

CITY COMMISSION MINUTES
January 13, 2004

The Newton City Commission convened in regular session on January 13, 2004 in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Scott and Commissioners Loescher, Roberson and Treaster. Also attending were City Manager Heinicke, City Attorney Myers, DPW/City Engineer Loomis, Director of Finance/City Clerk Ahsmuhs, Community Development Director Johnson, PIO Kleeman and Deputy Clerk Duerksen.

Mayor Heck provided the invocation and then led in the Pledge of Allegiance to the US Flag and presided over the items of business.

CONSENT AGENDA

1. **Review minutes of December 16, 2003 Commission meeting.**
2. **Fischer Field restroom facilities.**
 - A. **Approve plans and specifications for restroom facilities at Athletic Park.**
 - B. **Consider a Resolution finding advisable and authorizing the improvements.**

This Resolution of the City of Newton, Kansas, authorizes additions and improvements to certain public buildings and facilities and provides for the payment of the costs thereof and is assigned Resolution No. F1007 and is contained in Volume D of Improvement Resolutions.

- C. **Set date and time to receive bids (February 4 at 1:30 p.m. is suggested).**

MOTION: Commissioner Roberson and Vice Mayor Scott seconded to approve the Consent Agenda as presented. Motion carried 5-0.

REGULAR AGENDA

3. **Citizen's Forum.**
 - A. **Receive request for taxicab rate increase from OT Cab Company.**

Mavis Sack, OT Cab, Inc., noted in 2001 OT Cab Company asked for an increase in fares and were asking for a \$.25 raise again to cover the increase for car maintenance, fuel prices, and payroll to keep good employees. City Attorney Myers noted that a request in written form asking for the increase needed to be submitted and a public hearing could then be set for the next meeting. Commissioner Roberson asked is she would include the hours of business and what a citizen is to do for after hours. She has received some inquiry about this.

4. **Manager's Update.**

- ❖ Newton hosted an environmental forum on December 18. There were 60 attendees representing 13 cities, 4 counties and various agencies. Numerous experts presented information relative to the future water regulatory environment.
- ❖ The Health Facilities Task Force has completed its primary information gathering phase. A preliminary report may be available by March.
- ❖ Newton Fire/EMS has been designated as the Regional Chemical Assessment Team. Their role will be to provide the brainpower to evaluate situations, then larger departments will provide the labor contingent to handle the incident. The City should be proud to have the technical skills and training to be selected for this task.
- ❖ The KS Task Force 1 proposal will be shared with representatives of Tiarht, Brownback and Roberts's office on Thursday. REAP has endorsed this idea.
- ❖ National League of Cities is holding the National Congressional Cities meeting in March. This is a good time to go and meet with Representatives to talk about Sand Creek, Task Force 1, and the effluent grant. Those wishing to go need to let staff know.
- ❖ Mayor Heck gave an update on REAP activities and the legislative reception. He reported City Attorney Myers will be chairing an ad hoc committee to address water issues.
- ❖ Jerry Martin, Water/Wastewater Superintendent, is representing Newton and other communities at the Groundwater Management District election.

5. Year-end report.

Each year the City identifies a list of the top ten accomplishments of the previous 12 months. City Manager Heinicke recognized the unprecedented degree of cooperation among agencies and other units of government to allow the following items to be successful.

- 1) Fischer/Athletic Fields Renovations – There was an unprecedented cooperative effort between the City, School District and NRC to do upgrades to Fischer Field, Newton Stadium, and the other existing athletic fields.
- 2) Citizen Survey – A survey of over 7,000 households was done with 1,500 responding back. Top priorities from citizens were street improvements/traffic issues, don't raise taxes, jobs and economic development, and downtown revitalization.
- 3) Street Improvements – Intersections at 1st & Main and 12th & Main will be improved beginning this year and KDOT and BNSF will be doing railroad crossing improvements.
- 4) Downtown Revitalization – Steps taken to encourage downtown redevelopment include: neighborhood revitalization, tax rebates, marketing task force, revolving loan fund, vision task force, historic districts, and alley rehabilitation/reconstruction.
- 5) Budget Reductions – Due to State budget cuts and increased insurance costs, the budget was cut 5% in mid-year and the 2004 budget was held to the 2003 level.
- 6) Sand Creek Environmental Restoration – City applied for \$5 million in federal aid and got a funding commitment for this.
- 7) Outside Sources of Funds – Besides Sand Creek funding, staff was successful in obtaining \$554,519 in federal funding.

