

City Commission Minutes June 28, 2005

The Newton City Commission convened in regular session at 7:00 p.m. on June 28, 2005 in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nightingale, and Commissioners Harris, and Treaster. Also attending were City Manager Heinicke, City Attorney Myers, City Engineer/DPW Loomis, Director of Finance/City Clerk Ahsmuhs, Director of Community Development Johnson, PIO Balzer and Deputy Clerk Duerksen. Commissioner Scott was absent.

Father Floyd McKinney, Our Lady of Guadalupe Church, provided the invocation. The Mayor then led in the Pledge of Allegiance to the US Flag and presided over the items of business.

CONSENT AGENDA

- 1. Review minutes of June 14, 2005 meeting.**
- 2. Receive financial reports for May 2005.**
- 3. Consider approval of an Agreement for Engineering Design Services between the City and Westwood Properties, Inc., for the proposed Phase II development of Westwood Addition.**
- 3A. Appointment:** Library Board: Monty Fey for the unexpired term of Kelly, ending 4-30-2008.

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to approve the Consent Agenda as presented. Motion carried 4-0.

REGULAR AGENDA

- 4. Citizen's Forum.**
 - A. Receive request to close West 6th from Main to the alley and East 6th from Main to the Bank of America parking lot on July 29 for Discounts in the Dark, and for use of City picnic tables and trash containers.**

Racquel Thiesen, Chamber of Commerce, requested the closure of East 6th Street from Main to the Bank of America parking lot and West 6th from Main to the alley on July 29 for Discounts in the Dark. She also requested use of Depot Park, picnic tables and trash containers.

- B. Receive request to close Main Street on September 29, 2005 from noon to 10:00 p.m. for Taste of Newton.**

Ms. Thiesen requested the closure of the 500, 600, and 700 blocks of Main Street on September 29, 2005 from noon to 10:00 p.m. for the Taste of Newton event. She also requested East & West 6th Street be closed as well as Broadway to the alleys.

MOTION: Commissioner Treaster moved to approve the street closures as requested. Vice Mayor Nightingale seconded the motion which carried 4-0.

5. Manager's Update.

- The water is back on. There was a problem in the piping coming out of the Mission Water Plant. Citizens were asked to refrain from non-essential uses of water.
- The stadium project nearing completion.
- Intersection improvement projects are substantially complete.
- FEMA has reimbursed the City \$496,188.68 in costs associated with the ice storm. Total cost of the storm was \$832,363.
- Sand Creek project was not funded in the Senate Appropriations markup. Rep. Tiaht is working on a "continuing contract" approach with the Corps.
- The Axtell Clinic building is officially in the ownership of the City. The County is interested in the building and is evaluating its uses.
- Mayor Heck reminded the Commission of the Economic Summit on June 30. City Attorney Myers reported on the water conference. The City will host a meeting July 8 with State water officials.

6. Receive request from Hope Home Repair to waive building permit fees.

Community Development Director Johnson presented a request to waive all fees for building, electrical, mechanical, and/or plumbing permits necessary to conduct the HOPE Home Repair rehabilitation program. HOPE Home Repair is a non-profit corporation established in 2004 to help repair building structures for the elderly and physically challenged at no charge to the homeowner. The corporation was established to fill a void created by Mennonite Housing Rehabilitation services. City Commission policy 1-20.1 provides for the waiver of building, electrical mechanical and/or plumbing permit fees based on criteria. HOPE Home Repair's projects are eligible for the waiver of permit fees. Neal Schwabauer is CEO of HOPE Home Repair.

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to approve the request for waiver of building permit fees as presented. Motion carried 4-0.

7. External 2006 budget requests.

A. Newton Public Library

Richard Sadowsky, Library Board Chair, presented the 2006 budget. They are requesting \$585,771.

B. Health Ministries

Nancy Martin, Health Ministries Clinic Executive Director, presented the 2006 budget request. They are requesting \$12,000 which is an increase over the last few years.

8. Receive 2006 Airport budget request.

TW Anderson, Airport Manager, presented the 2006 Airport budget request. The Aviation Commission has approved the Airport budget and recommends adoption by the City and County. They are requesting \$50,000. The amount requested has not changed in over ten years. Harvey County also contributes \$50,000. The remainder to the budget is funded by Airport operations.

