

CITY COMMISSION MINUTES

August 23, 2005

The Newton City Commission convened in regular session on August 23, 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 and Scott. 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. Commissioner Treaster was going to be late.

Pastor Mark Isaac, Koerner Heights 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 August 9, 2005 meeting.**
- 2. Receive financial reports for July 2005.**
- 3. Sand Creek Golf Course**
 - A. Receive plans and specification for the Sand Creek Golf Course clubhouse.**
 - B. Consider a Resolution finding advisable and authorizing the improvement.**

This Resolution of the City of Newton, Kansas authorizes the construction pursuant to approved plans and specifications of certain facilities as part of the public golf course project, and authorizes the furnishing, equipping and preparation of the public golf course for public use, is assigned F1043 which is contained in Volume D of Improvement Resolutions.

- C. Set date and time to receive bids.**
- 4. Mayor's appointments: Historic Preservation Commission; Kim Hurley Benson, Patricia Randall, Bob Pomeroy, terms ending 8-30-2008.**
- 5. Consider an application for cereal malt beverage license for Fox Ridge Golf Club.**

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

REGULAR AGENDA

6. Citizen's Forum.

There was no one wishing to speak.

7. Manager's Update.

- August 26 is the public unveiling of Fischer Field. The ribbon cutting will be at 6:30 p.m.
- The Axtell Clinic building has been shown to four different parties.
- Industries along Spencer have reported numerous problems with internet access. Staff has met with management for both SBC and Cox Communications to see if something can be done.
- Staff has been in contact with Westar about the frequency of power outages on the south end of town.
- Mayor Heck was presented a print of the "Battle of Prairie Dog Creek" from the Kansas National Guard. They made a "whistlestop" tour in Newton on August 11.
- Wholesale Water District No. 17 water rates will not change for 2006.
- The golf course construction is on schedule.
- REAP legislative group met at McKinley on August 12 to discuss two issues: economic development and education.

8. Consider a Resolution regarding residential expansion near high school.

City Manager Heinicke noted that Ron Harder, developer, wants to develop the large tract of land at 12th Street and Meridian. There are a lot of development costs associated with the project that are not in a regular development project. A large box culvert would be needed at 17th Street which would serve a large area in this quadrant of the community, much more than just the proposed subdivision. The street would enable the neighborhoods in that area to access Meridian on 17th Street and enable the high school traffic to utilize an additional outlet. Mr. Harder is also asking for help in looping the water in the area. The looping will require an oversized main. The request is consistent with the long range water plan approved by the Commission. Both these requests are in accordance to City policy.

Ron Harder, developer, noted this project is in the conceptual stages. He is currently working with engineers. He felt it would be helpful for planning the phases to know the City's intent to help with some of the costs. Initially, phase 1 would be 12 lots. The box culvert would not be needed for some time.

A Resolution of Intent declaring the City's intent to participate in construction of a water line to loop the area along 12th and Meridian and construction of a box culvert in conjunction with the paving of 17th Street east of Meridian was considered. Changes

in the expiration date of the resolution were discussed. Consensus of the Commission was to change the expiration date to August 31, 2010.

MOTION: Vice Mayor Nightingale moved that this Resolution, assigned G-929, be approved with change in the expiration date to August 31, 2010. Commissioner Scott seconded the motion which carried 4-0. (This Resolution is contained in Volume E of General Resolutions.)

9. Consider requests for Sunday sales of alcohol.

Dillon's grocery stores and Casey's General Stores have requested the City consider adopting an ordinance which would permit the Sunday sale of cereal malt beverages. Currently no Sunday sales are permitted. Under the recently adopted legislation, any ordinance providing for Sunday sales must provide it for both liquor and grocery/convenience stores.

Joan Bernowich, 408 East 4th, felt that liquor sales do not need to happen on Sunday and encouraged the Commission to not instate Sunday sales.

No motion was made. The sale of alcohol will stay as is with no Sunday sales.

Commissioner Treaster entered the meeting at 7:30 p.m.

10. Receive bids and award contract for 11th Street sewer improvements.

City Engineer/DPW Loomis noted all bids received were over the engineer's estimate. She has negotiated with the low bidder to bring their price down to the engineer's estimate and recommended awarding the contract to Utility Contractors.

BIDDER	BID AMOUNT	
Utility Contractors	\$217,556.00	Negotiated price \$215,094.00
Mies Construction	\$220,000.00	
Dondlinger & Sons	\$230,196.00	
Nowak Construction	\$263,247.50	
Engineer's Estimate	\$215,094.00	

MOTION: Commissioner Treaster moved to accept the bids and award the contract to Utility Contractors in the amount of \$215,094.00. Vice Mayor Nightingale seconded the motion which carried 4-0.

11. Receive bids and award contract for Meadowbrook Streets.

City Engineer/DPW Loomis recommended awarding the bid to the low bidder, Vogts Construction.

BIDDER	BID AMOUNT
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Vogts Construction	\$658,745.85
Bryant & Bryant Construction	\$666,946.40
Kansas Paving	\$677,925.27
Ritchie Paving, Inc.	\$718,512.62
Smoky Hill	\$932,141.50
Engineer's Estimate	\$899,712.50

MOTION: Commissioner Harris moved to accept the bids and award the contract to the low bidder, Vogts Construction in the amount of \$658,745.85. Vice Mayor Nightingale seconded the motion which carried 5-0.

12. Old business.

City Attorney Myers reported he has met with property owner, Daryl Walter, regarding his property in Turkey Red as was discussed at the last meeting. A proposal for the friendly purchase of the property will be brought to the Commission at a future meeting. Myers then reviewed the different code enforcements for nuisances within the City.

13. New business.

Mayor Heck attended the Mayor's Conference in Lansing. He reported several cities our size are using a sales tax as an alternative to property taxes.

14. Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 7:40 pm.

Mayor

ATTEST:

City Clerk