

CITY COMMISSION MINUTES

August 9, 2005

The Newton City Commission convened in regular session on August 9, 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, Community Development Director Johnson and Deputy Clerk Duerksen.

Pastor Phil Fischer, Trinity Heights United Methodist 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 July 26, 2005 meeting.**
- 2. Meadowbrook street improvements**
 - A. Receive petitions, plans and specifications for extension of Meadowbrook.**
 - B. Consider a Resolution finding advisable and authorizing the extension of Meadowbrook.**

This Resolution finds advisable and authorizes the extension of street pavement, curb and gutter to serve portions of Sand Creek Station Addition. The estimated cost of the improvement is \$1,199,264.30 with 83.05% to be assessed against the improvement district and 16.95% to be paid by the City at large. This Resolution is assigned I-1042 which is contained in Volume D of Improvement Resolutions.

- C. Set date and time to receive bids (August 23 @ 10:00 a.m.).**

Item 3 was deleted from the agenda.

- 3. Windward Park 2nd Addition**
 - A. Receive petitions, plans and specifications for extension of sanitary sewer to serve Windward Park 2nd Addition.**
 - B. Consider a Resolution finding advisable and authorizing the extension of sanitary sewer.**
 - C. Consider an Ordinance creating Sewer District 32-E.**
 - D. Set date and time to receive bids (August 23 @ 10:00 a.m.).**

4. Receive plans and specification for the 11th Street sewer improvements and set date and time to receive bids (August 23 @ 10:00 a.m.).

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded to approve the Consent Agenda with removal of Item #3. Motion carried 5-0.

REGULAR AGENDA

5. Citizen's Forum.

A. Receive a proclamation declaring August 11 as Kansas National Guard Day in Newton.

Tim Marlar, KS National Guard, read the proclamation declaring August 11, 2005 as the Kansas National Guard Day in Newton.

MOTION: Commissioner Scott moved and Commissioner Treaster seconded to approve the proclamation as presented. Motion carried 5-0.

Joan Bernowich, 408 E. 4th, requested the shrubbery around the depot arch at the Arboretum be trimmed back so that it is more visible.

Stacy Yarnell, 404 W. 5th, noted the sidewalks and road conditions on 6th & Ash and 6th & Elm are not wheelchair accessible. The concrete is broken with rebar exposed in the road and the sidewalks are uneven. Businesses should have to be responsible for maintaining their sidewalks to the same standards as residents. Staff will get with Ms. Yarnell to get exact locations and send out letters to the property owners regarding the sidewalks.

6. Employee recognition for Certificate of Achievement for Excellence in Financial Reporting.

Mayor Heck presented the Finance Department with the Certificate of Achievement of Excellence in Financial Reporting plaque. This is the 15th year the City has received this award.

7. Manager's Update.

- Fischer Field Stadium project is substantially complete. August 26 there will be an open house.
- Harvey County has expressed that they are no longer interested in Axtell Clinic. It will be put on the market for sale.
- There were 12 block parties for Newton Night Out.
- Rep. Tiahr will have staff here on August 19 from 2:30-4:00 p.m. to visit with residents.

- Standridge Color Corporation is in place and operating. Big A Electric is moving into a temporary location while waiting to construct its building. IMF has added 12 employees beyond their original projections.
- The League will be holding their municipal academy in Newton on Friday. The REAP area will conduct a Visioneering meeting on legislative issues in Newton also on Friday.

8. 2006 Budget

City Manager Heinicke shared information of the 2006 budget. Conducting the public hearing and then adopting the budget are the final steps in the budget process. The proposed 2006 budget calls for levying \$5,231,117 in taxes. The increase over last years' budget will help to recover half of the costs from the January ice storm and add two police officers.

A. 7:00 p.m. Conduct public hearing on the 2006 budget.

Mayor Heck opened the public hearing at 7:30 p.m.

Gary Loyd, 410 N. Duncan, felt taxes should not go up. Nationally, crime is down. Most all families live within a budget amount and if something comes up, they have to do without. He thought maybe the City should do without. He commented the Commission is the elected voice of citizens and only Commissioners can keep the taxes in line. He also felt raising property taxes and sales taxes does not promote growth.

Bill Brown, 1437 Willow Road, asked about a few budget line items which were answered by staff. He stated since the assessed valuation is up, the City's income should be up and therefore taxes should not be raised. He questioned how growing the tax base helps keep taxes down. Commissioner Scott informed him that if the tax base is not grown, the mill levy would be 10-15 mills higher. Of the 4% valuation increase this year, half is from new property and the other half is from existing property.

Tom Vavra, 2013 Roanoke Lane, questioned the bed tax line item and asked if that money could be spent for other projects. Staff informed him that by law, that money can only be put into promoting tourism, meetings, conventions, etc. He felt the chronic problem is the City tries to do too much and overspends for the tax base they have. He suggested bumping up the sales tax.