9. Receive bids and award contract for the FAA grant project AIP-19 for reconstruction of Taxiway C, and replacement of the Medium Intensity Taxiway Lighting system for the airport.

TW Anderson, Airport Manager, presented bids for the FAA grant project, AIP-19, for reconstruction of Taxiway C and the replacement of all taxiway lighting. This grant also provides for the planning and design for later reconstruction of the terminal apron. The low bidder for the medium intensity taxiway lighting system was Atlas Electric at \$615,529. The taxiway reconstruction low bidder was Cornejo & Sons at \$578,991. The FAA will fund 95% of the project costs. The remaining costs will be split by the City and Harvey County.

MOTION: Commissioner Treaster moved and Commissioner Harris seconded to approve the AIP-19 project and award the contracts to the low bidders as presented. Motion carried 4-0.

10. Receive request to change the name of Athletic Park.

Alfred Monares presented a request to the Commission to change the name of Athletic Park to Angel's Athletic Park in honor of his father, Angel Monares. Angel was a Park Department employee for 35 years. He took great pride in Athletic Park and spent many hours making the parks look their best. He was given many awards from community groups. A petition with more than 200 signatures was presented to the Commission. Jennifer Monares noted Angel left loving memories of his work with his grandchildren and helped teach them the value of hard work and helping others.

City Manager Heinicke gave a background on the naming policy adopted by the Commission. There are a number of criteria from the policy that qualify for renaming the park. He stated that Mr. Monares was employed by the City for 35 years and made worthy contributions to the park systems and is known for his dedication to his work. He

was not instrumental in development of the park or any of its primary elements. It was noted that 39 other people have worked for the City for over 30 years. The policy does say strong consideration will be given to maintaining current names of public parks and recreation facilities, and it shall be the intent of the City to rename such facility only in extraordinary cases or where the current facility name has no strong identification to the City's history. Mayor Heck noted the back of the ticket booths at Fischer Field will have a large history of the Axtell family's involvement in Athletic Park. This complicates this issue some. City Attorney Myers reminded the Commission the policy states sufficient time to receive public input (not less than 60 days) on the renaming must be taken. Consensus of the Commission was to set a hearing date for July 26 at 7:00 p.m.

The Commission moved to Item 14.

11. Consider increase in meter tap fees.

City Manager Heinicke noted the proposed charge in meter tap fees from \$325 to \$425. The price of meters has been increasing, so the City is losing money on every new installation. The price has not been adjusted since 1981. This would effect new construction. Extra work for boring under streets or unusual excavation is priced separately. Policy indicates that the City Manager can set the meter rates, with the consent of the Commission.

MOTION: Commissioner Harris moved to adopt the new meter tap fees as presented. Commissioner Treaster seconded the motion which carried 4-0.

12. Consider a Resolution finding advisable and authorizing sewer improvements for the 11th Street sanitary sewer rehabilitation project.

A Resolution of the City of Newton, Kansas, authorizing and providing for the alteration, repair or reconstruction of a sanitary sewer in the City; and providing for the costs thereof was considered. City Engineer/DPW Loomis noted the improvement is for the 11th Street sewer project, which will help eliminate some of the sewer problems in this area during heavy rains. Plans are already being developed.

MOTION: Commissioner Treaster moved that this Resolution, assigned I-1038, be approved as presented. Vice Mayor Nightingale seconded the motion which carried 4-0. (This Resolution is contained in Volume D of Improvement Resolutions.)

13. Consider the Golf Course Management Agreement with Kemper Sports.

City Manager Heinicke reported that golf course management proposals were sent out and five returned. Each company was interviewed by a panel which included one Commissioner. The golf course is a major investment and must be operated with professional management. There is a need for expertise in marketing the facility,

providing revenue generating events, knowing appropriate pricing structures for the marketplace, expertise in equipment and practices to maintain the course in the best playable condition to invite return business. Sand Creek Station will be a premier public golf property. Kemper Sports was the unanimous recommendation of the selection panel.

