

CITY COMMISSION MINUTES
September 13, 2005

The Newton City Commission convened in regular session on September 13, 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 Scott and Treaster. Also attending were City Manager Heinicke, City Attorney Myers, Director of Finance/City Clerk Ahsmuhs, Community Development Director Johnson and Administrative Secretary Rowan. Commissioner Harris, City Engineer/DPW Loomis and Deputy Clerk Duerksen were absent.

A moment of silence was observed for the victims of Hurricane Katrina. 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 23, 2005 meeting.**
2. **Consider adoption of an Ordinance and issuance of an amending Order of Vacation for the purpose of correcting an error found in the legal description in a prior alleyway vacation.**

This Ordinance amends Section 1 of prior Ordinance No. 3967 pertaining to the vacating of a portion of an alleyway located in the Ragsdale's Addition to the City of Newton, Harvey County, Kansas; and repeals original Section 1 of Ordinance No. 3967, is assigned 4542-05 which is contained in Volume X of Ordinances.

3. **Consider closing Main Street on September 14, 2005 from 7:00-7:30 p.m. for the homecoming parade.**
4. **Consider an Ordinance for the extension of the Cox Communications franchise agreement.**

This Ordinance of the City of Newton, Kansas, extends the term of the cable franchise of Cox Communications Kansas, LLC for a period not to exceed twelve (12) months, is assigned 4541-05, which is contained in Volume X of Ordinances.

4A. Mayor's Appointment.

Todd Loescher was appointed to the Recreation Commission to fill the unexpired term of Tim Richards, term ending 4-30-2009.

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

REGULAR AGENDA

5. **Recognition of Fire/EMS employees Cory Lehman and Chad Voth.**

The Mayor presented awards to Cory Lehman and Chad Voth for completing paramedic training. Both joined the department in 2002 and began the paramedic training in 2004. Eighteen months and 2,000 clock hours are required for this training. Both finished at the top of the class.

Chief Denny reported on the Hurricane Katrina Disaster Relief team consisting of Captain Steve Brackeen and Lt. Roger Perkins. In response to a 8-31-05 request from FEMA, a 9-2-05 acceptance call and a 9-7-05 departure date, this team is now located and serving right out side of New Orleans. They are loaned to FEMA for at least 30 days.

6. Citizen's Forum.

No one wished to speak.

A. Consider a proclamation declaring the week of September 17-23 as "Constitution Week".

Kay Stanley, Regent of The Newton Chapter National Society Daughters of The American Revolution, and Sami Williams, Vice Regent appeared to present the proclamation.

MOTION: Commissioner Treaster moved to declare September 17-23 as "Constitution Week". Vice Mayor Nightingale seconded the motion. Motion carried 4-0.

B. Consider a proclamation declaring September as "Race into Scouting" month.

Tyler Johnson from Wichita, Kansas presented the proclamation.

MOTION: Commissioner Treaster moved to declare September as "Race into Scouting" month. Commissioner Scott seconded the motion. Motion carried 4-0.

7. Manager's Update.

- East Broadway is deteriorating. Recall that we have arranged funding for reconstruction of East Broadway through KDOT and that funding will be either 2006 or 2007, depending upon KDOT funds available. This requires only 10% match. An agenda item will determine if the Kansas Avenue rail crossing will be added to the project.
- Fischer Field stadium and field are completely renovated. Hundreds attended the August 26 official public unveiling of the improvements. The first game at the renovated stadium was played September 2.
- At the last meeting, recall the south side of Newton was subject to power outages. Westar has indicated that it has now ordered animal protective equipment to guard against animals shorting out the substations.
- Two Newton Fire/EMS employees have been deployed to Baton Rouge, LA where they will serve as a community relations team. Chief Denny gave an update of their situation. No refugees will be officially directed to Harvey County.
- Construction of the golf course is on schedule. Many holes on the greens and fairways are now shaped, seeded and irrigated with other holes in progress. The maintenance building is well underway with Anderson Road under construction. Harvey County plans for 24th St. improvements yet this year.
- Representative Tiaht has informed the City the Police Department is the recipient of a \$10,200 Secure Our Schools grant from the U.S. Dept. of Justice. The grant will enable the

department to obtain cameras and related equipment for security in the schools. Also, a letter was received today for another \$2,700 grant, which will be used for bullet proof vests.

- Mayor Heck provided an update on REAP activities. City Attorney, Bob Myers gave an update on the South Central Water Coalition.

8. 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 the 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.

The City is trying to acquire a reserve area in Turkey Red Addition to improve the water drainage conditions in that area and prepare it for future development. Information has been exchanged with the property owner but has not resulted in an agreement, so far. This resolution is the initial preliminary step to be made in acquiring the property, either through a friendly proceeding or through condemnation. An offer has been made to the owner but was rejected. The owner has requested to come before the Commission to tell his view on the matter. This resolution would enable discussion to continue.

MOTION: Commissioner Scott moved to adopt Resolution G-930, as presented. Commissioner Treaster seconded the motion. Motion carried 3-1, with Vice Mayor Nightingale voting against. (This Resolution is contained in Volume E of Resolutions.)

9. Consider a K & O Railroad agreement for East Broadway crossing improvement and a Resolution authorizing the Mayor to sign the agreement.

A Resolution authorizing the execution of an agreement with the Secretary of Transportation of the State of Kansas and with the Kansas and Oklahoma Railroad Company in relation to improvements to certain railway crossings in the City of Newton, Kansas was considered.

