

CITY COMMISSION MEETING MINUTES
October 23, 2018

The Newton City Commission convened in regular session at 7:00 p.m. on October 23, 2018 at City Hall, 201 East 6th Street. Attending were Mayor Valentine, Vice Mayor Koehn, Commissioners Davis and Hague, 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. Commissioner Kreie was absent.

Penny Dugan with New Jerusalem provided the invocation. The Mayor then led in the Pledge of Allegiance and presided over the items of business.

REGULAR AGENDA

1. **Consider approval of the minutes of the October 9 meeting.**

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

2. **Recognition of community service and achievement:**

- A. **Recognize Eli Redington for receiving the Kansas Prevention Youth Leadership Award from the Kansas Prevention Collaborative.**
- B. **Recognize Des Martens for receiving the Kansas Prevention Community Leader Award from the Kansas Prevention Collaborative.**

Newton High School student Eli Redington, and Des Martens of Mirror, Inc. were recognized for their recent awards from the Kansas Prevention Collaborative for their leadership in the community on drug and alcohol abuse prevention

3. **Receive a report from Chris Tuohey regarding challenges to the golf course facilities and schedule of events caused by recent weather events and steps the golf course staff have taken and are continuing to take accordingly.**

Chris Tuohey reported despite all the flooding from recent rains, Sand Creek Station staff got into high gear in order to avoid a cancellation of the inaugural edition of the Tabor College Men's and Women's Invitation golf tournament -- with approximately 100 competitors involved. They moved the start time, compressed the previously scheduled three days of competition into two, and did some rearrangements of a few holes to work around some flooding damage. Their efforts were greatly appreciated by Tabor College.

4. **Receive the quarterly financial report.**

The third quarter financial reports were presented.

5. Consider a Resolution authorizing the offering for sale of General Obligation Bonds, Series 2018-A and Taxable General Obligation Bonds, Series 2018-B.

A Resolution authorizing the offering for sale of General Obligation Bonds, Series 2018-A, and Taxable General Obligation Bonds, Series 2018-B of the City of Newton, Kansas was considered.

MOTION: Commissioner Hague moved and Vice Mayor Koehn seconded this Resolution, assigned G-1192, be approved as presented. Motion carried.

6. **Consider a request for an exception to City Policy 5-4, C. 1 from the First Church of God to allow parking on the right of way.**

The First Church of God recently completed a large concrete paving project. Their old asphalt area had a few parking spots in the public right-of-way, where vehicles pulled right up to the back of the curb. The Church is asking for an exception to City adopted policy 5-4, C.1, which does not allow parking in the public right-of-way. Staff contacted the church and asked for a meeting to discuss the parking arrangement before they striped the stalls. Currently, the City does not require a permit for flatwork, so staff was not able to review any issues prior to the work being done.

The Commission asked numerous questions regarding the parking options and the possibility of requiring flatwork permits. There was discussion about a 50/50 share of tearing up pavement, to the understanding that the City would bear the costs of excavation, but the Church would be responsible for the repair/replacement costs, should utility work need to be done in the right-of-way. Commissioners felt the exception should be granted, grandfathering the parking on the right-of-way, as has been done for many years. Other stipulations required would be installation of parking bumpers, nine-foot block outs at all entrances and exits for the site line, and should any work need to be done in the right-of-way, the Church would be responsible for the repair/replacement costs. Staff suggest drafting a revocable license to occupy the right-of-way to be signed by both parties.

MOTION: Commissioner Hague moved and Vice Mayor Koehn seconded to direct staff to finalize an agreement with the church stating the stipulations for allowing the exception to the City policy. Motion carried.

7. **Street Vacation**

- A. **Receive a petition and conduct a public hearing on vacation of a portion of South Payton Avenue.**

Future Foam is building a 77,000 plus square foot warehouse, and an additional parking area south of SE 6th Street. In order to proceed with the building project, they are requesting the City vacate the right-of-way on South Payton Avenue. Notice has been given to all parties and no written objections have been filed by the adjacent property owners. No property owners will

be adversely affected by the proposed vacation; no private rights will be injured or endangered; and the public will suffer no loss or inconvenience from the vacation.

