

CITY COMMISSION MEETING MINUTES
March 28, 2017

The Newton City Commission convened in regular session at 7:00 p.m. on March 28, 2017 at City Hall, 201 East 6th 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, Chief Metzler, Chief Murphy and City Clerk Duerksen.

Pastor Tony Johnson with Hillcrest Community 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 March 14, 2017 meeting.**
2. **Consider an application for a cereal malt beverage license for Lonestar Store #28 located at 3524 S. Duncan.**

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

REGULAR AGENDA

3. **Recognition of community service and achievement:**
 - A. **Recognize the Newton High School wrestlers who qualified for and participated in the State championship tournament.**

Coach Tommy Edgmon introduced the wrestlers who qualified and participated in the State championship tournament. The team took 7th overall.

- B. **Recognize Don Saylor and Greg Terjesen with Tribine Harvester, LLC for their recent AE50 Award.**

Don Saylor and Greg Terjesen with Tribine Harvester, were recognized for receiving the AE50 Award for Outstanding Agricultural Machinery Innovation from the American Society of Agricultural and Biological Engineers. Tribine designs and manufactures very high-capacity combines at its facility in Newton.

4. **Receive the 2016 year-end financial report.**

Lisa Marshall, Interim Finance Director, presented the 2016 year-end financial report. The City was able to end the year well under budget by combining and eliminating some positions, delaying some hiring, and reducing other expenditures where possible. The 2016 adopted budget called for the City to draw down on its reserves by \$1.5 million, but with the cost-cutting measures staff were able to drop that number down to about \$236,000. Other

highlights included property tax collection where higher than budgeted, sales tax revenues continue to steadily increase each year, Airport fuel sales exceeded the budgeted amount by 13%, and utility fund revenues exceeded expenditures for the year.

City Manager Myers reported that the City has received another Certificate of Achievement in Financial Reporting for 2015. It was also noted the auditors have completed their work. Finance staff was praised for their work by the auditors.

5. Consider a request by Ron Harder to amend the animal control ordinance regarding horses.

Ron Harder, local realtor and developer, asked the Commission to consider amending the animal control ordinance to allow horses in town by creating ranchettes - 1 to 1.5 acre home lots that would allow one horse to be kept. This would follow the trend toward more urban agriculture and rural-style living. He is hoping to develop the concept on property bordering I-135, east of the existing Autumn Glen addition. Current city code requires at least 3 acres for a horse to be kept in the City limits. City Commissioners said they liked the concept noting it is a quality of life issue, but acknowledged potential problems with neighbors. They directed City staff to investigate and bring back options for the Commission to consider at a future meeting.

6. Consider a Resolution amending the ambulance fees.

Chief Metzler presented information on the proposed increase in the base rates and a change in the way supplies are charged. The cost of delivering EMS care continues to rise. Changes in medical billing and coding have made recovery of these medication fees increasingly challenging, and most major insurance companies prefer to pay for bundled services, rather than individual items. Medication prices change a lot and this creates problems when billing. Chief recommended discontinuing the practice and start billing for bundled services.

A Resolution establishing charges for ambulance service by the Fire/EMS department of the City of Newton, Kansas; and repealing Resolution No. G-1133 was considered.

MOTION: Commissioner Davis moved and Commissioner Valentine seconded this Resolution, assigned G-1169, be approved as presented. Motion carried.

7. Consider an Ordinance setting the dates and times for the sale and discharge of fireworks.

An Ordinance establishing certain days and hours during which the retail sale and the discharge of certain fireworks shall be permitted within the City of Newton, Kansas, and establishing the amounts of the application fees and performance bonds required for permits to engage in the retail sale of fireworks in the City of Newton, Kansas, all as provided under Ordinance No. 4226-97 of the City of Newton, Kansas was considered.

MOTION: Commissioner Koehn moved Vice Mayor Nygaard seconded this Ordinance, assigned 4936-17, allowing sale and discharge on June 30 through

July 3 from 10:00 a.m. to 10:00 p.m. and sales on July 4 from 7:00 a.m. to 8:00 p.m. and discharge from 7:00 a.m. to midnight be approved. Motion carried.

8. Consider a Resolution and attached agreements that would allow the continued operation of two digital signs within the City.

A Resolution authorizing the execution of two separate zoning interpretation and amortization agreements concerning the usage of certain signage within the City of Newton, Kansas was considered.

Staff has been in contact with the owners of 413 N. Main and 519 N. Main regarding their digital signs. The agreements allow for the businesses to continue usage of their digital signs until their business no longer operates out of their current location or for the useful life of the signs.

