

CITY COMMISSION MINUTES
February 14, 2006

The Newton City Commission convened in regular session on February 14, 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 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, PIO McDaniel, and Deputy Clerk Duerksen. Commissioner Treaster was absent.

Pastor Timothy Conner, The Journey 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 24, 2006 meeting.

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

REGULAR AGENDA

2. Citizen's Forum.

There was no one asking to speak.

3. Manager's Update.

- The new recycling program becomes effective March 1.
- The Mayor and staff have presented the city sales tax issue to different groups and gotten very positive response to this venture to do property tax relief and sustain future finances. A community forum is set for February 21 at 6:30 p.m. at Chisholm School.
- The golf course project is still on target for a July completion.
- The Kansas Association of City/County Management has developed a new curriculum to be used in Kansas schools. Schools will be using a text that is tailored specifically to Kansas local government.
- Chief Denny provided a report on the recent wildland fires in Harvey County north of Burrton. A total of 8,800 acres were burned over a 15 square mile area. Newton Fire/EMS sent support personnel as well as administrative resources to help with ICS. The Newton Street Department also provided resources. Throughout the incident, 74 units from 27 different departments were used. Denny noted that had the interlocal agreements not been in place, the other department's resources would not have been available.
- Rusty Walter, Burrton Fire District #5, thanked the City for allowing the assets and personnel as well as public works department for help. During the incident they flowed 125,000 gallons of water.
- Mayor Heck reported a bill has been drafted and is moving forward through the legislature for the affordable air fares project. REAP has established a voluntary assessment for the fair fares. If the Commission wishes to participate, the cost would be \$750 per year for five years. This is subject to the legislature passing the bill. Consensus of the Commission was to participate.

4. Approve contract with the Kansas Department of Commerce & Housing regarding \$322,000 Community Development Block Grant funds for Northview Developmental Services and authorize the Mayor to sign all necessary documents.

Community Development Director Johnson reported in September 2005 the Commission authorized staff to submit an application for a Community Development Block Grant on behalf of Northview Developmental Services, Inc. Newton was one of fifteen communities awarded a share of funding (\$322,000). Thirty-seven communities applied for the highly competitive grants with Newton placing sixth overall. Northview will construct an 8,600 square foot support services facility on their existing campus.

Virgil Penner, representing Northview Developmental Services Board of Directors, expressed appreciation to the City for their help in accomplishing the block grant.

City Engineer/DPW Loomis noted that on new development, street paving is required. Duncan will be paved from 12th and 14th Street. Petitions will be sent to property owners in this area for signing.

MOTION: Vice Mayor Nightingale moved to approve the \$322,000 Community Development Block Grant agreement with the Department of Commerce and Housing and authorize the Mayor to sign all necessary documents. Commissioner Scott seconded the motion which carried 4-0.

5. 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 updated the Commission on the water and sanitary sewer petitions submitted by Solomon Investment for Rock Shore Lake Addition. Staff has found the petitions to be insufficient because the dollar amounts used were from 2003 cost estimates. KDOT is planning intersection improvements which will consist of construction of acceleration and deceleration lanes on either side of Anderson. They plan to acquire all the right-of-way needed for the eventual round-about project and there will be no street access allowed off of Anderson in this area. This area will require a replat, which will need to include an entrance street from another location. Updated petitions have been completed for water, sewer and streets and have been conveyed to the property owners of both the Rock Shore Lake and Asbury Park properties which are included in the benefit district. Staff recommends rejecting the prior petitions on the basis that they do not reflect the actual cost estimates from those projects.

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded that the water and sewer petitions be found insufficient on the basis that they do not reflect the actual cost estimates of the projects. Motion carried 4-0.

6. Receive downtown parking study.

City Engineer/DPW Loomis reported on the downtown parking study. The study was conducted through the KDOT Traffic Engineering Assistance Program and was funded 100% by the State. The study area was roughly from 1st to 8th Street between Plum and Pine in the core area. The consultant inventoried all existing parking spaces in the study area and their associated time restrictions, collected parking occupancy data, reviewed crash data, analyzed

all data collected to identify parking deficiencies and evaluated the conversion of Main Street to angle parking. In May 2005 the consultant gathered information and collected data with assistance from Engineering staff. The recommendations are as follows:

