

**CITY COMMISSION MEETING MINUTES**  
**March 14, 2017**

The Newton City Commission convened in regular session at 7:00 p.m. on March 28, 2017 at City Hall, 201 East 6<sup>th</sup> Street. Attending were Mayor Hague, Vice Mayor Nygaard, Commissioners Davis, Koehn and Valentine, City Manager Myers, City Attorney Towle, City Engineer/DPW Loomis, Community Planning and Development Director Bergeron, Director of Communications McDaniel, Deputy Chief Roberson, Chief Murphy and City Clerk Duerksen.

Penny Dugan with Newton Jerusalem Missions 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 February 28, 2017 meetings.**
- 2. Consider a request to close east 5<sup>th</sup> street from Main to east of the first parking lot entrance on April 1 from 8:00 a.m. to 4:00 p.m. for the Ain't No Joke Food Truck Rally and for other City services.**
- 3. Consider a request to close the entrance to Centennial Dog Park on May 13 from 9:00 a.m. to 2:00 p.m. for Bark in the Park and other City amenities.**
- 4. Mayor's appointment – Convention and Visitors Bureau, Alejandra Munoz, representing Comfort Inn.**

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

**REGULAR AGENDA**

- 5. Recognition of community service and achievement:**
  - A. Recognize Todd Tangeman, recipient of the Greater Wichita YMCA Volunteer of the Year Award – to be introduced by Greater Wichita YMCA Board President Steve Cox, and by Greater Wichita YMCA Board member and Newton Advisory Board member Randy Carlgren.**

Steve Cox and Randy Carlgren with the Greater Wichita YMCA, introduced Todd Tangeman as the Greater Wichita YMCA Volunteer of the Year. Mr. Tangeman has been with the Newton YMCA project since the start and was praised for his dedication to establishing the Newton branch. Tangeman stated he appreciated being acknowledged.

- B. Recognize Steve Richards, member of the USD 373 Board of Education, for this selection to the Kansas Association of School Boards "Leadership For Tomorrow" Class of 2017 – to be introduced by USD 373 Superintendent Deborah Hamm.**

Deborah Hamm, USD 373 Superintendent, introduced Steve Richards who has been selected to the Kansas Association of School Boards “Leadership For Tomorrow” class of 2017. Participation in the group will allow Mr. Richards to observe programs in schools across the state. Some of those programs could be implemented in the district.

Steve Richards, stated he was grateful for this opportunity and noted he has grown to realize education is about learning how to learn.

**6. Receive the annual report for the Newton Public Library.**

Pat Duffy, Newton Public Library Board Chair, presented the annual report for 2016. Highlights for the year included 1,815 youth and adults attending summer reading programs, 1,565 checkouts of mobile Wi-Fi and iPads, 19,881 public computer sign-ups, 17,092 NPL cardholder with 1,232 new registrations in 2016, and story time attendance of 8,433. Duffy noted having a library is a quality of life issue. As reported last year, the board is in the process of re-visioning. Vibrant communities are seeking a multitude of services and one of those is a progressive library.

**7. Consider a temporary alcoholic liquor permit Ain’t No Joke Food Truck Rally special event on East 5<sup>th</sup> Street on April 1, 2017.**

Melody Spurney, CVB Coordinator, presented the temporary liquor application for the food truck rally in Depot Park on April 1st. She noted the area would be blocked off by fencing and there will be four access control points to get in and out, which will be manned by the Sheriff’s Office. To date, 11 trucks have been confirmed, three of which are local.

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

**8. Disposition of City-owned property located in the Enns Subdivision:**

City Attorney Towle asked for a short executive session to give legal advice to the Commission on this item.

**MOTION:** Vice Mayor Nygaard moved and Commissioner Valentine seconded to go into executive session for 5 minutes under attorney/client privilege to receive legal advice from counsel, to include the City Manager and City Attorney. Motion carried.

The Commission recessed to executive session and returned to open session at 7:34 p.m.

Commissioner Valentine announced that she was recusing herself from all discussion and voting on this item as Mr. Blann is her boss.

