

**CITY COMMISSION MINUTES**  
**February 28, 2006**

The Newton City Commission convened in regular session on February 28, 2006 at 7:00 p.m. in the City Commission room at 201 East 6<sup>th</sup> Street. Attending were Mayor Heck, Vice Mayor Nightingale, Commissioners Harris, Scott and Treaster. Also attending were City Manager Heinicke, City Attorney Myers, Director of Finance/City Clerk Ahsmuhs, Community Development Director Johnson, PIO McDaniel, and Deputy Clerk Duerksen.

Pastor Jim Anderson, 1<sup>st</sup> Presbyterian 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 February 14, 2006 meeting.**
2. **Receive financial reports for January 2006.**
3. **Sand Creek Station Addition street improvements, Phase 1:**
  - A. **Receive petitions, plans and specifications for street improvements, Phase 1 in Sand Creek Station Addition.**
  - B. **Consider a Resolution finding advisable and authorizing the improvements.**

This Resolution finds advisable and authorizes the extension of street pavement, curb and gutter with incidental drainage improvements in Sand Creek Station Addition. The estimated cost of the improvements is \$1,091,718.61 with 92.04% to be assessed against the improvement district and 7.96% to be paid by the City at large. This Resolution is assigned I-1055 and is contained in Volume D of Improvement Resolutions.

- C. **Set date and time to receive bids (March 14 @ 10:00 a.m. is suggested).**

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

**REGULAR AGENDA**

4. **Citizen's Forum.**
  - A. **Receive a request to close Main Street and part of the parking lot behind the Fox Theatre for the 2<sup>nd</sup> Annual Downtown Newton Car Show on May 13 from 7:00 a.m. to 5:30 p.m.**

Mike White, MWA Entertainment, requested that Main Street be closed from Broadway to 5<sup>th</sup> Street on May 13 from 7:00 a.m. to 5:30 p.m. for the 2<sup>nd</sup> Annual Downtown Newton Car Show. He also requested that a portion of the parking lot behind the Fox Theatre be closed to help with overflow.

**MOTION:** Commissioner Treaster moved and Vice Mayor Nightingale seconded to close Main Street on May 13 as requested. Motion carried 5-0.

## **5. Manager's Update.**

- The new recycling rules go into effect March 1. The changes have two major components: the addition of mixed paper, and the elimination of separate pickup weeks for magazines, catalogs, and phonebooks. Public information spots continue to air on cable television.
- The City has been awarded a Certificate of Merit by Kansas Friends of Education. This is in conjunction with the joint efforts on Fischer Field/Athletic Fields project.
- The LEAB and Diversity Committee will hold a joint meeting on March 8. Staff's intent is to see if one board can be established to oversee the varied interests.
- Mayor Heck has called together the Downtown Task Force on March 6.
- Staff from Rep. Tiahrt's office met with the public on February 14 at City Hall.
- USD 373 hosted a community meeting to discuss school needs. A copy of the District's Background Report was distributed.
- Mayor Heck reported that the affordable air fares bill passed in the Senate. Many governing bodies have committed to a level of financial support for this campaign.

## **6. Year-end benchmarks.**

Director of Finance/City Clerk Ahsmuhs reviewed the year-end benchmarks for 2005.

## **7. Receive the Newton Public Library annual report.**

Richard Sadowski, NPL Board, presented the 2005 annual report of the Library. The Library became a storm information center and warm haven for citizens during the ice storm. Sewer backups and water leaks were a problem again in 2005. Volunteers donated 3,100 hours of service to the Library. The Library will celebrate its 120<sup>th</sup> anniversary on September 27, 2006.

