

CITY COMMISSION MEETING MINUTES
June 13, 2017

The Newton City Commission convened in regular session at 7:00 p.m. on June 13, 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, Director of Community Planning and Development Bergeron, Director of Communications McDaniel, Chief Metzler, Chief Murphy, Airport Manager Palmer and Deputy City Clerk Krehbiel. City Clerk Duerksen was absent.

Pastor Doug Ingmire, Newton Christian 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 May 23, 2017 work session and regular meeting and the June 8, 2017 agenda review meeting.**
2. **Receive a request to close Kansas Avenue from the Centennial Park parking lot to the North Newton city limits on July 4 from 7:00-10:30 a.m. for the Headin' for Home 5K & Fun Run.**
3. **Mayor's appointments:**
 - **Substance Abuse Board, Sgt. Mike Yoder, term ending 6-30-2020;**
 - **LEAP, Gloria Arellano, Fabiola Flores & Shafiqu Hason, terms ending 4-30-2020; Aaron Austin to fill unexpired term of Austin Hamilton, term expiring 4-30-2018;**
 - **Newton Recreation Commission, reappoint Willis Heck, term ending 6-30-2021.**

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

REGULAR AGENDA

4. **Recognition of community service and achievement:**
 - A. **Receive a report on planning for a community celebration of the NHS spring sports state qualifiers, medalists and team achievements.**

City Manager Myers reported there will be a celebration to honor the achievements of NHS spring sports athletes at 7:00 p.m. on June 21 at the Meridian Center, sponsored by Newton NOW newspaper. This year the Girls Track Team were state champions for the second year in a row. The Girls Soccer Team finished the season with a 15-3 game record, which included a 10-game winning streak. The Boys Track Team placed 4th in the state championship.

5. **Prairie Fire RHID – Land Transfer**
 - A. **Receive an Agreement for Conveyance of General Warranty Deed to Real Estate**
 - B. **Receive a General Warranty Deed conveying property from Developer to City**

C. Receive a General Warranty Deed conveying property from City to Developer.

City Attorney Towle said as part of the Rural Housing Incentive District (RHID) development agreements for Prairie Fire and Cottonwood Crossing apartments there is a provision whereby the City holds an interest in the land. The City's interest is only released when the project is successfully completed. The two deeds that convey property back to the developer include a reversionary interest for the City. In the unlikely event that the developer is unable to complete the project, the reversionary interest allows the City to step in and take title to the property. This would give the City certain options and contingencies. Commissioners asked why the immediate transfer back was necessary. City Attorney Towle said this process is necessary, in order to get the reversionary interest.

MOTION: Commissioner Koehn moved and Commissioner Davis seconded to approve the Agreement authorizing the Mayor to execute the warranty deed which conveys the property back to the developer. Motion carried.

6. Cottonwood Crossing RHID – Land Transfer

- A. Receive an Agreement for Conveyance of General Warranty Deed to Real Estate**
- B. Receive a General Warranty Deed conveying property from Developer to City**
- C. Receive a General Warranty Deed conveying property from City to Developer.**

MOTION: Vice Mayor Nygaard moved and Commissioner Valentine seconded to approve the Agreement authorizing the Mayor to execute the warranty deed which conveys the property back to the developer. Motion carried.

7. Consider a lease agreement with Midwest Aircraft Services, Inc. for Hangar B at the Newton City/County Airport.

Airport Manager Palmer said Midwest Aircraft Services, Inc. has been in the hangar for some time and this agreement will make them the tenant of record. Commissioners asked about the term of the lease. Airport Manager Palmer said the term was set up so that this lease will expire at the same time as other lease agreements with Midwest Aircraft Services, Inc. When that happens, the company will have the option to renew all of the leases at the same time. With the recent change in the Aviation Commission ordinance, long term leases now require approval by the governing bodies of the City and the County. So the Commission may see other leases on the agenda in the future.

MOTION: Commissioner Davis moved and Commissioner Koehn seconded to approve the lease agreement. Motion carried.

