



City of Newton

Agenda

Regular Commission Meeting
Tuesday, July 9, 2019 @ 7:00 PM
Commission Chambers

	Page
A. INVOCATION	
B. PLEDGE OF ALLEGIANCE	
C. CONSENT AGENDA Pastor Clint McBroom, First Church of God	
1. Consider the minutes of the June 25 work session and regular meeting. min 6-25-2019 Work session Min 6-25-2019	3 - 8
2. Mayor's appointment: Substance Abuse Board, Dan Heinze, term ending 4-30-2022. <i>Recommendation: Motion to approve the consent agenda.</i>	
D. REGULAR AGENDA	
3. Receive a report from NHS students on the STAND program in Newton schools.	
4. Receive the 2020 budget request from Harvey County Health Ministries.	
5. Consider a Resolution supporting operation of a rural life themed elementary school within the city limits, including the keeping of livestock in relation thereto, in the event the voters approval the funding for such a school. <i>Recommendation: Motion to approve or deny the Resolution.</i> Resolution of Support - Rural school 20190703 RES Approval Walton Rural Life Center	9 - 12
6. Consider the Notice of Hearing for the 2020 Budget with a not to exceed budget amount. <i>Recommendation: Motion to approve the 2020 Notice of Hearing to be held on July 23 for a not to exceed budget amount.</i>	

7. Discuss directing staff to initiate a text amendment process to the City's zoning regulations in relation to murals, and requesting the Planning Commission's recommendations in that regard
8. Receive a report from the Fire/EMS Chief and Police Chief on July 4th activity.
9. Receive an update on the sewer upsizing projects and sand creek dam.
10. Receive a report from the City Attorney regarding Senate Bill 105, which pertains to the date on which City Commissioners take office. 13
[Commencement Date Memo](#)
11. Citizen's forum
12. Conduct an executive session to discuss acquisition of real estate.

Recommendation: Motion to go into executive session for a designated amount of time.

13. City Manager's Update
14. Adjournment

Upcoming events:

July 16	4:00 p.m.	Work session at Library
July 18	7:30 a.m.	Agenda review
July 23	5:30 p.m.	Work session
July 23	7:00 p.m.	Commission meeting
July 26	11:30 a.m.	REAP Regional Convening
Oct. 3	7:30 a.m.	Economic Outlook conference
Oct. 12-14		LKM Conference

CITY COMMISSION MEETING MINUTES
June 25, 2019

The Newton City Commission convened in regular session at 7:00 p.m. on June 25, 2019 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 Engineer/DPW Loomis, Director of Finance Pickman, Director of Communications McDaniel, Deputy Chief Lehman, Interim Chief Dunlavy and City Clerk Duerksen. City Attorney Towle was absent.

Pastor Donna VotEAU with Trinity Heights 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 the minutes of the June 11, 2019 work session and regular meeting.**
2. **Consider the use of the East 6th Street parking lot and the waiving of special event fees for Splash Sunday on July 14, 2019.**
3. **Consider a temporary alcohol license for the Harvey County Free Fair on August 2-4, 2019.**
4. **Mayor's appointments: Planning Commission - Denise Goodnite to fill the unexpired term of James Ontiveros, term ending 4-30-2020 & H. Michael Bonner, term ending 4-30-2022.**

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

REGULAR AGENDA

5. **Outside Agency Budget Presentations**

A. Grand Central

Tara Gehring, Executive Director, presented Grand Central's 2020 budget request of \$10,000. Funding would be used for general operating costs such as utilities, internet, insurance, etc. In 2018 Grand Central looked at their operating model and decided changes were needed. They have updated their accounting practices, fundraising strategies, marketing/branding and scope of services offered.

B. Chamber of Commerce

Pam Stevens and Ken Knepper presented the Chamber's 2020 budget request of \$30,000. With the funding the Chamber will continue to provide events and activities, such as Main Street

Mainia, Taste of Newton, College Night, Taste of Christmas, etc. The Chamber were recently selected as an E-Commerce Community, which means they will be able to provide gap funding for businesses at a low interest rate and require no collateral. The money for this program comes from the State. They noted a strong business community is the backbone to a strong city.

