

CITY COMMISSION MINUTES January 24, 2006

The Newton City Commission convened in regular session on January 24, 2006 at 7:00 p.m. in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nightingale, 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, PIO McDaniel and Deputy Clerk Duerksen.

Pastor Mark Isaac with 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 January 10, 2006 meeting.**
2. **Mayor's appointments - Substance Abuse Board:** Cristie Rodriquez term ending 4-30-07; John Gilbert , LeRoy Koehn, Jim Daily terms ending 4-30-08
3. **Consider adoption of a Resolution authorizing the execution of Supplemental Trust Indenture No. 4 in relation to modifications to the bond repayment obligations under the City of Newton, Kansas, Taxable Industrial Revenue Bonds, Series A 1996 (Newton Medical Office Building Project).**

This Resolution of the Governing Body of the City of Newton, Kansas, approves the form of Supplemental Trust Indenture No. 4 to a certain trust indenture entered into by the City in connection with the issuance by the City of its Taxable Industrial Revenue Bonds, Series A, 1996 (Newton Medical Office Building project), is assigned G-945 which is contained in Volume E of General Resolutions.

4. **Consider authorizing the execution of a Supplemental Lease Agreement in relation to the City of Newton, Kansas, Economic Development Revenue Bonds, Series 2003 (Medical Office Plaza Addition Project) to implement an agreement between Newton Medical Management, Inc., and the bondholder, UMB Bank, N.A., as to insurance requirements related to that bond issue.**

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

REGULAR AGENDA

5. **Citizen's Forum.**

There was no one asking to speak.

6. Manager's Update.

- The City has received a pass-through Community Development Block Grant of \$322,000 to help Northview Developmental Services construct new facilities for day activity and support services.
- The City has received an award from the Kansas Ready Mix Concrete Association for work on Fischer Field Stadium and surrounding improvements.
- City Hall Day at the Capitol will be January 26.
- The clubhouse and event center is underway at the golf course. Kemper plans to bring a golf course manager on board in March.
- The downtown parking study draft will be presented at the next meeting.
- Mayor Heck reported that Joe Yager is the new executive officer for REAP. A bill will be introduced in the legislature for the \$5 million subsidy for airfares. Kent Myers, Westar, discussed the solid waste energy issues with the membership.

7. Consider an Economic Incentive Agreement with Kustom Karriers as to their proposed relocation to Newton and construction of a 10,000 square foot facility in the Newton Industrial Park.

Mickey Fornaro-Dean, EDC, noted Kustom Karriers is interested in relocating their business from Wichita to Newton. They are the ones who contacted the EDC and have received the paperwork from the State to relocate in Newton. They are asking for a 10-year tiered tax abatement. They will construct a 10,000 square foot facility, which will cost approximately \$400,000 with the cost of furnishing and equipping the facility at approximately \$50,000. There will be nine employees plus 26 truck drivers operating out of this facility. They are looking to begin construction in June 2006 with completion by September.

Mr. Paradis, Kustom Karriers, stated they are a for-hire trucking company. Since their major contractors are Norcraft and Agco, economically it will work well for them to be located in Newton.

MOTION: Commissioner Treaster moved to approve the Economic Incentive Agreement with Kustom Karriers. Commissioner Scott seconded the motion which carried 5-0.

8. Review and approve letter to citizenry from the Mayor regarding recycling changes.

City Engineer/DPW Loomis reported staff has been working on public education material for the recycling changes which will begin in March. Letters will be sent in

February to all customers explaining the new changes. The recycling PSA's were viewed.

MOTION: Commissioner Harris moved to adopt the letter to the citizenry regarding the recycling changes. Commissioner Scott seconded the motion which carried 5-0.

9. 24th Street Annexation

A. Receive the recommendation of the Newton/North Newton Area Planning Commission for the annexation of property bounded on the north by 24th Street and on the east by South Kansas Avenue and apply the requested zoning classifications to the property.

Community Development Director Johnson reported Ron Harder has requested annexation of property bounded on the north by 24th Street, and on the east by South Kansas Avenue. He has also requested the zoning be changed from the current A-1 (Harvey County Agricultural) classification to an R-1 (Single-family Dwelling District) and C-2 (General Business District) classification. The Planning Commission voted unanimously to approve the annexation and zoning request.

MOTION: Commissioner Scott moved to accept the recommendation of Planning Commission as presented. Commissioner Treaster seconded the motion which carried 5-0.

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

MOTION: Commissioner Treaster moved and Vice Mayor Nightingale seconded that this Ordinance, assigned 4567-06, be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

B. Consider an Ordinance amending the Official Zoning Map as incorporated in Article II, Section 2.2-1 of the Zoning Ordinance of the City of Newton, Kansas, to annex the property and assign an R-1 (Single-family Dwelling District) and C-2 (General Business District) classification to the property.