8. Centennial Park

- A. Receive bids and award contract for the Centennial Park sewer.**

<u>Bidder</u>	<u>Bid Amount</u>
Dondlinger Construction	\$187,474.00
Nowak Construction Co.	\$210,247.80

Mcullough Excavation	\$232,404.00
Middlecreek Corp.	\$282,103.40
Duling Construction Co.	\$253,896.00
Mies Construction	\$290,259.00
Engineer's Estimate	\$222,730.00

B. Discuss proceeding with the funding for design of the Centennial Park restrooms.

City Engineer/DPW Loomis said the Centennial Park restrooms currently drain into underground sewage storage tanks that are old and need to be removed. On June 8, 2017, the City took bids on a sewer lift station and force main to replace the underground tanks. Dondlinger Construction, the low bidder, submitted a bid for \$187,474, which is under the estimated cost. Staff recommend the Commission award bids to Dondlinger Construction.

In a related matter, the Public Building Commission (PBC) has moved up the timeline for replacement of this very old restroom concession stand in their CIP (Capital Improvements Plan) Master Plan. The master plan calls for design of the project in 2018 and construction in 2019. However, citizens have requested even sooner replacement. Newton Recreation Commission and City staff propose an option wherein the City would loan funds to the PBC to complete the project one year earlier. The PBC would then pay the city back for the expended funds in the following year. The plans would include a restroom and open air concession with a press box on the second level located between Kenny Williams Field and Klein Scott Field. The entrance gate for Klein Scott Field would be moved to tie in with the new building. This option would be funded by the City through sales tax revenues intended for economic development. Estimated design cost is \$56,000 and estimated construction cost in 2018 is \$260,000-\$280,000. Staff recommend loaning funds to the PBC for this project.

Commissioners commented on the poor condition of the current restrooms and the need to replace them. Commissioners asked if moving up the timeline for the restroom replacement would have any negative affect on other PBC projects. City Manager Myers said this project is a top priority, so he did not foresee any problems.

MOTION: Commissioner Davis moved and Commissioner Koehn seconded to award the contract to the responsible low bidder, Dondlinger Construction, for \$187,474. Motion carried.

MOTION: Commissioner Davis moved and Commissioner Valentine seconded to approve the Public Building Commission's capital improvement plan and proceed with the funding of the plan. Motion carried.

9. Discuss revisions to the cemetery rules and regulations.

City Engineer/DPW Loomis said a draft of the new cemetery rules and regulations was sent to local businesses that will be affected by them, like the funeral homes. Staff have already received feedback that will be considered as changes are made. Staff are trying to find a happy medium between providing this important community service and avoiding the long work hours and staffing costs associated with situations like burials on holiday weekends. The new

regulations assign a dollar amount to cover such costs. Staff will make changes to the rules and regulations and bring them back to the Commission at a later date.

10. Receive an update on the progress of the water and sewer master plan.

City Engineer/DPW Loomis said sewer capacity tests were recently completed using in-line monitoring devices. The test results support the need for increased sewer capacity in some locations. With no excess capacity, it is challenging for staff to stay on top of sewer maintenance. Several of the locations are also being looked at by developers, but cannot currently support the additional sewage that new development would bring. The master plan will also include other items like water tower painting and reconstruction. Staff will bring the plan to the Commission at a later date.

11. Citizen's Forum.

There was no one to speak.

Commissioners thanked staff for their knowledge and direction, thanked the community for support of the recent Amtrak event, and thanked the American Legion, Newton Police Department, Harvey County Sherriff's Department and local Boy Scouts for putting up flags on Memorial Day. Mayor Hague said the city to city tour of Ponca City and the Amtrak trip from Oklahoma City to Newton were valuable. Ponca City can teach Newton how to successfully own a historic property. The extension of the Heartland Flyer has lots of support in Oklahoma and Kansas and it's only a question of when it will happen.

12. Executive session to discuss non-elected personnel and confidential data relating to financial affairs or trade secrets of second parties.

MOTION: Commissioner Koehn moved and Commissioner Valentine seconded to go into executive session for 10 minutes to discuss non-elected personnel for the purpose of conducting the City Manager's performance review. Motion carried.

The Commission went into executive session and returned to open session at 7:47 p.m. Mayor Hague noted no binding action was taken during the executive session.

13. Adjournment.

There being no further business, the meeting was adjourned.



Mayor

ATTEST:



City Clerk