City Manager Heinicke reiterated that East Broadway was deteriorating and the year for available funds is unknown, with the State funding 90% and the City 10% of the cost.

MOTION: Commissioner Treaster moved to adopt Resolution G-931, as presented. Vice Mayor Nightingale seconded the motion. Motion carried 4-0. (This Resolution is contained in Volume E of Resolutions.)

10. Northview Developmental Services CDBG.

Tim Johnson, Community Development Director, introduced and gave an overview of this project.

Stan Zienkewicz, President of Northview Developmental Services, appeared and presented the application. He explained the upper section of the development would be support services, staff and training in that area, which supports the vast majority of the services to individuals. The lower half of the building is actual services to day activity consumer clientele.

A. 7:00 p.m. Conduct a public hearing on an application of a Community Development Block Grant for Northview Developmental Services and authorizing the Mayor to sign the appropriate documents.

The Mayor opened the hearing at 7:42 p.m. With no one wishing to speak, the Mayor closed the hearing at 7:43 p.m.

B. Consider a Resolution certifying City's authority to submit an application for the Community Development Block Grant for Northview Developmental Services.

A Resolution certifying legal authority to apply for the 2006 Kansas Small Cities Community Development Block Grant program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application was considered.

MOTION: Commissioner Scott moved to adopt Resolution G-932, as presented. Commissioner Treaster seconded the motion. Motion carried 4-0. (This Resolution is contained in Volume E of Resolutions.)

C. Consider a Resolution assuring the Kansas Department of Commerce and Housing that funds will be continually provided for the operation and maintenance of improvements at Northview Developmental Services.

A Resolution assuring the Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the Northview Developmental Services, Inc. (NDSI) system to be financed with Community Development Block Grant Funds was considered.

MOTION: Commissioner Treaster moved to adopt the Resolution, G-933, as presented. Commissioner Scott seconded the motion. Motion carried 4-0. (This Resolution is contained in Volume E of Resolutions.)

D. Consider a grant cooperation agreement with Northview Developmental Services.

MOTION: Commissioner Scott moved to adopt the agreement as presented. Commissioner Treaster seconded the motion. Motion carried 4-0.

E. Consider a residential anti-displacement plan.

MOTION: Vice Mayor Nightingale moved to adopt the anti-displacement plan as presented. Commissioner Treaster seconded the motion. Motion carried 4-0.

11. Consider a Resolution requesting that the City of Newton, Kansas, Public Building Commission issue revenue bonds to finance the acquisition of golf course turf equipment and golf carts in an amount not to exceed \$975,000.

A Resolution requesting the City of Newton, Kansas, Public Building Commission to issue revenue bonds in an amount not to exceed \$975,000 for the purpose of paying all or a portion of the costs of acquiring equipment necessary and advisable for the operation of the Sand Creek Station Municipal Golf Course was considered.

Commissioner Treaster asked about a golf course management company through Hutchinson Community College or K-State. City Manager Heinicke replied that the City has a letter of intent but that cannot be applied till next year when the course is opened. It was stated that a

team of this sort would train people and work on equipment but not provide it. The people contacted just want to do this kind of work at K-State and not anywhere else. It was hoped when a program was in place, donations of equipment would follow but there was no guarantee.

MOTION: Commissioner Scott moved to adopt the resolution as presented. Mayor Heck seconded the motion. Vote was 2-2, with Vice Mayor Nightingale and Commissioner Treaster voting against.

City Manager Heinicke said a solution would be needed as to how to obtain equipment if it cannot be purchased. Suggestions were requested.

MOTION: Commissioner Treaster moved that this item of business be tabled for two week. Vice Mayor Nightingale seconded the motion.

Vice Mayor Nightingale reported that he was under the impression that through Hutch Juco or K-State, equipment would be provided. City Manager Heinicke explained the original proposal was if we could get a certified educational program, we could approach John Deere or a like company to donate turf equipment, but it hasn't worked out that way. It was stated the price in this resolution was included in the original cost projections. The intent was to lease but it was found to be more economical to purchase, especially the golf carts. He explained if the purchase amount is bonded, the interest rate will be lower and the term will be longer so the annual payment will be less of a burden to the City.

Call of the Question: Motion carried 4-0.

12. Consider an Ordinance to extend indefinitely the previously ordered closure of Meridian Road between SW 14th and SW 24th Streets.

An Ordinance providing for the indefinite closure of Meridian Road between Southwest 14th Street and Southwest 24th Street; and repealing prior Ordinance No. 4527-05 was considered.

MOTION: Vice Mayor Nightingale moved to adopt Ordinance 4543-05 as presented. Commissioner Scott seconded the motion. Motion carried 4-0. (This Ordinance is contained in Volume X of Ordinances.)

13. Consider League of Kansas Municipalities voting delegates.

MOTION: Commissioner Scott moved to send the Mayor, City Manager, Community Development Director and City Clerk/Finance Director as voting delegates at the October 10 League of Kansas Municipalities meeting. Vice Mayor Nightingale seconded the motion. Motion carried 4-0.

14. Old business.

There was none.

15. New business.

Commissioner Treaster inquired about the City Prosecutor position. It was reported several qualified candidates have applied and the position is being restructured.

The Mayor mentioned October is the month for the City Manager and the City Attorney's evaluations. He proposed to do the evaluations respectively on October 11 and October 25 after the City Commission meeting. He asked for notification if a conflict should arise with Commissioner's schedules.

City Manager Heinicke reported possibly three proposals by the end of the week for the Axtell Clinic.

16. Adjournment.

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

Mayor

Attest:

City Clerk