings located outside a community's incorporated city limits). The local county chiefs group would like to expand that automatic aid agreement to include structure fires that occur within the incorporated city limits of each community. This adjustment would provide the benefits of reduced response time, increased staffing, and potential ISO rating benefit for all structure fires in Harvey County. Parties are free to withdraw from the agreement at any time. Also, if a community's resources are taxed by their own calls, they do not have to send staff to help.

MOTION: Commissioner Hague moved and Commissioner Kreie seconded to approve the Automatic Mutual Aid Agreement. Motion carried.

12. Consider action to reassess and re-levy certain outstanding special assessments.

Special assessments for Autumn Glen and Summer Crossing must be reassessed due to replatting of the developments. The assessments must be levied against the lots as they exist to date. The process does not forgive or eliminate any specials that have already been imposed. The agreements provide the consent of the landowners to redistribute the specials. They also give consent to waive notice and hearings and endorse how those specials are redistributed.

- A. Receive an agreement and waiver allowing special assessments to be levied against Lots 1 through 8, Block 1, and Lots 26-30, Block 1 Autumn Glen Fourth Addition.**

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

- B. Receive an Ordinance allowing special assessments to be levied against Lots 1 through 8, Block 1, and Lots 26-30, Block 1 Autumn Glen Fourth Addition.**

An Ordinance of the City of Newton, Kansas, authorizing the reassessment and re-levying of special assessments against specific lots within Autumn Glen Fourth Addition and amending and supplementing Ordinance No. 4491-04 was considered.

MOTION: Commissioner Davis moved and Commissioner Hague seconded this Ordinance, assigned 4968-18, be approved as presented. Motion carried.

- C. Receive an agreement and waiver allowing special assessments to be levied against the Summer Crossing Addition.**

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

- D. Receive an Ordinance allowing special assessments to be levied against the Summer Crossing Addition.**

An Ordinance of the City of Newton, Kansas, authorizing the reassessment and re-levying of certain special assessments applicable to the Fieldstone Addition, and reassessing and re-levying those special assessments against certain lots within the Summer Crossing Addition and amending and supplementing Ordinance No. 4735-10 was considered.

MOTION: Commissioner Hague moved and Commissioner Kreie seconded this Ordinance, assigned 4969-18, be approved as presented. Motion carried.

- 13. Approve final cost statements for completed projects and establish date to conduct public hearing on proposed assessments (September 11, 2018 at 7:00 p.m. is suggested):**

Garth Herrmann, Gilmore & Bell and bond counsel, stated this is the first step in the bonding process. The final costs for water, sewer and streets to serve Fieldstone are complete and ready to be spread to the property owners. The final cost for Fieldstone water is \$33,354.00; Fieldstone sewer, \$30,510.00; and Fieldstone streets, phase II \$116,136.00. Letters will be sent to the property owners noting the hearing date. Following the hearing, owners will be sent another letter and have 30 days to pay the specials before they get bonded.

A. Fieldstone Water (WD 19-K)

B. Fieldstone Sewer (SD 31-J)
C. Fieldstone Street Phase 2

MOTION: Vice Mayor Koehn moved and Commissioner Davis seconded to approve the costs associated with the projects and set the hearing date for September 11, 2018. Motion carried.

14. Review an application for a 2018 federal Byrne Memorial Justice Assistance Grant (JAG) to purchase Tasers.

The Justice Assistance Grant is a non-competitive grant that the Newton Police Department and Harvey County Sheriff's office split. The grant is for \$10,000 and will be used to eight purchase Tasers for the Police Department. Harvey County has agreed to waive funding this year.

15. Prairie Fire

A. Receive a quit claim deed conveying certain public improvements to the City.

This deed is for the physical public infrastructure improvements. The developer is dedicated all those improvements within the dedicate area to the City. The City will take over responsibility for the future maintenance of these improvements.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded to approve the quit claim deed. Motion carried.

B. Consider a Release of Reverter, which will release the City's reversionary interest in the real property.

Prior to the development, the City acquired a reversionary interest in the real property. This Reverter was put in place to protect the City should the developer be in violation of the development agreement. Since the project is now complete, the City can now release the reversionary interest.

MOTION: Commissioner Kreie moved and Commissioner Hague seconded to approve the Release of Reverter as presented. Motion carried.

16. Receive a report from Vice Mayor Koehn on the White House Intergovernmental Affairs Office meeting.

Vice Mayor Koehn reported about his recent trip to Washington, DC. Concerns regarding the Southwest Chief remaining open were discussed. Senator Moran has created an amendment to a transportation bill that forces Amtrak to spend \$50 million on track upgrades/improvements, and support a \$25 million TIGER grant approved earlier this year. Currently Moran and Rep. Roberts think they have the votes in senate and house with stipulations, to make the repairs and

keep the line open for a year. Other issues that came up were broadband internet access and 5G wireless access, the opioid crisis, drones and the future of transportation.

17. City Manager's Update.

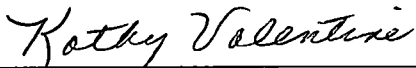
- The upcoming community events were shared.
- A two day training by the Attorney General's Office for persons who deal with domestic violence response was held at City Hall.
- Preparations are underway for the Joint Legislative Transportation Visioning Task Force meeting at the Meridian Center on October 4.
- REAP economic development summit will be held in November at WSU Metroplex.
- A joint meeting with Harvey County will be on September 11 at 4:00 p.m. to discuss the joint law enforcement facility and airport facilities improvement plan.
- The Library Task Force will meet on September 12.

18. Citizen's Forum.

Ashley Klein, 1208 N. Ash, gave an update on the dog park. Enough money has been raised for a 20 x 20 shade structure. The concrete pad has been installed. Also, \$4,000 was donated for agility equipment to be placed in the park.


19. Adjournment

There being no further business, the meeting was adjourned at 9:12 p.m.



Mayor

ATTEST:



City Clerk