MOTION: Commissioner Valentine moved and Commissioner Koehn seconded this Resolution, assigned G-1170, be approved as presented. Motion carried.

9. Planning Commission:

- A. Receive the recommendation of the Newton/North Newton Area Planning Commission regarding the acceptance of the MJE Addition final plat and affidavit of correction.**
- B. Open the matter for public comment.**
- C. Consider approval of the final plat.**

Director of Community Planning & Development Bergeron presented the final plat along with the affidavit of correction for the MJE Addition. At their August 3, 2015 meeting, the Planning Commission approved the final plat pending submission and staff approval of the drainage plan and post-construction BMPs. It was discovered during the review process that a line of text on the legal description of the submitted final plat had been left off, therefore Mr. Jantz has submitted an affidavit of correction, amending the legal description, along with the final plat.

MOTION: Commissioner Davis moved and Vice Mayor Koehn seconded to approve the final plat and the affidavit of correction as presented. Motion carried.

10. Consider an agreement with the Kansas Department of Transportation for railroad crossing improvements on SW 24th Street.

City Engineer/DPW Loomis presented the crossing improvements from KDOT. The rail specialty staff reviews crossing all over the state and found this crossing would need upgrades. The project will be funded 100% through Federal funds. The City will be responsible for maintenance of the advance warning signs and pavement markings on the street. The crossing is located at SW 24th Street at the BNSF crossing on the west side of sand creek.

MOTION: Commissioner Davis moved and Commissioner Koehn seconded to approve the agreement with the Kansas Department of Transportation for the railroad crossing improvements at SW 24th Street and the BNSF tracks. Motion carried.

11. **Consider plans and specifications for improvements to Runway 8-26 and set date and time to receive bids (April 18 @ 2:00 p.m.) subject to FAA review.**

The crosswind, east-west, Runway 8-26 was rehabilitated in 2004. The 2013 Airport CIP identified longitudinal cracking and the need to rehab this runway. The FAA issued their "Go Letter" in November 2016 and both the City and County Commissions have told staff to proceed with the project. HNTB completed the plans and specifications, which have been submitted to the FAA for approval. Once bids are let, HNTB will submit a grant application for construction funding through the FAA. The cost for the design and construction of the project is eligible for 90/10 FAA/local match funding. The City and County would each pay 5%. The projected cost for each entity would be about \$23,000.

MOTION: Commissioner Koehn moved and Commissioner Valentine seconded to approve the plans and specification for improvements to Runway 8-26 and set April 18 at 2:00 p.m. to receive bids. Motion carried.

12. **Receive reports on the Retail Development Task Force and Community Council on Police Facilities meetings.**

The Retail Development Task Force has met four times and developed a list of findings and recommendations that will be refined at their next meeting. The final list of recommendations will be presented to the Commission at the April 25 meeting.

The Community Council on Police Facilities had an initial meeting. The goal of the group is to hold several community listening sessions to gather information, needs and concerns from the community, evaluate information, background materials and studies previously done and provide a recommendation for a police facility. Recommendations will be heard no later than the end of August, 2017.

13. **Citizen's Forum.**

Pam Stevens, Chamber CEO, distributed "Who Owns the Ice House" books to the Commission.

In other business, City staff was commended for the work done on bringing the budget in under projections, and for their dedication and commitment to the City. REAP's legislative delegation met with legislators in Topeka. It was noted the mood with legislative delegation was different than in the past – they asked a lot questions, and were interested in what was said.


14. **Executive session to discuss confidential data relating to financial affairs or trade secrets of second parties and matters under attorney-client privilege.**

MOTION: Vice Mayor Nygaard moved and Commissioner Valentine seconded to go into executive session to discuss confidential data relating to financial affairs or trade secrets of second parties, matters under attorney-client privilege and to discuss preliminary matters relating to the acquisition of real estate; the subjects to be discussed are an existing industrie's expansion plans, pending litigation, and to discuss if there is interest in property being offered to the City; those included in the executive session are the City Attorney, City Manager, Public Works Director/City Engineer, and Director of Community Planning & Development; the meeting will return to open session at 8:46 p.m. Motion carried.

The Commission recessed to executive session at 8:26 p.m. and reconvened at 8:46 p.m. Mayor Hague noted no binding action was taken during executive session.

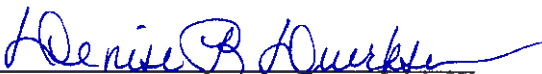
15. Adjournment.

There being no further business, the meeting was adjourned.



Mayor

ATTEST:



City Clerk