**A. Consider a real estate agreement and quit claim deed.**

**B. Consider a resolution authorizing the Mayor and City Clerk to execute the attached real estate sales agreement and quit claim deed.**

Philip Blann petitioned the City to vacate a street right-of-way in Enns Subdivision in order to build a shed. The property is owned by the City and there are no plans to use this property for a street. In order to sell the property, both property owners along the easement must be notified. Mr. Blann has talked with his neighbor, who is not interested in the property. Staff has consented to selling the property for \$1.00 with the retention of a permanent utility easement. Mr. Blann will be responsible for the closing costs on the property.

A Resolution authorizing the sale and conveyance of certain real property by the City of Newton, Kansas to Philip Blann and Paula Blann was considered.

**MOTION:** Commissioner Koehn moved and Commissioner Davis seconded this Resolution, assigned G-1168, be approved. Motion carried 4-0 with Commissioner Valentine abstaining.

**9. Consider a lease agreement with Enterprise holding.**

City Attorney Towle asked that this item be tabled indefinitely.

**MOTION:** Vice Mayor Nygaard moved and Commissioner Valentine seconded to table this item indefinitely. Motion carried.

**10. Consider participation in the Federal Fund Exchange Program and authorize staff to sign the associated agreement.**

City Engineer/DPW Loomis presented information on the Federal Fund Exchange Program. This program is voluntary and allows a local public agency to trade all or a portion of its federal fund allocations in a specific fiscal year with KDOT, in exchange for state transportation dollars. The City will take \$.90 of state funds per \$1.00 of federal funds. This will allow Newton to let and administer projects according to local standards. KDOT will reimburse the City up to the maximum amount of allowed totaled dollars. Estimated funds for 2017 are \$198,244.69. Staff recommends utilizing the funds for the annual overlay or improvements on South Kansas.

**MOTION:** Vice Mayor Nygaard moved and Commissioner Koehn seconded to approve the participation in the KDOT Federal Fund Exchange Program and authorize staff to sign all associated agreements. Motion carried.

**11. Consider updates to the drainage design criteria.**

City Engineer/DPW Loomis reported the City has in place a set of rules and guidelines that govern design requirements for development. A section of these rules is the drainage criteria. The current version of the drainage criteria has been in place since 2007. Some of the methods and reference manuals in the criteria date back to the mid 1980's. Changes in practices, criteria, and regulations, coupled with the post construction BMP ordinance passed in 2009 have compelled a revision to the detention criteria. The new criteria is intended to provide clear guidance that will expedite the review and approval of development applications. These changes will not cost the City additional dollars. Also, updating modeling software, methodologies, and

associated reference materials will likely allow for an easier design process for consultants and developers. The criteria is based on standard industry practices.

**MOTION:** Commissioner Davis moved and Commissioner Koehn seconded to approve the drainage design criteria as presented. Motion carried.

**12. Presentation of new police protective equipment.**

Police Chief Murphy and Deputy Chief Dunlavy showed the Commission two new types of protective gear purchased for department use. Law enforcement realized deficiencies in equipment after the shooting at Excel Industries in 2016. As a result, 38 rifle-rated vests were purchased for \$14,000 to equip all of the department's officers and two ballistic shields were purchased for a total of \$10,000 for general department use. The \$24,000 expenditure was made using donations and funds from drug asset forfeiture.

**13. Citizen's Forum.**

Ron Eggert, 2107 Sherwood Avenue, expressed his concern with the lack of transparency of who is serving on the Retail Recruitment Task Force as well as the Community Council of Police Facilities. He questioned how the citizens can talk to these members to share their concerns or ideas.

In other business, members of the new Community Council on Police Facilities were announced. The group is tasked with making a recommendation to the City Commission about the best approach to addressing law enforcement facility needs. Tom Williams will serve as chairman. Members are Mary Beck, Chip Bungard, Jennifer Hamm, Barbara Lee, Rod Nicholson, Sue Meacham and Jaime Ontiveros. Leroy Koehn will serve as the commission's liaison. Their first meeting will be on March 20. Commissioners expressed the need for the community to see itself as others see us and for citizens to start supporting the small businesses in the community.

**14. Executive session to discuss confidential data relating to financial affairs or trade secrets of second parties.**

There was no need for the executive session at this time.

**15. Adjournment.**

There being no further business to come before the Commission, the meeting was adjourned.

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Mayor

ATTEST:

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City Clerk