

CITY COMMISSION MINUTES
December 13, 2005

The Newton City Commission convened in regular session on December 13, 2005 at 7:00 p.m. in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nightingale, Commissioners Harris and Scott. 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. Vice Mayor Nightingale was going to be late and Commissioner Treaster was absent.

Pastor Eric Massanari, Shalom Mennonite Church, provided the invocation. The Mayor then led in the Pledge of Allegiance to the US Flag and presided over the items of business. A quorum was not present so the Commission moved to Item #10.

10. Manager's Update.

- The FAA has approved a request to fund rehabilitation of the Terminal Apron at the Airport. The funding would be approximately \$500,000 (95% of the project).
- The Mayor and City Manager attended the USD 373 Planning Task Force meeting. The school is trying to identify future facility needs.
- The PBC sold bonds for the golf course equipment. The low bidder was Midland National Bank at 3.695136%.
- A REAP Water Coalition report was provided for Commissioners.
- The Health Department states there is no cause for alarm regarding the Bird Flu. State officials have come to Newton for planning sessions. The Health Department is refining plans for mass vaccination if it ever became necessary.
- Mayor Heck mentioned the REAP Executive Committee report which was distributed. He also noted dues were increased for all members of REAP.

Vice Mayor Nightingale entered the meeting at 7:05 p.m. A quorum being present, the Commission returned to the Consent Agenda.

CONSENT AGENDA

- 1. Review minutes of November 22, 2005 meeting.**
- 2. Receive financial reports for November 2005.**
- 3. Cancellations of 2004 bad debts.**

Cancellation of bad debts is for accounting purposes only. Amounts of the 2004 cancellations are Ambulance \$78,197 and Utility \$31,985. Total bad debts constitute 1.18% of total billings.

- 4. Approve an Ordinance appropriating funds for 2006 and ratifying 2005 claims for payment.**

This Ordinance appropriates the amount established in each fund in the budget for the year 2006; provides for the payment of all claims and charges against the accounts provided therein; and approves and ratifies the payment of all claims against the accounts for the year 2006; is assigned 4558-05 which is contained in Volume X of Ordinances.

5. Consider applications for renewals of cereal malt beverage licenses for general, restricted and limited retailers for 2006.

NAME	LOCATION	TYPE
Bill's Bar	421 N. Main	GR
Fox Ridge Golf LLC	800 S. Kansas	GR
Play-Mor Lanes	1105 Washington Road	LR
Eastgate Lanes	1610 East 2 nd Street	LR
El Toro Café	121 West 5 th	LR
Pizza Hut	1205 Washington Road	LR
Dillons Store #77	1410 S. Kansas	RR
Dillons Store #24	1216 N. Main	RR
Hill's C Store #1	1609 East 1 st	RR
Hills C Store #2	1420 Old Main	RR
First Stop	129 W. Broadway	RR
Prime Time Stores of KS Inc. #126	1823 N. Main	RR
Prime Time Stores of KS Inc., #127	1608 East 1 st	RR
Casey's General Stores, Inc.	1815 W. 1 st	RR
Wal Mart	1701 S. Kansas Avenue	RR
Kwik Shop	1315 Washington Road	RR
Alco Discount Store #97	2300 Anderson Avenue	RR
Pump-N-Pantry	3524 S. Duncan	RR
Newell Truck Plaza	200 Manchester	RR

6. Sand Creek Station Addition:

A. Receive petitions, plans and specifications for water and sewer improvements to serve Sand Creek Station Addition.

B. Consider a Resolution finding advisable and authorizing the extension of water lines to serve Sand Creek Station Addition.

This Resolution finds advisable and authorizes the construction of a water line extension and related appurtenances to serve Lots 15-35, Block A; Lots 1-13, Block B; Lots 1-30, Block C; Lots 1-16, Block D; Lots 1-10 and Lots 27-39, Block E in Sand Creek Station Addition. The estimated cost of the project is \$272,677.04 with 100% to be assessed to the improvement district and 0% to be paid by the City at large. This Resolution is assigned I-1051 which is contained in Volume D of Improvement Resolutions.