- 8) Lincoln Park Apartments – The creative reuse of this property avoided the necessity of demolishing a historic building while providing housing for seniors. The apartments are 100% occupied.
- 9) Emergency Medical Services – The Fire/EMS department received statewide awards for Physician of the Year (Dr. Paul Bogner), Paramedic of the Year (Phil Beebe) and Community Service Award (Rick Pohl).
- 10) Westside water and sewer lines completed.

6. Consider an interlocal agreement for Newton Athletic facilities.

City Attorney Myers noted that this agreement is between the City, USD 373, Newton Recreation Commission and the Public Building Commission. This agreement puts together how the athletic fields project is going to operate. The City is the first governing body to adopt the agreement. Myers noted there might be minor word changes the other entities might want. He then went through the scope of the agreement. It was noted that the Attorney General must approve the agreement to make sure each of the commitments made by the governmental agencies are within their legal authority. Commissioner Loescher noted he would abstain from the discussion and voting since his company might be involved with the financing.

MOTION: Commissioner Roberson moved to accept the interlocal agreement as presented. Vice Mayor Scott seconded the motion which carried 4-0-1 with Commissioner Loescher abstaining from voting.

MOTION: Vice Mayor Scott moved to give staff latitude to make editing and word changes as necessary without changing the content of the agreement. Commissioner Roberson seconded the motion which carried 4-0-1 with Commissioner Loescher abstaining from voting.

7. Consider a Letter of Intent from Ron and Janice Harder for Property Exchange.

Ron and Janice Harder currently own approximately 10 acres located at the Northwest intersection of 12th Street and Boyd and will exchange that for five acres owned by the School District on 17th Street. The School will use the 10 acres for new soccer fields and the Harder's will develop housing on the five acres. The City's part in the agreement is all in house staff work.

MOTION: Commissioner Treaster moved and Commissioner Roberson seconded to approve the Letter of Intent for property exchange. Motion carried 5-0.

8. Receive a recommendation of the Newton Revolving Loan Fund Task Force and consider a Resolution establishing the Downtown Newton Small Business Revolving Loan Fund and Program.

A Resolution establishing a Downtown Newton Small Business Revolving Loan Fund and Program for the City of Newton, Kansas was considered.

Community Development Director Johnson reported the City has committed \$100,000 of City CDBG funds to the revolving loan program. The task force has reviewed literature on RLF's and considered examples of organizing and funding such programs. The task force felt it was more important to establish the fund now, using the resources that were available, rather than do nothing and wait and see if additional funds can be secured. The EDC has agreed to include the Newton Small Business Revolving Loan Program in their stable of business assistance programs and will serve as the primary point of contact for the program as well as review and evaluate all applications submitted to the program. Johnson outlined the program eligibility, uses of funds, terms and condition and fees and other requirements. He then reviewed the application process. The resolution spells out all the requirements of the program. Changes needed in the Resolution include adding Section 3(g) mentoring, and changing the annual servicing fee to one-half of one percent in Section 3(e). Commissioners felt everyone involved with this has done a great job and it is a good use of CDBG funds.

MOTION: Commissioner Loescher moved that this Resolution, assigned G-886, be approved with the changes noted. Vice Mayor Scott seconded the motion which carried 5-0. (This Resolution is contained in Volume D of General Resolutions.)

