

CITY COMMISSION MINUTES
July 26, 2005

The Newton City Commission convened in regular session on July 26, 2005 at 7:00 p.m. in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nightingale, and Commissioners Harris, Scott 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.

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

CONSENT AGENDA

- 1. Review minutes of July 12, 2005 meeting.**
- 2. Receive Financial Reports for June 2005.**
- 3. Consider the use of the bike path, Kansas Avenue, High Street and Police assistance for the CROP walk on September 25 at 2:00 p.m.**
- 4. Consider plans and specifications for streets and storm water drainage in Wheatridge Second Addition and set date and time to receive bids (August 9 @ 10:00 a.m.).**
- 5. Sand Creek Station improvements.**
 - A. Receive petitions, plans and specifications for extension of water to serve Sand Creek Station Addition.**
 - B. Consider a Resolution finding advisable and authorizing the extension of water.**

This Resolution finds advisable and authorizes the extension of water main improvements and related appurtenances to serve Sand Creek Station Addition. The property is described as Lots 1-35, Block A; Lots 1-20, Block B; Lots 1-30, Block C; Lots 1-16 Block D; and Lots 1-39, Block E. The estimated cost of the improvement is \$174,000 with 68.33% to be assessed to the improvement district and 31.67% to be paid by the City at large. This Resolution is assigned I-1040 and is contained in Volume D of Improvement Resolutions.

C. Consider an Ordinance creating Water District 24-A.

This Ordinance creates Water District 24-A in the City of Newton, Kansas, is assigned Ordinance 4537-05 and is contained in Volume X of Ordinances.

D. Set date and time to receive bids (August 9 at 10:00 a.m.).

- 6. Consider a Resolution finding advisable and authorizing extension of water main to serve S.E. 14th.**

This Resolution of the City of Newton, Kansas, authorizes improvements to the City public water supply system; and provides for the payment of the costs thereof, is assigned Resolution I-1041 which is contained in Volume D of Improvement Resolutions.

- 7. Consider an Ordinance adopting the 2005 edition of the Uniform Public Offense Code.**

This Ordinance amends Section 17-101 of the Code of the City of Newton, Kansas, to adopt the 2005 Edition of the Uniform Public Offense Code for cities; repeals Section 17-101 of the Code of the City of Newton, Kansas, as previously amended by Section 1 of Ordinance No. 4505-04; and repeals Section 1 of Ordinance No. 4504-04, is assigned 4538-05 which is contained in Volume X of Ordinances.

- 8. Consider an Ordinance adopting the 2005 edition of the Standard Traffic Ordinance.**

This Ordinance amends Section 21-101 of the Code of the City of Newton, Kansas, to adopt the 2005 Edition of the Standard Traffic Ordinance for Kansas cities; repeals Section 21-101 of the Code of the City of Newton, Kansas, as previously amended by Section 1 of Ordinance No. 4503-04; and repeals Section 1 of Ordinance No. 4503-04, is assigned 4539-05 which is contained in Volume X of Ordinances.

- 9. Mayor's Appointment – Library Board - Melissa Meyer to fill unexpired term of Betty Whiting term ending 4-30-2009.**

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

REGULAR AGENDA

- 10. Citizen's Forum.**

There was no one to speak.

- 11. Presentation of 2005 Public Works Project of the Year sponsored by APWA.**

Mayor Heck presented the 2005 Public Works Project of the Year award for the 10th Street sanitary sewer rehabilitation project to City Engineer/DPW Loomis.

Sponsored by the American Public Works Association, this award was for projects under \$2 million in the environmental category.

12. Manager's Update.

- The traffic signals at 12th & Main intersection were zapped by lightning. Replacement sensors have been ordered.
- The Chamber has had four ribbon cuttings in the past two weeks. The downtown revitalization program appears to be working well.
- The Newton Factory Outlet Stores are taking on a new initiative. With a Chisholm Trail theme, they intend to add more retail shops to the area.
- Fischer Field stadium project is nearing completion. The contractor deadline is July 31. A special event to showcase the facility to the community will be held on August 26.

