

CITY COMMISSION MINUTES
November 22, 2005

The Newton City Commission convened in regular session on November 22, 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, PIO McDaniel and Deputy Clerk Duerksen.

Pastor Jim Anderson, 1st United Church of Christ, provided the invocation. The Mayor then led in the Pledge of Allegiance to the US Flag and presided over the items of business.

CONSENT AGNEDA

- 1. Review minutes of November 8, 2005 meeting.**
- 2. Receive financial reports for October 2005.**
- 3. Windward Park 2nd Addition sewer improvements:**
 - A. Receive petitions, plans and specifications for extension of sanitary sewer in Windward Park 2nd Addition.**
 - B. Consider a Resolution finding advisable and authorizing the sewer improvement.**

This Resolution finds advisable and authorizes the construction of a sanitary sewer line to serve Windward Park 2nd Addition. The estimated cost of the project is \$20,483.99 with 100% to be assessed to the improvement district and 0% to be paid by the City at large. This Resolution is assigned I-1049 which is contained in Volume D of Improvement Resolutions.

C. Consider an Ordinance creating Sewer District 32-E.

This Ordinance creates Sewer District 32-E in the City of Newton, Kansas and is assigned Ordinance 4554-05 which is contained in Volume X of Ordinances.

D. Set date and time to receive bids (December 13 @ 10:00 a.m.).

- 4. Paving of Kansas Avenue:**
 - A. Consider an Ordinance designating Kansas Avenue between East 12th Street north to the city limits as a main trafficway.**

This Ordinance designates a certain street within the City of Newton, Kansas, as a main trafficway, is assigned 4555-05, and is contained in Volume X of Ordinances.

B. Consider a Resolution authorizing the paving of Kansas Avenue from the Centennial Park entrance to the Sand Creek bridge, and authorizing the financing of such costs as a general obligation of the City.

This Resolution of the City of Newton, Kansas authorizes the improvement or reimprovement of a portion of Kansas Avenue, a main trafficway within the City of Newton, Kansas; and provides for the payment of the costs thereof, is assigned I-1050 which is contained in Volume D of Improvement Resolutions.

5. **Consider a Resolution requesting that the County Commission make certain findings under K.S.A. 12-602a in relation to the prospective annexation of property along North Meridian Road as per the property owner's request.**

This Resolution of the City of Newton, Kansas, requests the Board of County Commissioners of Harvey County, Kansas, to make certain findings regarding the annexation of property by the City, as provided in K.S.A. 12-520c, is assigned G-939 which is contained in Volume E of General Resolutions.

6. **Consider a contract with KDOT for engineering services for the Railroad Park and Sand Creek pedestrian/bicycle path construction, and consider adoption of a Resolution authorizing the City Manager and Mayor to sign the contract.**

This Resolution authorizes the execution of an agreement with Baughman Company, P.A., in relation to engineering services for the Railroad Park and Sand Creek pedestrian/bicycle path construction in the City of Newton, Kansas, is assigned G-940 which is contained in Volume E of General Resolutions.

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

REGULAR AGENDA

7. **Citizen's Forum.**

8. **Manager's Update.**

- The Sand Creek project received an additional \$3 million from the federal government. This additional funding brings the project within \$1.5 million of the total funding needed. The Corps staff anticipates the project could be bid early spring.
- The City has received up to \$200,000 from KDOT for the Main Street overlay. The project is scheduled for 2008.
- A work session is scheduled for December 6 at 7:00 p.m.
- December 2 is the annual employee appreciation dinner.
- The City has received the water line easement for the Industrial Park. The project can begin following receipt of the UP railroad permit.
- There is only one item of necessity for the December 27 meeting. In order to not meet for this item, the Commission could delegate awarding of the bids to the Mayor, Vice Mayor and Manager.
- Mayor Heck noted that Keith Lawing has resigned from REAP. He will continue to help out through January. REAP is also working on affordable airfares, which is part of the Legislative items for the upcoming year.

9. **Recycling Issues:**

A. Receive a report and recommendations regarding changes in the recycling requirements.

City Engineer/DPW Loomis noted changes being made to the recycling requirements. The changes will add various mixed paper to the list of required recyclables. Office paper envelopes, wrapping paper, note pads, greeting cards, cereal and beverage boxes, shredded paper and cardboard tubes will be added. Voluntary recyclables would include junk mail or other mixed paper that contains personal information that could be used for identity theft. The changes would not be implemented until March 2006 in order to provide enough time for public education. Commissioners questioned whether the two bins would be enough to handle the additional paper. They also questioned whether Harvey County would commit to a long term time frame that the system would not be changed. They don't mind changing the recycling but they do not want to have to take a step back because it takes a lot to change the behavior of 18,000. Staff noted that additional bins could be purchased for \$5.00.

Roy Patton, Harvey County Solid Waste Superintendent, stated that the County Commission is asking their contractors to commit to accepting the new recyclables in their contracts. These contracts are renewed yearly. Harvey County will spell out in its resolution which items will no longer be accepted in regular trash. The City will have until March to comply.

B. Consider an Ordinance adopting changes in the designation and requirements regarding recyclables, to be effective March 1, 2006.