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

This Ordinance creates Water District 24-B in the City of Newton, Kansas; is assigned 4559-05 which is contained in Volume X of Ordinances.

D. Consider a Resolution finding advisable and authorizing the extension of sewer lines to serve Sand Creek Station Addition.

This Resolution finds advisable and authorizes the construction of a sanitary sewer line to serve Lots 15-35, Block A; Lots 1-13, Block B; Lots 1-30, Block C; Lots 1-16, Block D; and Lots 20-39, Block E in Sand Creek Station Addition. The estimated cost of the project is \$482,878.85 with 100% to be assessed to the improvement district and 0% to be paid by the

City at large. This Resolution is assigned I-1052 which is contained in Volume D of General Resolutions.

E. Consider an Ordinance creating Sewer District 15-A

This Ordinance creates Sewer District 15-A in the City of Newton, Kansas; is assigned 4560-05 which is contained in Volume X of Ordinances.

F. Set December 29, 2005, at 10:00 a.m. as the date and time to receive bids, and authorize the City Manager, Mayor and Vice Mayor to award the bid to the lowest responsible bidder.

7. 3700 South Kansas Avenue improvements:

A. Receive petitions, plans and specifications for water and sewer improvements to serve 3700 S. Kansas Avenue.

B. Consider a Resolution finding advisable and authorizing the water improvements.

This Resolution finds advisable and authorizes the construction of a water line extension and related appurtenances to serve Water District 22-A2 in Parcel 1 of Lot 1, Block 1; Newton Land Subdivision. The estimated cost of the project is \$48,061.88 with 84.39% to be assessed against the improvement district and 15.61% to be paid by the City at large. This Resolution is assigned I-1053 which is contained in Volume D of Improvement Resolutions.

C. Consider an Ordinance creating Water District 22-A2.

This Ordinance creates Water District 22-A2 in the City of Newton, Kansas, is assigned 4561-05 which is contained in Volume X of Ordinances.

D. Consider a Resolution finding advisable and authorizing the sewer improvements.

This Resolution finds advisable and authorizes the construction of a sanitary sewer line to serve Sewer District 33-C in Parcel 1 of Lot 1, Block 1; Newton Land Subdivision. The estimated cost of the project is \$18,149.63 with 100% to be assessed against the improvement district and 0% to be paid by the City at large; is assigned I-1054 which is contained in Volume D of Improvement Resolutions.

E. Consider an Ordinance creating Sewer District 33-C.

This Ordinance creates Sewer District 33-C in the City of Newton, Kansas, is assigned 4562-05 which is contained in Volume X of Ordinances.

F. Set December 29, 2005, at 10:00 a.m. as the date and time to receive bids, and authorize the City Manager, Mayor and Vice Mayor to award the bid to the lowest responsible bidder.

8. Consider a Resolution authorizing the execution of a Supplemental Lease as to the golf course project, to extend the obligations secured by the golf course lease

to include the supplemental bonds issued by the Public Building Commission financing the acquisition of the golf course maintenance equipment and golf cart.

This Resolution authorizes the City of Newton, Kansas to enter into Supplemental Lease No. 1 with the City of Newton, Kansas, Public Building Commission in connection with the issuance by the City of Newton, Kansas, Public Building Commission of its revenue bonds for the purpose of further equipping a municipal golf course for use by the City; approves the form of said Supplemental Lease No 1; authorizes the City of Newton, Kansas to enter into a tax compliance agreement in connection with the issuance of the revenue bonds, and authorizes the execution thereof and certain related documents; is assigned G-942 which is contained in Volume E of General Resolutions.

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

REGULAR AGENDA

9. Citizen's Forum.

There was no one requesting to speak.