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 Commissioner Scott seconded that this Ordinance, assigned 4568-06, be approved as

presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

10. Asbury Park Annexation

A. Receive the recommendation of the Newton/North Newton Area Planning Commission to annex and apply the requested zoning classifications to property bounded on the south by Southwest 14th Street and on the east by Poplar Street and approve the Preliminary Development Plan.

Community Development Director Johnson reported Asbury Park has requested a zoning amendment for property bounded on the south by Southwest 14th Street, and on the east by Poplar Street. They are also requesting the annexation of property lying outside the corporate boundaries and change the zoning from the current A-1 (Harvey County Agricultural) and P-O (Professional Office) zoning classifications to a PUD (Planned Unit Development) classification.

MOTION: Commissioner Harris moved to accept the recommendation of the Planning Commission. Commissioner Scott seconded the motion carried 5-0.

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 4569-06, be approved as presented. Commissioner Treaster seconded the motion which carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

B. Consider an Ordinance amending the Official Zoning Map as incorporated in Article II, Section 2.21 of the Zoning Ordinance of the City of Newton to reclassify 200 SW 14th Street from an A-1 (Agriculture) and PO (Professional Office) to a PUD (Planned Unit Development) zoning classification.

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 that this Ordinance, assigned 4570-06, be approved as presented. Commissioner Scott seconded the motion which carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

11. Consider a Resolution to declare the intent to have an election on a City sales tax.

Commissioners and staff recently met with the Board of Education as well as the Recreation Commission to receive input on a sales tax. Staff is optimistic that they will be able to work something out with the school for tax relief. Staff asked for input on how to proceed. Commissioners agreed they are interested in an election for a one-cent sales tax before beginning the 2007 budget process. Commissioners also agreed to create a task force that will generate one or more proposals for how to allocate the revenue. Each Commissioner will turn a name in to the City Manager by Friday. A number of community forums will be held to help educate the public on the issue and allow for public input on the task force's proposals. City representatives also will give presentations to the past Chamber of Commerce presidents, Newton Board of Realtors, and other city organizations. Two proposed election calendars were distributed. In order to hold an election in May, Commissioners will need to pass a resolution by the end of February.

12. Review the Capital Improvement Project list.

City Engineer/DPW Loomis reviewed the CIP list, a list of the highest-priority projects to be considered in the next few years. This will give City staff guidance on which projects to focus on. Individual projects will still come before the Commission for approval prior to construction.

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to approve the 2006 Capital Improvement Project list. Motion carried 5-0.

13. Consider petitions submitted by Solomon Investments, LLC, for the extension of water and sanitary sewer mains to serve property in the Rock Shore Lake Addition.

City Attorney Myers reported the City has received petitions from Solomon Investments, LLC, for the extension of water and sewer main lines to serve the Rock Shore Lake Addition. The owner reports he has a prospect to buy land on the west end and wants to move the petitions along as quickly as possible. However, the petitions, as prepared by the owners, have dollar figures from 2003 which do not represent current cost estimates. The petition states 100% of the improvements will be assessed against the improvement district, although the petition was accompanied by certified checks for the amounts stated. Staff has questions regarding whether the owner is intending to pay 100% of the project costs, or 100% of the costs minus the normal city at-large share, or just the portion of the costs which would be assessable against the Rock Shore Lake property as part of a larger benefit district. Staff is seeking clarification from the owners. Staff is also working on updated project cost estimates and on the configuration of a benefit district. Under normal processes, property related to the newly approved Asbury Park development would also be included in a benefit district, as that development also

requires this same infrastructure. Finally, staff is also waiting to hear from KDOT as to the amount of land needed for the Anderson/US 50 improvements, and it is anticipated that this will require a replatting of the west end of the development. Myers suggested tabling this item until the next meeting when staff expects to have more information, and when it may be possible for action to be taken as to these proposed improvements.

MOTION: Vice Mayor Nightingale moved to table this item to the February 14 meeting. Commissioner Treaster seconded the motion which carried 5-0.

14. Old business.

There was no old business.

15. New business.

MOTION: Commissioner Harris moved to go into executive session to discuss matters preliminary to the possible acquisition of real estate. Commissioner Scott seconded the motion which carried 5-0.

The Commission recessed to executive session at 8:20 p.m. The Commission reconvened at 8:30 p.m. Mayor Heck announced no decisions were made and no action was taken.

16. Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 8:30 p.m.

Mayor

ATTEST:

City Clerk