City Attorney Myers reviewed the key features of the agreement. The contract will begin July 1, 2005. The agreement has two phases. Phase I runs until the golf course is ready for play. Kemper will write a business plan, begin marketing efforts and complete grow-in of the turf. Compensation for these services will be \$6,000 a month, which is covered by the initial bonds issued for golf course construction. Phase II includes managing all aspects of the golf course and facilities operations. Annual updates of the business plan will happen as well as annual budget preparation, including a capital expenditures budget. Cost for this will be \$8,000 a month plus 5% of the annual gross receipts over \$1.5 million. The City will have oversight of the golf course budget and revenue. Minor wording changes in the agreement were made.

MOTION: Commissioner Treaster moved for acceptance of the Management Agreement with Kemper Sports Group. Commissioner Harris seconded the motion which carried 4-0.

14. Consider proposal to authorize architectural planning for conference center.

Ken Henton, Hoefer Wysocki Architect, LLC (HWA), presented the proposal for the conceptual design of the proposed convention center. They will be researching three facilities: the existing Salvation Army site, the downtown hospital site and the site at I-135 and Broadway, and provide site analysis. They will also hold meetings with a core group of people to talk about what the needs are and set goals. A cost analysis of the conceptual design will be done and upon completion of the conceptual design, HWA would attend community meetings to help build community consensus. The process will take between six to ten weeks to complete. Commission discussion followed.

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to table this until the next meeting. Motion carried 4-0.

15. Receive bids and award contracts for the following:

A. Sand Creek Station golf course maintenance facility.

City Engineer/DPW Loomis stated this bid was awarded on the base bid, and then the decision was made to take the alternates because they are deducts. This resulted in a decrease in the total contract amount. She would recommend awarding the contract to Robl Commercial Construction.

BIDDER	BID AMOUNT
Robl Commercial Construction	\$744,490.00
Conco Inc.	\$823,800.00
Compton Construction	\$831,000.00

MOTION: Commissioner Harris moved to accept the contract and award the contract to Robl Community Construction in the amount of \$744,490.00. Commissioner Treaster seconded the motion which carried 4-0.

B. Bridge over Sand Creek at the Sand Creek Station golf course.

Loomis recommended awarding the contract to the low bidder, Dondlinger & Sons.

BIDDER	BID AMOUNT
Dondlinger & Sons	\$161,400.00
King Construction	\$222,060.00
Utility Contractors	\$256,800.00
Engineer's Estimate	\$224,040.00

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to accept the bids and award the contract to Dondlinger & Sons in the amount of \$161,400.00. Motion carried 4-0.

C. Railroad underpass at Sand Creek Station golf course.

Loomis recommended awarding the contract to the low bidder, Bridges, Inc.

BIDDER	BID AMOUNT
Bridges, Inc.	\$120,366.00
Dondlinger & Sons	\$132,403.50
Utility Contractors	\$173,400.00
Engineer's Estimate	\$153,535.00

MOTION: Vice Mayor Nightingale moved and Commissioner Treaster seconded to accept the bids and award the contract to Bridges Inc. in the amount of \$120,366.00. Motion carried 4-0.

16. Receive bids and award contract for paving of Anderson from SW 14th to SW 24th.

Loomis recommended awarding the contract to the low bidder, Kansas Paving, for the paving of Anderson from SW 14th Street to SW 24th Street.

BIDDER	BID AMOUNT
Kansas Paving	\$ 952,073.50
Ritchie Paving	\$ 982,420.70
Cornejo & Sons	\$1,023,966.45
Paver's Inc.	\$1,097,060.01
Engineer's Estimate	\$1,213,051.50

MOTION: Commissioner Treaster moved to accept the bids and award the contract to Kansas Paving in the amount of \$952,073.50. Vice Mayor Nightingale seconded the motion which carried 4-0.

17. Old business.

Mayor Heck inquired when lots and housing would be sold on the golf course. Staff responded development of the infrastructure will begin this summer. He asked for a Railroad Park update. Staff has obtained the right-of-way and must go back and get the permits updated and utility clearances. Construction could begin this fall. Mayor Heck noted a celebration is planned for August 26 for the athletic fields project.

18. New business.

Director of Finance/City Clerk Ahsmuhs reported 10 fireworks permits were sold this year.

Commissioner Harris noted the upcoming Municipal Leadership Academy sponsored by the League.

19. Adjournment.

There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

Mayor

ATTEST:

City Clerk