The Mayor opened the public hearing at 8:11 p.m. No one was there to speak, so the hearing was closed at 8:11 p.m.

B. Consider the Order of Vacation and an Ordinance vacating a portion of South Payton Avenue.

An Ordinance vacating a portion of a street in the Newton Industrial Park Addition to the City of Newton, Harvey County, Kansas.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded to approve the Order of Vacation and Ordinance 4972-18 as presented. Motion carried.

8. Consider an amendment to the grading petition to serve Rolling Hills 6th Addition.

The original petition for this project has been amended once due to bids being over the Engineer's Estimate. The contractor has encountered construction debris in the area of the proposed pond. The material needs to be removed and additional dirt located to use for fill material on the north side of the creek. Therefore, the cost of the project has increased again requiring an amended petition. Because the benefit district is completely owned by the developer, amending the petition for the increased costs is possible. The benefit district will bear the costs of the project.

MOTION: Commissioner Hague moved and Commissioner Davis seconded to amend the grading petition to \$384,000. Motion carried.

9. Consider approval of the Heritage Trust Fund Grant application for the Warkentin House.

Chimney and portico repairs are the only remaining item on the maintenance necessities list for the Warkentin House. Staff would like to apply for the Heritage Trust Fund (HTF) grant to help fund these repairs. The grant would pay up to 80% of the costs, with the City funding the difference. A 20% contingency is suggested through the HTF State Historical process. The estimated cost of the project would be about \$80,000. Should the grant be awarded, the City's cost would be approximately \$16,000.

MOTION: Commissioner Davis moved and Commissioner Hague seconded to approve the grant application and authorize staff to sign all associated documents. Motion carried.

10. Receive a staff report as to a review of community surveying options.

Staff continues to look into options and talk with other communities who do surveying on a periodic basis. ETC is the company used by communities big and small, not only in Kansas but

other states as well. Predominate use is a citizen's satisfaction survey. Results received are an accurate cross section of the community. ETC is willing to come to a meeting to discuss surveying with the Commission.

11. Receive an update on the status of 519/520 Main building.

A structural engineer has determined the second floor of the building is not properly attached to the front facades and has shifted over time and caused the east (Main Street) façade to bow. This caused the failure of the brick façade from the 1930's. The second floor must be supported and secured, and the structural engineer is working on stamped drawings for that reinforcement that will be provided to the City. The building owner has hired a licensed demolition contractor. This contractor estimates that it will take two to three days to remove the façade and underlying 1870's brick walls, following the stabilization of the second floor.

The building owner is interviewing contractors to complete the façade repair and renovation of the building. This contractor will create a proposal for the property owner that will include the owner's desired façade material(s), door and window placement, roofline, etc. Because the building is listed on the National Register, the State Historic Preservation Office (SHPO) has been consulted and has noted that in order for the building to maintain its National Register listing status, it must be repaired and rebuilt "like materials with like" specific to the 1930's façade. Staff will continue to provide progress updates.

12. City Manager's Update.

- The Joint Legislative Transportation Visioning Task Force will hold a special focus session on transportation funding needs of cities and counties in general.
- Director of Aviation Palmer was part of the South-Central Kansas team which exhibited at the National Business Aviation Association exhibition in Florida. This team was recruited by the Greater Wichita Partnership to represent all aspects of Wichita region's aviation.
- Prairie Fire housing development will hold a ribbon cutting on October 25.
- The REAP Economic Development Summit will be held November 1.
- There will be a ribbon cutting on November 7 at noon for the Centennial Park improvements.
- Staff continues with work with the EDC staff on expansions and industrial recruitment.
- Staff is working with several different commercial and housing developments who are interested in doing projects in Newton.

13. Citizen's Forum.

Jason Mitchel, 400 N. Poplar, gave kudos to the City water department who fixed a leak to his building in the middle of all the rains. He also asked the Commission to be thoughtful on the flat work permitting costs.

15. Adjournment

There being no further business, the meeting was adjourned at 8:47 p.m.

Kathleen Valentine

Mayor

ATTEST:

Denise R. Oerks

City Clerk