## **8. Consider a Resolution authorizing a sales tax election.**

A new proposal for a fair share countywide sales tax was discussed. In the existing countywide sales tax, Newton constitutes 53 percent of the population of Harvey County but receives only about 44 percent of the sales tax revenue. The new formula would be based on population and would give Newton a fairer share of the revenue. The new formula would be expected to generate about \$2.3 million for Newton. Harvey County would use some of its proceeds from a countywide tax for property tax relief. Also the other cities will get sales tax money and will likely reduce their levies in a manner similar to Newton. The new proposal will require either an interlocal agreement or special legislation to approve the new distribution formula. The City Attorney is researching whether an interlocal agreement could be made binding with the countywide sales tax. The County Commission has asked the other cities to respond by Monday if they are willing to participate in the new deal. Representative Thull sits on the taxation committee, which will be a plus in getting this through the legislative process.

Vice Mayor Nightingale noted there is major chaos changing from a city sales tax to a countywide sales tax midstream. He thought a countywide sales tax could have a better chance of passing because the other communities face the same issues Newton does. He expressed concern with what happens down the road when governing bodies change. A city could drop out.

Commissioner Scott felt the new proposal preserves the cooperative relationship with the other cities. He supported moving forward with a city sales tax proposal, but if the County can get legislative approval and the other cities approve of the new proposals, he would be willing to go with a countywide sales tax instead.

Commissioner Treaster commended County Chair Roberson for taking the lead in getting this issue resolved. He too felt the Commission needed to move forward with a city sales tax, but is willing to go along with the new deal if legislative permission is granted and the other cities agreed to the new deal.

Commissioner Harris felt in light of the fact there is only one chance to get this through, it was more important to get it done right than to hit the deadline for the 2007 budget.

**MOTION:** Commissioner Harris moved to table the sales tax Resolution until the next meeting. Commissioner Treaster seconded the motion which carried 5-0.

**MOTION:** Commissioner Treaster moved and Vice Mayor Nightingale seconded to express to the County Commission the City of Newton's interest in the new countywide sales tax proposal if the legislative issue can be done and/or the contract details worked out. The motion carried 5-0.

#### **9. Consider renewal of the billboard agreement with the Chamber of Commerce.**

Shelley Black, Convention & Visitors Bureau, reported the billboard lease is up for renewal in April. This billboard is located on I-135 and 12<sup>th</sup> Street. She has contacted all the motels and they wish to continue the lease for another year. The cost of the billboard is \$14,400 annually. The City is asked to contribute \$5,000.

**MOTION:** Vice Mayor Nightingale moved to renew the billboard agreement with the Chamber of Commerce as presented. Commissioner Treaster seconded the motion which carried 5-0.

#### **10. Consider a Resolution authorizing the Mayor and City Clerk to execute an agreement with KDOT for K-15 overlay.**

A Resolution authorizing the execution of a certain agreement with the Secretary of Transportation for the State of Kansas in relation to the proposed street resurfacing project for a portion of State Highway K-15 located in the City of Newton, Kansas was considered.

**MOTION:** Commissioner Scott moved that this Resolution, assigned G-947, be approved as presented. Commissioner Treaster seconded the motion which carried 5-0. (This Resolution is contained in Volume F of General Resolutions.)

#### **11. Receive bids and award contract for the Sand Creek Bike Path and Railroad Park.**

Bids for this project were taken on February 16. Since this project is funded with a KDOT grant, it is necessary to receive KDOT approval. That approval has not been received to date, so staff asked this item be tabled until the next meeting.

#### **12. Old business.**

Mayor Heck noted the Downtown Task Force will meet Monday to review the downtown parking study. The sales tax proposal will also be presented.

**13. New business.**

**MOTION:** Commissioner Treaster moved and Vice Mayor Nightingale seconded to recess to executive session for the purpose of consulting on matters with the City Attorney that are deemed attorney/client privilege for 15 minutes. Motion carried 5-0.

The Commission recessed to executive session at 8:15 p.m. The Commission reconvened at 8:30 p.m. Mayor Heck announced no decisions were made and no action was taken.

**14. Adjournment.**

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

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Mayor

ATTEST:

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City Clerk