11. Conduct public hearing on a budget amendment and consider approval of the budget amendment.

Director of Finance Ahsmuhs noted the budget amendment will allow the Newton City-County Airport to purchase more fuel for resale. This will not increase taxes and sales of the fuel would offset any expenditures.

Mayor Heck opened the public hearing at 7:11 p.m. There being no one to speak, the Mayor closed the hearing at 7:12 p.m.

MOTION: Commissioner Scott moved to approve the budget amendment as proposed. Vice Mayor Nightingale seconded the motion which carried 4-0.

12. Receive a report and an updated economic benefit analysis regarding the completion of the Millennium Machine & Tool, Inc., industrial expansion project, and consider an Ordinance to grant the tax abatement pursuant to the Resolution of intent (Resolution No. G-898) adopted on May 25, 2004.

Mickey Fornaro-Dean, EDC Director, reviewed the cost benefit analysis for Millennium Machine & Tool, Inc. This is their third tax abatement. They have invested \$1.6 million in machinery, equipment, buildings and land with this tax abatement. They started back in 1998 with only three employees and have grown to 44 employees.

An Ordinance exempting from ad valorem taxation certain real estate and personal property acquired by Millennium Machine and Tool, Inc., in relation to the expansion, improvement and equipping of certain facilities for manufacturing purposes was considered.

MOTION: Commissioner Scott moved that this Ordinance, assigned 4563-05, be approved as presented. Vice Mayor Nightingale seconded the motion which carried 4-0. (This Ordinance is contained in Volume X of Ordinances.)

13. Annexation of property upon the petition and request of Mildred Markee as to property along North Meridian:

A. Receive a report on the County Commission proceedings reviewing the annexation proposal.

Ms. Markee has requested that two residential properties, which she owns along the west side of North Meridian, be annexed. The southernmost tract adjoins the existing City limits and can be annexed unilaterally. The northernmost tract does not adjoin the existing City limits so it was necessary that the County Commission review this first. They made the necessary findings in favor of the annexation. City Attorney Myers has suggested the annexation not be effective until January 1, 2006.

B. Consider an Ordinance annexing the two proposed tracts.

An Ordinance including and incorporating certain land within the limits and boundaries of the City of Newton, Kansas was considered.

MOTION: Commissioner Harris moved that this Ordinance, assigned 4564-05, be approved as presented. Commissioner Scott seconded the motion which carried 4-0. (This Ordinance is contained in Volume X of Ordinances.)

14. Consider the dedication of an easement for sanitary sewer purposes as to a portion of the Sand Creek Station Golf Course Addition.

The City needs to grant an easement to itself at the golf course to accommodate a sanitary sewer.

MOTION: Commissioner Scott moved and Vice Mayor Nightingale seconded to approve the dedication of the sanitary sewer easement at the Sand Creek Station Golf Course. Motion carried 4-0.

15. Receive bids and award contract for Windward Park 2nd Addition sewer improvements.

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

Bidder	Bid Amount
Mies Construction	\$12,000.00
Wilk's Inc.	\$13,124.00
Nowak Construction	\$15,479.16
Engineer's Estimate	\$15,980.00

MOTION: Commissioner Scott moved to accept the bids and award the contract to the low bidder, Mies Construction, in the amount of \$12,000. Vice Mayor Nightingale seconded the motion which carried 4-0.

16. Review Capital Improvement Project list.

City Commissioners reviewed the City's Capital Improvements Program, a list of more than 100 City projects to be considered for the next 10 years. The list includes streets, parks,

building, airport, water, and sewer projects. A few are already committed projects, while others are merely ideas submitted by citizens or staff. Commissioners were asked to rank projects and turn them back in to staff. These will be discussed at a future meeting.

17. Old business.

Commissioners discussed shifting some of the cost of City government from property tax to a sales tax. They expressed interest in seeing a couple of proposals to choose from and present to the public.

18. New business.

There was none.

19. Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 8:16 P.M.

Mayor

ATTEST:

Deputy City Clerk