13. Conduct public hearing on the renaming of Athletic Park.

As part of the request for renaming a public facility, a public hearing is needed. Mayor Heck opened the public hearing 7:13 p.m. There was no one wishing to speak, so the Mayor closed the hearing at 7:14 p.m. City Manager Heinicke summarized the Commission policy on naming a facility and noted that Section 4(b) states that "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 facilities only in extraordinary cases or where the current facility name has no strong identification to the City's history." He reported the park land was donated by Dr. John Axtell and gave a brief history of Dr. Axtell's involvement with the park.

Mayor Heck commented the history of the park would be placed on the ticket booths at the stadium. He has received no contact from people in favor of renaming Athletic Park, but has received comments from citizens who say the name should not be changed. He also noted there are 35 employees who have worked for the City for 30+ years.

Commissioner Scott noted that people who spend 30 or more years working for the City are acknowledged internally amongst employees. He thinks consideration should be given to publicly honoring City employees who have served more than 30 year. The City can't name a facility after everyone, but could find a meaningful way to commemorate years of service. No motion was made to rename Athletic Park.

14. Consider application for special event license.

City Attorney Myers reported the Newton Saddle Club has met all the requirements lined out in the ordinance for a special event license to serve cereal malt beverages at their annual rodeo. A map of the beer garden premises has been reviewed by the Police Chief as well as the security arrangements. Two reserve officers

will staff and control each gate. Newton Saddle Club members will conduct an I.D. check to verify ages before issuing a stamp and entry into the beer garden.

MOTION: Vice Mayor Nightingale moved and Commissioner Treaster seconded to approve the special event license as requested. Motion carried 3-2 with Commissioner Harris and Mayor Heck voting nay.

15. Receive Convention and Visitors Bureau budget and work program.

Shelley Black, CVB Director, gave a brief overview of their program of work. With the Kansas Sampler Festival finished, she will be devoting her time to growing the visibility of Newton to the leisure and corporate visitor. A new promotional campaign for the corporate traveler will kick off in fall. Black noted the CVB is funded by the bed tax which is currently at 5%. Their operating budget is \$95,000, of which \$75,000 goes to the CVB and \$20,000 goes to the Central Business District activities.

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to approve the Convention and Tourism Bureau budget and program of work. The motion carried 5-0.

16. Receive recommended year 2006 Budget for publication.

City Manager Heinicke shared data showing spending levels over the past 10 years. In that time, the total mill levy increased about two-tenths of one percent (.26%). The proposed 2006 budget has a 1.754 mill increase from the 2005 budget. This proposed increase will recapture about half of the unreimbursed costs of the January ice storm. Action needed is to adopt a notice of hearing to conduct a budget hearing on August 9. Once published, the Commission can reduce expenditures but cannot increase expenditures.

John Wiebe, 911 W. 4th, stated those using the Library living outside the City limits should have to pay for the use. No one else puts money into the operations of the Library except the City. He was informed that if the Library was restricted to City use only, it would lose a lot of regional and federal money.

MOTION: Commissioner Scott moved to adopt the notice of publication for the 2006 budget. Commissioner Treaster seconded the motion which carried 5-0.

17. Receive bids and award contract for overlay of Anderson Avenue from W. 12th to Old 81.

City Engineer/DPW Loomis noted the bids received for the Anderson Avenue mill and overlay came in under the amount in the resolution. She recommended awarding the bid to the low bidder.

BIDDER	BID AMOUNT
Kansas Paving	\$263,015.17
APAC – Kansas Inc.	\$290,261.49
Ritchie Paving	\$300,099.32
Cornejo & Sons Inc.	\$319,373.46

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to accept the bids and award the contract to the low bidder, Kansas Paving, in the amount of to \$263,015.17. Motion carried 5-0.

18. Old business.

City Engineer/DPW Loomis noted the data collection for the downtown parking study has been finished and the data given to those doing the study. It will be fall before the results are available.

City Attorney Myers noted the South Central Kansas Water Coalition will be doing a survey and study on water supply and quality issue in the South Central Kansas region. They will be working with the Bureau of Reclamation and the Kansas Water Office on the project.

19. New business.

There was no new business.

20. Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 7:58 p.m.

Mayor

ATTEST:

City Clerk