

# CITY COMMISSION MIUTES

## July 11, 2006

The Newton City Commission convened in regular session on July 11, 2006 at 7:00 p.m. in the City Commission room at 201 East 6<sup>th</sup> Street. Attending were Mayor Nightingale, Vice Mayor Heck, and Commissioners Harris and Scott. Also attending were City Manager Heinicke, City Attorney Myers, City Engineer/DPW Loomis, Community Development Director Johnson, PIO McDaniel, and Deputy City Clerk Duerksen. Commissioner Treaster would be late and Director of Finance/City Clerk Ahsmuhs was absent.

Pastor Phil Fischer with Trinity Heights United Methodist 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 June 27, 2006 meeting.
2. Mayor's appointment: Planning Commission -Todd Smith, unexpired term of Penner ending 4-30-2008.

**MOTION:** Commissioner Harris moved and Vice Mayor Heck seconded to approve the Consent Agenda. Motion carried 4-0.

### REGULAR AGENDA

3. Citizen's Forum.

There was no one to speak.

4. Manager's Update.

- The Commission will be able to reduce the mill levy by 10.5 mills because of the sales tax. Another work session will be needed prior to the next meeting.
- The Father's House has sent a letter withdrawing their offer for the Axtell Clinic building.
- The City and USD 373 staff are jointly exploring options under a new KDOT grant program which would assist communities to enhance the safety of children walking/biking to school.
- East Broadway construction will begin July 17.
- Construction continues on the Railroad Park. Footings for a pedestrian bridge at Kansas Avenue are underway as well as the retaining walls along 1<sup>st</sup> Street.
- Community Development Director Johnson reported that 185 people attended the VIP/Media Day on June 30 at Sand Creek Station Golf Course. Through July 9, 1,050 rounds of golf had been played with 67 percent of those players being non-residents of Harvey County.
- Vice Mayor Heck reported a new interlocal agreement for REAP will be adopted in September.

Commissioner Treaster entered the meeting at 7:14 p.m.

5. Consider the following proposed Airport improvement projects:

- A. Receive a recommendation from the Aviation Commission to reconsider the prior approved construction of a new commercial aircraft hangar facility for Planely Creative, and instead to make modifications to Hangar J to accommodate the needs of Planely Creative.**

TW Anderson, Airport Manager, reported due to the KDHE requirements added to the building project for Planely Creative, the cost of the project has escalated to \$1 million. Therefore, plans have been cancelled to build a new dedicated paint spray hangar and returned to the original plan of modifying one half of two hangar structures. Modifications to Hangar J are being done in compliance with KDHE and the City Fire Marshall. The total estimated cost of the project is not to exceed \$350,000. Costs for the modifications will be recovered from the rental increase of the building.

- B. Consider a Resolution authorizing the proposed modifications to Hangar J at the Newton City/County Airport at a cost not to exceed \$350,000, and repealing prior Resolution No. I-1066.**

A Resolution authorizing the construction of improvements to a public building at the Newton City/County Airport; authorizing the issuance of general obligation bonds of the City of Newton, Kansas, to provide for the payment of the costs thereof; and repealing Resolution No. I-1066 was considered.

**MOTION:** Commissioner Treaster moved and Commissioner Scott seconded that this Resolution, assigned I-1074, be approved contingent upon an appropriate new lease with the tenant. Motion carried 5-0. (This Resolution is contained in Volume D of Improvement Resolutions.)

- C. Receive a recommendation from the Aviation Commission to enter into an agreement with ExTech, Inc., for the construction and acquisition of a new manufacturing facility, and for the leasing of that facility to ExTech, Inc.**

ExTech, a start-up aviation supply manufacturer, would like to locate its business at the Airport. The company manufactures parts for aviation companies in Wichita and elsewhere. The business is being started by two very experienced aircraft engineers. The company would initially employ four people, with the capacity to expand as production allows. The company has secured its financing from a local bank and the Small Business Administration. ExTech is asking the Airport to supply a build-to-lease building of 10,000 square feet. The cost of the project would not exceed \$400,000 and be recaptured in a formal commercial lease.

- D. Consider a Resolution authorizing the construction and acquisition of the proposed manufacturing facility at the Newton City/County Airport at a cost not to exceed \$400,000.**

A Resolution authorizing and providing for the acquisition of a building at the Newton City/County Airport; and authorizing the issuance of general obligation bonds of the City of Newton, Kansas to provide for the payment of the costs thereof was considered.

**MOTION:** Commissioner Harris moved and Vice Mayor Heck seconded that this Resolution, assigned I-1075, be approved contingent upon negotiation of a suitable agreement. Motion carried 5-0. (This Resolution is contained in Volume D of Improvement Resolutions.)

- E. Receive a recommendation from the Aviation Commission for the repaving of an existing parking lot facility serving Hangars G, L and N.

The parking lot serving Hangars N, L, and G needs to be repaved. The County has assisted the Airport by including the proposed paving in their annual road improvement bid solicitation. The cost of the project will not exceed \$55,000 and will be equally born between the city and county.

- F. Consider a Resolution authorizing the repaving of an existing parking lot facility serving Hangars G, L and N at the Newton City/County Airport at a cost not to exceed \$55,000.

