

CITY COMMISSION MEETING MINUTES
August 22, 2017

The Newton City Commission convened in regular session at 7:00 p.m. on August 22, 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 Finance Pickman, Director of Community Planning and Development McElroy, Director of Communications McDaniel, Chief Metzler, Chief Murphy and City Clerk Duerksen.

Penny Dugan with New 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 the August 8 meeting.**
- 2. Consider a cereal malt beverage application for Play-Mor Lanes, 1105 Washington Road.**
- 3. Consider a request to close 6th Street from Main to Poplar on August 30, 2017 for a community pep rally.**
- 4. Receive a request to close 6th Street from Main to Poplar for the “Ain’t No Joke” Back 2 School food truck rally on September 30.**

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

REGULAR AGENDA

- 5. Recognition of community service and achievement:**
 - A. Recognize the members of the Newton Babe Ruth and Cal Ripken baseball teams who qualified for and participated in their State tournaments this summer.**

Coach Rick Golubski introduced the Babe Ruth team members, who qualified for State and were District runners-up. Coach Tracy Aarons then introduced the Cal Ripken team members. Besides qualifying for State and being District runners-up, they were also the winners of the State Sportsmanship Award.

- B. Recognition of two Newton High School alums who had outstanding high school athletic careers, and who have then gone on to further success and achievement:**

- 1. Recognition of Payton Roberts, Newton High School Class of 2016.**

2. Recognition of Janae Voelker Inman, Newton High School Class of 2006, and a 2016 inductee into the Newton High School Hall of Fame.

Two of Newton High School's most accomplished student-athletes: Janae Voelker Inman and Payton Roberts, were recognized. Both women were standout multi-sport athletes at NHS, followed by Division I athletic careers. Their former high school coaches spoke about coaching these athletes.

6. Consider a temporary alcohol permit for the Ain't No Joke Back 2 School food truck rally on September 30 on West 6th Street from Main to Poplar.

XCLUSIVE Events/Christopher Young will be holding a food truck rally on September 30. A request for a temporary alcohol permit has been submitted for the event. The same site as the Chili Cook-off will be used for this event.

MOTION: Commissioner Davis moved and Commissioner Valentine seconded to approve the temporary alcohol permit for the event. Motion carried.

7. Consider a Resolution establishing an events policy.

A Resolution adopting a special event policy for events on City property including rules, requirements and applicable fees was considered.

Staff has received comments back from events coordinators on the draft events policy. Changes made to the policy include fees for City services at festivals, parades and other events can be waived by the City Commission, except in the case of security fencing needed for events that serve alcohol or charge admission fees and for dedicated police or fire/EMS presence. A security deposit may be requested for large events that do not have an established history. All events requesting City services will pay a \$25 application fee.

MOTION: Commissioner Koehn moved and Commissioner Valentine seconded this Resolution, assigned G-1173, be approved as presented. Motion carried.

8. Consider initiating condemnation proceedings for the construction of a potable ground-level storage tank on property owned by BNSF Railroad and Vae Nortrak to the east of Sand Creek.

A. Receive a memo from City Staff regarding the proposed action.

City Engineer/DPW Loomis presented information on the West 1st Street ground level storage tank. This 3.8 MG capacity storage tank was constructed in 1939. The interior of the steel structure was last repainted in 1997. In 2012, a structural report was done revealing that the roof framing members are severely deteriorated and have significant corrosion due to the constant wet environment. There is some seepage of water along the base of the tank. Options have been looked at for renovation versus a new tank structure. Building one smaller tank (1.9 MG) at a nearby location and then demolishing the existing tank and replacing it with another

1.9 MG tank is the recommendation of staff and the consultant. The best site for the second tank was determined to be to the southwest of the existing tank on BNSF property. In order to move forward with obtaining the land, condemnation proceedings must be started. It is hoped that initiating proceedings will spur negotiations for sale of the land.

B. Receive a resolution to initiate condemnation proceedings.

A Resolution of the City of Newton, Kansas, declaring the necessity of the City of Newton, Kansas, a municipal corporation to appropriate through the exercise of eminent domain, certain interests in real property for the use of said city, pursuant to KSA 265-501(b), and commanding a survey and description of the land or interests to be condemned to be filed with the City Clerk, all in according with K.S.A. 26-501 et. Seq. was considered.

MOTION: Vice Mayor Nygaard moved and Commissioner Davis seconded this Resolution, assigned G-1174, be approved as presented. Motion carried.

9. Receive the executive summary to the update of water/sewer master plan.

With growth in Newton, the 2005 water and sewer master plan needs to be updated. The plan provides solutions to different sewer basins and the associated challenges to development, upcoming state and federal mandates regarding permitting and environmental regulations that may impact necessary upgrades to the water and sewer treatment facilities, and estimated costs for the necessary improvements. These cost estimates will help with the budgeting process and will be added to the Capital Improvement Plan (CIP).

MOTION: Commissioner Davis moved and Commissioner Valentine seconded to accept the update of the water/sewer master plan. Motion carried.

10. Review the current draft of the right-of-way Ordinance.

Staff presented a draft right-of-way Ordinance, noting the City is responsible for maintaining all public right-of-way. The proposed ordinance would establish a permitting process for use of the public right-of-way for utilities, poles, sidewalks, mailboxes, irrigation systems, etc. It is a common practice for cities and counties to have such an ordinance. Utility companies will have an opportunity to comment on the ordinance before any final decision is made.

11. Law enforcement facility discussion follow up.

In an earlier work session with the Harvey County Commission, discussion was held on the law enforcement facility. The two commissions agreed in principal to move ahead with hiring an architect to get estimate and plans and lead level testing complete.

12. Citizen's Forum.

Pam Stevens, Chamber Director, invited the Commission to take part in college night Thursday in the downtown area. Surrounding colleges have been invited to participate in the event.

In other business, Commissioners commented on the Servant Leadership work session that was held. They heard some good things and received some challenges as a Commission. There has been some positive movement on the Amtrak front regarding the extension of the Heartland Flyer. Representatives will be traveling to Oklahoma City to testify before their legislature on September 6.

MOTION: Commissioner Valentine moved and Commissioner Koehn seconded to go into executive session to discuss proprietary information concerning an economic development prospect, with the justification being to discuss data relating to financial affairs or trade secrets or corporations, partnerships, trust or individual proprietorships, and to return to open session in the City Commission Chambers at 8:50 p.m. Motion carried.

The Commission recessed to executive session at 8:20 p.m. and returned to open session at 8:50 p.m. Mayor Hague announced no binding action was taken during executive session.

13. Adjournment.

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

ATTEST:

City Clerk

Mayor