C. Harvey County Economic Development Council

Beth Shelton, EDC Director, presented the 2020 budget request, noting the EDC is requesting the same amount as in 2019 (\$135,500). Currently 21 RFP's are being worked on. This past year there have been numerous business expansions, as well as new recruitment to Harvey County resulting in 204 new jobs and \$19 million in capital investment.

6. Red-Wood Development, Inc., Proposed Rural Housing Incentive District (RHID)

A. Receive an overview from City Staff regarding Rural Housing Incentive Districts.

The City's 2010 and 2019 Housing Study and Needs Assessments both identified a need for market-rate and income-qualified senior housing. Staff has been working with Red-Wood Development for a senior specific development. The Newton Estates project would include approximately 60 senior (55+) housing units, both income-qualified and market-rate. They would be single-story buildings faced in brick or stone and would include a clubhouse with a kitchen, workout facility, library and office. In order to make the development more affordable, the Developer is pursuing funding assistance from the Kansas Housing Resource Corporation in the form of a Low-Income Housing Tax Credit (LIHTC). In exchange for the tax credit, the developer agrees to reduce the monthly rent on a portion of the units to make them more affordable and meet local demand. The Developer has requested the creating of a Rural Housing Incentive District (RHID) which works like a Tax Increment Financing (TIF) district to capture the newly generated property tax revenue for up to 15 years to pay for construction of the necessary public improvements, such as utilities and streets.

B. Consider a resolution making certain findings and proposing the establishment of a Rural Housing Incentive District.

A Resolution making certain findings and determinations as to the need for the housing within the City of Newton, Kansas, and setting forth the legal description of real property proposed to be designated as a rural housing incentive district within the City was considered.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded this Resolution, assigned G-1211, be approved as presented. Motion carried.

7. Acquisition of ROW and Easements adjacent to Hillside Street.

In 2012 the Commission approved moving forward with preliminary plans for design of a City water main along Hillside to connect to the SE booster station on South Spencer. Plans for construction are finished, however this project cannot move forward without three remaining

rights-of-way for waterline extension and widening of the road, drainage easements and rail easements for future rail extension. Staff will continue to negotiate with the property owners to acquire the easements.

A. Consider an Ordinance authorizing condemnation proceedings (The Rudy C. Claassen Revocable Trust).

An Ordinance authorizing and providing for the acquisition of right-of-way by condemnation to facilitate the widening of Hillside Street and for the expansion of City utilities, including a water line for the use of the City's public water supply distribution and fire protection system in Harvey County was considered.

MOTION: Vice Mayor Koehn moved and Commissioner Hague seconded this Ordinance, assigned 4988-19, be approved as presented. Motion carried.

B. Consider an Ordinance authorizing condemnation proceedings (Suderman & Puzycki).

An Ordinance authorizing and providing for the acquisition of right-of-way by condemnation to facilitate the widening of Hillside Street and for the expansion of City utilities, including a water line for the use of the City's public water supply distribution and fire protection system in Harvey County was considered.

MOTION: Commissioner Kreie moved and Commissioner Davis seconded this Ordinance, assigned 4989-19, be approved as presented. Motion carried.

C. Consider an Agreement for conveyance of Right-of-Way and Easement.

A signed agreement with Dallas Klaassen for right-of-way and easements for the SE Hillside water main project has been received. The City paid \$55,680.00 for all the conveyance of the right-of-way and easements.

MOTION: Commissioner Davis moved and Commissioner Hague seconded to approve the agreement for right-of way and easements. Motion carried.

8. Consider approval of the Request for Qualifications (RFQ) process for hiring of an architect to design a new Park facility on Boyd.

At a previous work session, the Commission reviewed the condition of the leased facility the Park Department is currently occupying. The five-year lease for the facility is up in December 2019. The deadline to extend the lease is August 15, 2019. The Commission gave consensus for staff to develop Requests for Qualifications (RFQ's) for architectural services for a new facility, which were presented. This project is on the Capital Improvement Program for 2020.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded staff move forward with sending out Requests for Qualifications for architectural services for a new Park facility. Motion carried.

9. Consider a proposal from Charlesworth Consulting for review of risk management practices and assistance with developing a RFP for multi-year insurance service.

Every four to five years the City sends out Requests for Proposals for insurance service. With the insurance market becoming so specialized and hard to navigate, staff has reached out for help in securing the correct insurance broker. Charlesworth Consulting is a broker that does not sell insurance and has been assisting municipalities get the proper insurance coverage. In 2018, the City spent approximately \$528,260 for insurance. The proposed cost, including all incidental expenses and travel, is \$9,750. The fee is billed at the end of the project.

