

SPECIAL CITY COMMISSION MEETING MINUTES
May 21, 2019

The Newton City Commission convened in a special session at 4:00 p.m. on May 21, 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 Attorney Towle, City Engineer/DPW Loomis, Director of Finance Pickman, Director of Communications McDaniel, Chief Dunlavy and Administrative Assistant Schmidt.

1. Executive Session under attorney/client privilege to discuss proposed development agreement.

MOTION: Mayor Valentine moved and Vice Mayor Koehn seconded to go into executive session to receive legal advice from the City Attorney and Senior Legal Counsel under the attorney-client privilege; to return to the Commission Chambers at 4:20 p.m. Motion carried.

The Commission went into executive session at 4:00 p.m. and returned to open session at 4:20 p.m.

2. Consider a resolution authorizing the execution of a development agreement with NDV Real Estate LLC.

A resolution of the City of Newton, Kansas, doing a development agreement with NDV Real Estate, LLC for the development of commercial property located west of South Kansas Avenue and south of Wheatridge Drive was considered.

Plans over development of the 76.6-acre tract were reviewed. The proposed agreement covers the first phase of development, a strip of small-lot commercial development fronting South Kansas. It includes the following commitments by the City, as requested by Occidental:

- Extend a water main along South Kansas. Estimated cost: \$179,500.
- Purchase street right-of-way at \$4 per square foot for the southern street. Estimated cost: \$115,000
- Construct 300 feet of the southern street, Quail Creek Avenue, west of South Kansas and improve the intersection as an unlit, two-way stop on Quail Creek Avenue with a single left-turn lane and shared through/right-turn lane. Estimated cost: \$315,650
- Purchase street right-of-way at \$4 per square foot for the northern street. Estimated cost: \$98,800
- Construct 300 feet of the northern street, Wheatridge Drive, west of South Kansas. Estimated cost: \$380,100
- Re-align Wheatridge Drive east of South Kansas Avenue to prepare for a lighted intersection. Estimated cost: \$845,200
- Install traffic improvements on South Kansas, including a traffic signal at Wheatridge. Estimated cost: \$254,800

- Install a center median on South Kansas to prevent straight-through traffic at Windward Drive, with the intersection of Windward Drive to then become right-in, right-out only.
- Waive up to \$25,000 in City fees, including zoning, platting, permitting, inspection, etc.

The first phase would be expected to generate about \$117,000 per year in property tax revenue for the City when fully developed.

The proposed agreement also includes “trigger events” for future phases of development, for which the City would acquire from Occidental additional rights-of-way and construct additional public improvements. The proposed agreement contains City cost-benefit thresholds that must be met by any such trigger events, plus the City’s obligation to proceed only if the City Commission at that time appropriates sufficient funds.

MOTION: Commissioner Kreie moved and Commissioner Davis seconded this resolution, assigned Resolution No. G-1206, be approved as presented. Motion carried 4-1 with Mayor Valentine voting nay.

There being no other business, the meeting was adjourned at 4:59 p.m.



Mayor

ATTEST:



City Clerk