- Block 3: Consider expanding two of the existing parking lots into the lawn in the front of the courthouse, consider installation of pavement markings to delineate the spaces on the south side of 8th Street, and remove the existing "NO STOPPING SCHOOL DAYS 8:00 AM TO 3:30 PM" sign posted on the east side of Main Street.
- Block 4: Consider installation of pavement markings to delineate the spaces to the east of Oak Street and on 7th Street to the east of Oak Street.
- Block 7: Initially recommend that employers on this block have their employee's park in other nearby areas where the existing occupancies are lower, such as along Broadway or 7th Street to the east of Oak Street and consider adding some public parking just south of this block on block 11.
- Block 10: Initially recommend that employers on this block have their employee's park in other nearby areas where the existing occupancies are lower, such as along Broadway or 6th Street to the west of Poplar Street. If this is not effective, long-term parking in the north lot could also be provided by changing half of the time limits in these spaces from 4-hour to 9-hour. Some of the 9-hour spaces in the SW corner lot could be converted to a 4-hour time limit.
- Blocks 15 and 19: Recommend changing some existing parking time limits to better utilize the existing parking supply, and encourage businesses adjacent to the NE corner of the lot to utilize other nearby areas for parking such as the new public lot on block 12.
- Block 17: Consider marking the south side of 5th Street with angle parking between Plum and Poplar.
- Block 20: Encourage private owners of large parking lots to install appropriate parking space markings and some form of curbs or barriers to more effectively delineate the parking aisles and spaces to reduce crash frequencies in the area.
- Block 23: Change the angle parking on south side of 2nd Street between Main and the alley (on Old Mill Street) to parallel parking to improve safety.
- Main Street (K-15): No changes are recommended to the existing on-street parking along Main Street. Angle parking would require narrowing the roadway to three lanes, which would lead to unfeasible traffic capacity and long back-ups during trains.

The parking study will be shared with the Planning Commission, Downtown Task Force, Downtown Design Commission and others that might have an interest in the issue.

7. Sales tax discussion.

The Mayor and staff have made presentations to various groups regarding a one-cent city sales tax. A significant portion of the revenue generated from the sales tax would be used for property tax relief. A Sales Tax Task Force has been formed to study the issue and make suggestions to earmark the remainder. Commissioners have met with the school district who

expressed interest in working with the City in some manner for tax relief. Other cities in Harvey County recently met and expressed a strong interest in having a one-cent county wide sales tax instead.

Director of Finance/City Clerk Ahsmuhs presented slides on the financial impact of a one-cent city sales tax versus a one-cent county wide sales tax. A one-cent city sales tax would generate about \$2.5 million, all of which would stay in Newton. With a county wide sales tax, \$2.5 million would be collected, and of that \$1.5 million would go to Newton with the remainder going to the other cities in Harvey County. Ahsmuhs also noted there are two bills in the legislature that will have an impact on money received from the State, should they pass.

Keith DeHaven, Sedgwick Mayor, noted that each community in Harvey County has worked together through the Council of Governments, EDC, water coalition, etc. He asked the Commission to reconsider their position on a one-cent city sales tax and support a county wide one-cent sales tax. He noted most of the other cities in the county have small retail areas and come to Newton to shop.

John Carter, Hesston City Administrator, stated the spirit of cooperation among the cities has worked well and has served as a model throughout the whole state. He felt informed voters in the other cities in Harvey County would unanimously support a county wide sales tax. The presumption is that 4.5 mills could be used to lower taxes by Harvey County. If Harvey County lowers their mill levy that would also lower Newton's. With the county sales tax, the other cities could also lower their mill levy. He asked that the Commission do what is best for all the voters.

City Manager Heinicke noted with a county wide sales tax, when a Newton resident spends one dollar, the City receives only 43 cents of that back. However, with a city sales tax, every dollar spent in Newton would stay here.

Vice Mayor Nightingale stated the sales tax is a way to offer property tax relief while offsetting the cost of doing business and the citizen's of Newton would be the ones to make the decision. A large percentage of property within the City is not on the tax rolls and this would help offset that. He noted he finds it easier to sell a city sales tax to his constituents instead of a county sales tax.

Commissioner Harris felt they were too far into the process to reconsider and favored a one-cent city sales tax.

Commissioner Scott noted what has driven the city sales tax issue is not projects, but the increasing cost of delivering services. He questioned where the shortfall money will come from if they go with a county wide tax. He wants to move in the direction of the Newton sales tax.

A public forum will be held on February 21, at 6:30 p.m. at Chisholm Middle School to receive public input on this issue. Commissioners will need to make a decision at their next meeting on how to proceed.

8. Old business.

City Attorney Myers presented a Resolution for the Broadway reconstruction project. A Resolution relating to right-of-way clearance and utility arrangements as to street improvements being planned under the program for federal aid on highway construction projects was considered.

MOTION: Commissioner Harris moved and Commissioner Scott seconded that this Resolution, assigned G-946, be approved as presented. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

9. New business.

City Manager Heinicke noted the article in the packet on Kustom Karriers that was recently in the *Wichita Business Journal*.

MOTION: Vice Mayor Nightingale moved and Commissioner Scott seconded to recess to executive session for five minutes to discuss matters preliminary to the acquisition of real estate. Motion carried 4-0.

The Commission recessed to executive session at 8:35 p.m. The Commission reconvened at 8:40 p.m. Mayor Heck announced no decisions were made and no action was taken.

10. Adjournment.

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Mayor

ATTEST:

City Clerk