MOTION: Commissioner Hague moved and Vice Mayor Koehn seconded to accept the proposal from Charlesworth Consulting. Motion carried.

10. Receive bids and award contract for the Old Main sanitary sewer project.

Only one bid was received for this project, which was under the Engineer's Estimate of \$1,394,056. Staff recommended awarding the contract to Nowak Construction.

MOTION: Commissioner Kreie moved and Commissioner Davis seconded to award the bid to the low bidder, Nowak Construction in the amount of \$1,278,581.10. Motion carried.

11. City Manager's Report

- The Railer golf tournament was shortened to 18 holes due to severe weather conditions. There were 56 golfers in town from all over the country.
- The Sunday's sales ordinance had its first publication today. It will publish again next Tuesday, after which the 60-day protest period begins.
- There are eleven fireworks stand permits. Sales and discharge are allowed June 29 through July 4.
- After the approval at the last meeting of the new home construction incentive program, building permits for three new houses have been pulled, all with incentive applications pending.
- The Downtown Food Truck Throwdown brought in about 2,000 people. There were 15 food vendors, four of which were local.
- REAP quarterly convening is July 26 at Botanica.
- Chief Roberson is in Emmitsburg for the Executive Fire Officer program at the National Fire Academy.
- With all the rainfall and flooding, the wastewater treatment plant staff has been putting in many extra hours to make sure everything kept moving through the plant, while still meeting state regulations.

12. Citizen's Forum

Lance Gormley, 720 West 12th Street, questioned if any more had been done for a crosswalk study. He provided information from Hesston on their crosswalks and costs. Staff has put in an application for TEAP funding which would pay for the study and is waiting to hear back.

In other business, several Commissioners attended the ceremony where Michelle Cook, of Newton, was awarded a Customer Advisory Committee exemplary customer service award by Amtrak. She is the only ticket agent in Kansas. Staff is still planning to apply for the CRISSI grant to help pay for station and track improvements. There is talk with Wichita about possibly making a joint application.

13. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:37 p.m.

Mayor

ATTEST:

City Clerk

**CITY COMMISSION WORK SESSION MINUTES
JUNE 25, 2019**

The Newton City Commission met for a work session at 5:30 p.m. on June 25, 2019 at 201 East 6th Street. Present were Mayor Valentine, Vice Mayor Koehn, Commissioners Davis, Kreie and City Staff. Commissioner Hague was absent.

The work session was called to order at 5:30 p.m. Commissioners received information on options for mill levy increases for the 2020 budget. Following the budget discussion, an executive session was conducted.

MOTION: Vice Mayor Koehn moved and Commissioner Davis seconded to go into executive session to discuss data relating to the financial affairs or trade secrets of second parties; to return to open session at 6:46 p.m. in the 3rd Floor Conference Room. Motion carried.

Due to a conflict of interest, Commissioner Kreie excused himself from the executive session.

The Commission went into executive session at 6:31p.m. and returned at 6:46 p.m. Mayor Valentine announced no decisions were needed.

There being no more business, the work session was adjourned at 6:46 p.m.

Mayor

ATTEST:

City Clerk



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To: City Commissioners
From: Chris Towle, City Attorney **CT**
Re: **Resolution of Support - Walton Rural Life Center**
Date: July 3, 2019

This memo has been drafted to accompany a resolution of support for the Walton Rural Life Center. As you are aware, Newton School District 373 is pursuing a bond issue which will be decided by the voters on September 3, 2019. The bond election presents two questions for the voters. The first question calls for a bond in the amount of \$61,320,000 and would provide funding for various security upgrades, improvements and maintenance. The second question calls for a bond in the amount of \$24,420,000 and would provide the funding for a new school located on the south-side of town. The passage of the second question requires that the voters also approve the first question.

It is our understanding that if the voters approve each of these questions, USD 373 would be interested in relocating the agricultural program from the Walton Rural Life Center to the new location in Newton. However, due to the agricultural nature of the program, it is vital that they would be allowed to keep certain animals at the school.