9. Consider creation of a task force on downtown development organization.

At the January 6 work session, the Commission agreed to consider creation of a task force to determine how the City can best assist in downtown revitalization in the long term. City Manager Heinicke presented the parameters of the task force. The name of the task force would be Downtown Vision Task Force. Their mission would be to identify how the City of Newton should proceed in the long term to ensure a comprehensive, coordinated approach to downtown revitalization. This task force would identify a vision for downtown, determine what specific programs the City should make available to assist in revitalization, discuss methods of organizing downtown efforts in a cohesive and comprehensive manner that will maximize effectiveness of resources, analyze disposable income patterns in the marketplace to see what consumers actually desire, and estimate what public costs are involved in the program. The Mayor will make the appointments to the task force which shall be representative of the stakeholders in the central business district. They shall complete their work by March 31, 2004. It is also suggested the Mayor chair this task force.

Commissioner Roberson noted she was very interested in the information from the Buxton Company and believes that something like that is key to getting everyone heading in the same direction. Commissioner Loescher noted the company takes a strong look at the identification of what our community can/will support and not just what we want. A representative from this company is going to be in Harvey County in February.

MOTION: Vice Mayor Scott moved to establish the Downtown Vision Task Force along the guidelines presented. Commissioner Roberson seconded the motion which carried 5-0.

10. Railroad Park.

A. Consider a Resolution authorizing the acquisition of a survey as to easements to be obtained through eminent domain in relation to the proposed Railroad Park project.

DPW/City Engineer Loomis noted that the path project is located in two locations. One part comes down Diagonal Street from 4th Street and runs along 1st Street and ties into Sand Creek. The other part is at Centennial and ties into Bethel College. The City is needing right-of-way along 1st street to widen the sidewalk and to move the retaining walls back. Six easements were needed and staff has obtained three. Loomis has calculated a dollar amount of \$202.36 and offered that for the Hayes property. They will also receive a new retaining wall and driveway. They have made an offer of \$1,000. A Resolution determining the necessity of appropriating certain private property for use by the City of Newton, Kansas, and authorizing a survey and description of such property to be prepared and filed with the City Clerk was considered.

MOTION: Commissioner Roberson moved that this Resolution, assigned G-887, be approved as presented. Commissioner Loescher seconded the motion which carried 5-0. (This Resolution is contained in Volume E of General Resolutions.)

MOTION: Commissioner Treaster moved and Vice Mayor Scott seconded to approve the offer of \$1,000 from the Hayes' for their property. Motion carried 5-0.

B. Consider an Ordinance authorizing the commencement of condemnation proceedings in District Court to acquire certain necessary easements for the Railroad Park project.

An Ordinance authorizing and providing for the acquisition by eminent domain a certain permanent easement from lands located in the Southwest Quarter of Section 17, Township 23 South, Range 1 East of the 6th P.M. within the City of Newton, Harvey County, Kansas, and adjacent to the East right-of-way line of Diagonal Street and Ash Street, and to the South right-of-way of West 4th Street, all lying North of 1st Street and South of West 4th Street for the use of developing and extending park and recreational facilities was considered. It was noted that local railroad staff is in favor of giving the easement to the City but another real estate company handles all railroad property.

MOTION: Commissioner Roberson moved and Commissioner Loescher seconded that this Ordinance, assigned 4475-04, be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume X of Ordinances.)

11. Old Business.

DPW/City Engineer Loomis reported that KDOT was having a kick off meeting for their study of US 50 from K-15 to Anderson. They will also be doing some type of survey along with the study.

City Manager Heinicke noted the summary overview of the State budget which was in the packet.

12. New Business.

There was no new business.

MOTION: Commissioner Loescher moved and Vice Mayor Scott seconded to recess to executive session for preliminary discussion prior to acquisition of real estate and to discuss matters of litigation under attorney/client privilege to include the Director of Finance and DPW/City Engineer for 20 minutes. Motion carried 5-0.

The Commission recessed to executive session at 8:45 p.m. The Commission reconvened at 9:05 p.m.

MOTION: Commissioner Roberson moved and Commissioner Loescher seconded to extend the executive session for the same reason for 20 minutes. Motion carried 5-0.

The Commission recessed to executive session at 9:05 p.m. The Commission reconvened at 9:25 p.m. Mayor Heck announced no decisions were made and no action was taken.

13. Adjournment.

There being no further business to come before the Commission, the meeting was adjourned at 9:25 p.m.

Mayor

ATTEST:

City Clerk