A Resolution of the City of Newton, Kansas, authorizing additions and improvements to certain public buildings and facilities and providing for the payment of costs thereof was considered.

**MOTION:** Commissioner Scott moved and Commissioner Harris seconded that this Resolution, assigned I-1076, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume D of Improvement Resolutions.)

- 6. Receive outside agencies 2007 budget requests:

- A. Economic Development Council

Mickey Fornaro-Dean, EDC Executive Director, shared a presentation of businesses recruited to Newton during the past year. Alan Schrag, EDC president, then presented their budget request. They are asking for \$78,876 for 2007.

- B. Convention and Visitors Bureau

Shelly Black, Convention and Visitors Bureau, presented the CVB Annual Report and 2006/2007 Program of Work. The Chamber contracts with the City to operate the CVB. Their budget of \$75,000 is funded from the bed tax. In addition, the Central Business District budget of \$20,000 also comes from the bed tax.

- 7. Consider a request from the Newton Recreation Commission for funding for Fischer Field.

Brian Bascue, Newton Recreation Commission Superintendent, noted the NRC operates the daily maintenance of Fischer Field and Athletic Stadium under an agreement between the City, USD 373 and the Public Building Commission. They are seeking an increase in funds from \$15,000 to \$19,000 to fund operations and day-to-day maintenance. USD 373 has already agreed to the increase.

- 8. Consider a resolution reauthorizing the funding for the paving of Kansas Avenue from the Centennial Park entrance to the Sand Creek bridge.

A Resolution of the City of Newton, Kansas authorizing the improvement or reimprovement of a portion of Kansas Avenue, a main trafficway within the City of Newton, Kansas; providing for the payment of the costs thereof was considered. With asphalt prices increasing, the project costs

are more than originally expected. Therefore, a revised Resolution needs to be adopted to accommodate the price increase.

**MOTION:** Commissioner Treaster moved that this Resolution, assigned I-1077, be approved as presented. Vice Mayor Heck seconded the motion which carried 5-0. (This Resolution is contained in Volume D of Improvement Resolutions.)

**9. Consider a Resolution authorizing an agreement with KDOT for the US-50 and Anderson construction.**

A Resolution authorizing the execution of a certain agreement with the Secretary of Transportation for the State of Kansas in relation to state aid for the improvement of city connecting links on the state highway system was considered. KDOT is in the process of acquiring right-of-way for the interim improvements at US-50 and Anderson, which include left hand turn bays and excel/decel lanes. Staff has some language changes they would like in the agreement, but felt the resolution could be adopted contingent upon working out the changes. Bids for the interim project will be let in December with construction to begin in March 2007.

Allen Smith felt KDOT was missing a safety issue for US-50 - trucks coming from Mexico which do not have to have the same safety requirements as are needed here. He questioned who he could speak with regarding this potential problem and other safety issues. Mayor Nightingale informed him to talk with the Governor, KDOT and local legislators.

**MOTION:** Commissioner Treaster moved that this Resolution, assigned G-953, be adopted authorizing the execution of an agreement with KDOT for the US-50 and Anderson project, contingent, however, upon receipt of appropriate documentation suitable to the City Attorney regarding KDOT's commitment to pay for the costs of all highway right-of-way acquisition, and with staff given the authority to make corresponding changes in the text of the agreement as presented. Vice Mayor Heck seconded the motion which carried 5-0. (This Resolution is contained in Volume F of General Resolutions.)

**10. Consider a proposed amendment to Reserve Use Restrictions for the Plat for Newton Medical Center Second Addition.**

Community Development Director Johnson reported the Planning Commission approved a request for an amendment for allowable uses for Reserve B in Newton Medical Center Second Addition. Currently the Reserve Areas only allow for open space, drainage, ponds, recreation, landscaping, irrigation and walk paths. Newton Medical Center would like to use portions of Reserve Area "B" for a parking lot and related sidewalks. A second change to the amendment would eliminate references to a Business Owners Association and replace that with a reference to the owner or owners of the properties. The reserves will be maintained by the owners.

**MOTION:** Vice Mayor Heck moved and Commissioner Scott seconded to adopt the Planning Commission's recommendation and approve the amendment to Reserve "B" in Newton Medical Center Second Addition. Motion carried 5-0.

**11. Consider consultant contract with McGrath Consulting for Fire/EMS station relocation study.**

Chief Denny presented a contract with McGrath Consulting Group, Inc. for a Fire/EMS station location and resource deployment study. With the growth on the south side of Newton, the Commission last year authorized an analysis of the community and how fire and emergency medical services would be best delivered in the future. Denny intends the study to provide an unbiased opinion and help the department improve response times, align resources with needs in the community, and establish department benchmarks. The contract amount is \$27,550.

**MOTION:** Vice Mayor Heck moved and Commissioner Scott seconded to accept the contract with McGrath Consulting Group, Inc. Motion carried 5-0.

**12. Old business.**

Vice Mayor Heck asked about a city-wide clean up. Staff is still researching the issue.

Commissioner Harris commended Vice Mayor Heck and staff for all their work on the sales tax issue.

**13. New business.**

There was no new business.

**14. Adjournment.**

There being no further business to come before the Commission, the meeting adjourned at 8:35 p.m.

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Mayor

ATTEST:

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City Clerk