The attached resolution, while non-binding, does express an intent of future policy to allow a school within the City limits to conduct such activities. It is our position that should the voters approve the bond issues, and should the USD elect to relocate the school, it would not be necessary to amend the current animal control ordinance. Currently, City Code provides two exceptions that would be suitable for such a program. First, City Code 3-107(t) provides an exception to allow animals otherwise prohibited to licensed institutions possessing a current United States Department of Agriculture (USDA) license. Also, City Code 3-107(q) provides an exception for animals in the ownership of a *bona fide* medical institution or accredited educational institution. It is our position that the current program could operate legally within the City under the current law. If these exceptions were not in place, it would not be possible for the Rural Life Center to operate their current program within the City.

Again, the attached resolution is non-binding and could be repealed by a future City Commission, or the current body. It is simply a statement of policy, and message of support should certain contingencies occur. Adopting this Resolution provides a message to USD 373 that acknowledges the success of the Rural Life Center Program, and signals your support of the program being conducted in the City should the voters and School District proceed with the bond issues and relocation.

CT:lck



RESOLUTION NO. G-_____

A RESOLUTION DECLARING THE APPROVAL OF THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS, FOR A NEW RURAL LIFE CENTER AGRICULTURAL THEMED ELEMENTARY SCHOOL WITHIN THE NEWTON CITY LIMITS.

WHEREAS, the Walton Rural Life Center is an agricultural-based charter elementary school in Walton, Kansas, which has gained regional prominence as an effective educational institution; and

WHEREAS, the Rural Life Center is a part of the Newton Public School District (USD 373); and

WHEREAS, the Rural Life Center has received considerable community recognition and support; and

WHEREAS, USD 373 has proposed a bond issue to the voters, with a bond election scheduled for September 3, 2019; and

WHEREAS, if the bond issue is fully approved by the voters, the Board of Education of USD 373 anticipates constructing a new elementary school within the Newton city limits and relocating the Rural Life Center to such location; and

WHEREAS, such a facility being located in the City of Newton would expand opportunities for Newton youth and provide a benefit to the community; and

WHEREAS, in order for the Rural Life Center to continue with its agricultural program, certain allowances may need to be made in the City Code relating to the keeping of farm animals within the Newton city limits;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Newton, Kansas, that, in the event the Board of Education of USD 373 takes action to construct a new elementary school within the Newton city limits and to relocate the Rural Life Center to such location, and in the event existing exemptions within the City's animal control and zoning regulations do not already make adequate allowance for the keeping of farm animals at such location in relation to such educational activities, the Governing Body of the City of Newton, Kansas, hereby declares its intent to adopt such changes in its animal control regulations and/or its zoning regulations as necessary in order to permit such educational activities.

PASSED AND ADOPTED this 9th day of July 2019.

Kathleen Valentine, Mayor

Attest:

Denise Duerksen, City Clerk



Robert D. Myers
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To: City Commissioners
From: Chris Towle, City Attorney **CT**
Re: **Commencement Date for Terms of Office**
Date: July 3, 2019

This memo has been prepared to provide guidance to the City Commission in response to Senate Bill 105 which was adopted earlier this year and is effective as of July 1st, 2019. This legislation amends K.S.A. 25-313 and K.S.A. 2018 Supp. 25-210 and is applicable to us as it provides additional flexibility to determine the date on which newly elected City Commissioners take office. As you recall, the previous statutory language required the regular terms of City Commissioners to commence on the second Monday in January following the certification of the election.

However, this change allows the City to set the date on which Commissioners commence their term to any date as early as December 1st and as late as the second Monday in January. Of course, new terms cannot commence until the results of the election have been certified.

Pursuant to the previously effective law, the City Commission adopted an ordinance setting the commencement date to the second Monday in January. This date is within the acceptable range of dates for you to determine, so you are not required to make any substantive changes to comply with State law. However, it should be noted that the statute calls for the City to take action through the adoption of a resolution, so if wish to keep the commencement date the same, I will provide you with a resolution to memorialize the same. Should you elect to move the date from the second Monday in January to another permissible date, I will draft the requisite ordinance and resolution consistent with your direction.

I will be happy to address any questions or concerns that you might have and would encourage you to discuss the issues at our meeting. If there is a consensus of the City Commission at our meeting on July 9th, City Staff will be happy to finalize this agenda item for action at your meeting on July 23rd.

CT:lck