An Ordinance designating certain materials as being recyclables for purposes of the solid waste collection requirements of Chapter XVIII of the Code of the City of Newton, Kansas, as amended by Ordinance No. 4398-01; establishing requirements for the preparation of such materials for collection by the sanitation division of the City; and repealing Ordinance 4398-01 was considered.

MOTION: Commissioner Treaster moved that this Ordinance, assigned 4556-05, be approved as presented. Commissioner Scott seconded the motion which carried 5-0. (This Ordinance is contained in Volume X of Ordinances.)

10. Consider a Resolution establishing a sidewalk repair assistance program.

A Resolution establishing a sidewalk repair assistance program for the City of Newton, Kansas was considered. Under this program, property owners who have been ordered by the City to repair sidewalks will be eligible to receive up to \$2.50 per square foot of sidewalk replaced, up to \$500 per street frontage. Property owners also could opt to pay off the cost of repairs over a five-year term, with those costs added to their annual property tax statement. PIO McDaniel noted that the program has been made retroactive for the North Walnut residents. Letters along with applications will be sent to these property owners notifying them of the program.

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded that this Resolution, assigned G-941, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume E of General Resolutions.)

11. Consider notice for amendment of the 2005 budget for publication.

Director of Finance/City Clerk Ahsmuhs reported a budget amendment is needed because the Airport has sold fuel in excess of what was budgeted. There will be no effect on the levy. The additional expenditure of \$350,000 is offset by the additional fuel sales. The amendment will be published and a public hearing will be held at the next meeting.

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded to approve the 2005 budget amendment for publication. Motion carried 5-0.

12. Planning Commission

A. Receive the recommendation of the Newton/North Newton Area Planning Commission to approve the final plat for Dillon's.

The Planning Commission considered the final plat for Dillon's at their last meeting and voted unanimously to recommend approval of the plat and forwarding it on to the City Commission for consideration.

B. Consider approval of the final plat for Dillon's.

MOTION: Commissioner Scott moved to approve the final plat for Dillon's. Commissioner Treaster seconded the motion which carried 5-0.

C. Receive the recommendation of the Newton/North Newton Area Planning Commission for a zoning amendment for property located on East 12th St. from an R-3 (Multi-family Dwelling District) zoning classification to a C-2 (General Business District) zoning classification.

The Planning Commission unanimously approved an application for a zoning amendment for property located on East 12th Street at their last meeting. The applicant requested the property be rezoned from an R-3 (Multi-family Dwelling District) zoning classification to a C-2 (General Business District) zoning classification.

D. Consider an Ordinance granting the zoning amendment.

An Ordinance amending the official zoning map incorporated by reference in Article II, Section 2.2-1, of the Zoning Ordinances of the City of Newton, Kansas was considered.

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded that this Ordinance, assigned 4557-05, be approved as presented. (This Ordinance is contained in Volume X of Ordinances.)

13. Receive bids and award contract for the Mission Plant chemical mixing improvements.

City Engineer/DPW Loomis recommended that the bid be awarded to the low bidder.

BIDDER	BID AMOUNT
Nowak Construction	\$145,712.00
Dondlinger Construction	\$ 84,000.00
Utility Contractors	\$ 84,750.00

MOTION: Commissioner Scott moved to accept the bids and award the contract to Dondlinger Construction in the amount of \$84,000.00. Vice Mayor Nightingale seconded the motion which carried 5-0.

14. Receive bids and award contract for the 12th Street sanitary sewer rehabilitation project.

City Engineer/DPW Loomis noted that this project had an alternate bid item added to the base bid and recommends awarding the contract to the low bidder for both the base bid and the alternate bid.

BIDDER	BID AMOUNT
Insituform Technologies	\$193,840.00
Midlands Contracting	\$194,968.00
Utility Maintenance Cont.	\$221,576.00
Engineer's Estimate	\$429,670.00

MOTION: Commissioner Scott moved and Commissioner Treaster seconded to accept the bids and award the contract to Insituform Technologies in the amount of \$193,840.00. Motion carried 5-0.

15. Consider extension of the City Manager's contract.

Mayor Heck noted the City Manager's employment agreement extends his contract to October 2007 with the salary and benefits remaining the same as 2006.

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded to extend the City Manager's contract for another year. Motion carried 5-0.

16. Consider extension of the City Attorney's contract.

Mayor Heck noted the City Attorney's employment agreement adds another year to his contract and the terms of the contract are the same as 2005.

MOTION: Commissioner Harris moved and Commissioner Treaster seconded to extend the City Attorney's contract for another year. Motion carried 5-0.

17. Old business.

There was no old business.

18. New business.

Commissioner Treaster reported he had completed Leadership Wichita and noted the Mayor is well known in South Central Kansas.

City Manager Heinicke reported Community Development Director Johnson would be back to work in the near future.

Commissioner Harris reported on the regional legislative dinner held in Hutchinson. The hot topic next year will be eminent domain.

Mayor Heck noted all City departments are heading toward coming in under budget. He expressed sincere appreciation to the departments for all the good work that is done.

19. Adjournment.

There being no further business to come before the Commission, the meeting was adjourned at 7:48 p.m.

ATTEST:

Mayor

City Clerk