Stacy Yarnell felt that too many of the rental houses are rented to troublemakers. Clustering the troublemakers capitalizes on the City resources.

Glen Speilman, 923 East 1st, said by voting for these Commissioners, he assumed they would look out for the interests of the public. He would like to see a freeze on a lot of things the City does. He suggested selling the land next to the K-Mart building and putting that back into the General Fund.

Bill Harris, 317 Alice Avenue, asked how elected officials could be for a tax increase with the opposition expressed. He thought if there was a four percent increase on assessed valuation, then to keep everything flat, the City would have to decrease the mill levy by four percent.

There being no others to speak, the Mayor closed the public hearing at 8:25 p.m.

Vice Mayor Nightingale questioned the protocol for departments continually going over budget. He noted when he ran for office, most people talked to him about the City being fiscally responsible. He felt there were places the City could tighten their belt. He questioned how in 2003, the City could cut positions and now ask for those same positions back in the police department. As for the ice storm, he noted those costs need to be recovered in order to have reserves should something like that happen again.

B. Formally adopt the 2006 Budget.

MOTION: Commissioner Scott moved adoption of the 2006 budget with the tax to be levied at \$5,231,117 as published. Commissioner Treaster seconded the motion.

Commissioner Harris said she understands the desire to decrease taxes. She noted the Commission's roll is to set a budget for the City. The overall package is up to the departments. She did not think they were spending an excessive amount and has to respect the department heads and what their needs are.

Call of the Question: Motion carried 3-2 with Commissioner Harris and Vice Mayor Nightingale voting nay.

C. Consider an Ordinance authorizing the levying of taxes for 2006.

An Ordinance attesting to an increase in tax revenues for budget year 2006 for the City of Newton, Kansas was considered.

MOTION: Commissioner Scott moved that this Ordinance, assigned 4540-05, be approved as presented. Commissioner Treaster seconded the motion which carried 3-2 with Commissioner Harris and Vice Mayor Nightingale voting nay. (This Ordinance is contained in Volume X of Ordinances.)

9. Receive stormwater NPDES survey results.

City Engineer/DPW Loomis reviewed the NPDES survey results. The survey was done to fulfill the requirements of the NPDES regulations and determine the level of public awareness of environmental issues associated with storm water and runoff. The results of the survey will be posted on the website.

10. Discuss recognition of long-term employees.

City Manager Heinicke said staff has had discussion about appropriate ways to recognize long-term employees. It has been suggested to place a board on a prominent wall at City Hall with names of employees who have served 30 or more years. Commissioners suggested placing a plaque on the park benches along Main Street, the Arboretum and Sand Creek for the employees. Not a lot of people would see the recognition if it was placed at City Hall. Direction was given to have staff develop a policy along with several recommendations to be presented at a future meeting.

11. Receive bids and award contract for extension of water lines to serve Sand Creek Station Addition.

Staff recommends awarding the contract to the low bidder, Mies Construction.

BIDDER	BID AMOUNT
Mies Construction	\$ 100,004.00
Nowak Construction	\$ 127,213.74
Wilks Inc.	\$ 134,887.10
Engineer's Estimate	\$ 139,524.75

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to accept the bids and award the contract to the low bidder, Mies Construction in the amount of \$100,004.00. Motion carried 5-0.

12. Receive bids and award contract for street and storm water drainage to serve Wheatridge 2nd Addition.

Staff recommends awarding the contract to the low bidder, Kansas Paving.

BIDDER	BID AMOUNT
Kansas Paving	\$ 287,695.30
Vogts Construction	\$ 319,616.50
Ritchie Paving	\$ 348,744.05
Paver's Inc.	\$ 402,587.00
Engineer's Estimate	\$ 345,032.25

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 \$287,695.30. Motion carried 5-0.

13. Consider a Resolution determining the advisability of acquiring property by eminent domain and directing the preparation of a survey.

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. City Attorney Myers noted Turkey Red Village, Reserve Area A, has been a source of on-going complaints from residents because it is overgrown and has drainage problems. When there are heavy rains, the area backs up and street flooding is an issue. He is suggesting the City start proceedings to acquire the property for the purpose of making drainage way improvements, provide for a park and recreation use and eliminate a public nuisance condition. Commissioners suggested sending a letter to the property owner first before proceeding with this step. The owner must respond before the next meeting. In the meantime, staff will get documentation together showing attempts over the past nine years to get this area taken care of.

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded to table this item until the next meeting. Motion carried 5-0.

14. Old business.

Vice Mayor Nightingale asked if next year the Commission could be given a list of block parties for National Night Out so they could make appearances.

15. New business.

Commissioner Harris requested a work session be held in September to discuss some of the topics that are being presented by the League Municipal Academy.

16. Adjournment.

There being no further business to come before the Commission, the meeting was adjourned at 9:31 p.m.

Mayor

ATTEST:

City Clerk