

CITY COMMISSION MINUTES

July 25, 2006

The Newton City Commission convened in regular session on July 25, 2006 at 7:00 p.m. in the City Commission room at 201 East 6th 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, Director of Finance/City Clerk Ahsmuhs, Community Development Director Johnson, PIO McDaniel, and Deputy City Clerk Duerksen. Commissioner Treaster was absent.

Pastor Nathan Morgan with 1st 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 July 11, 2006 meeting.
2. Receive financial reports for June 2006.

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

REGULAR AGENDA

3. Citizen's Forum.
 - A. Receive a proclamation declaring August 1, 2006 as National Night Out.

Kay Perkins read the proclamation declaring August 1, 2006 as National Night Out in Newton.

MOTION: Commissioner Scott moved and Commissioner Harris seconded to approve the proclamation as read. Motion carried 4-0.

David Nygaard, 1212 Grove, asked the Commission to consider more handicap parking spaces at Fischer Field. He stated on game nights, all the handicap spaces are taken and many do not go to the games because they have no place to park. City Engineer/DPW Loomis noted an ADA study was recently completed and there will be some parking changes made at Fischer Field. ADA code requirements are the guidelines used by staff for the number of spaces that are placed in parking lots.

4. Presentation of Residential Yard of the Year award.

Each year the City accepts nominations for Residential Yard of the Year. The winner is selected based on criteria such as healthy grass/turf, healthy trees, unique features/focal points, good use of yard space for planting, view from the street of public border, use of color throughout the yard in flowers and plantings. Glen and Ardete Frey, 508 W. 11th, were selected as this years' winner. Their yard has good use of perennials, well planned and maintained landscaping, and a large gated garden area that is visible from the street. Mayor Nightingale presented the Frey's with the Yard of the Year award.

5. Manager's Update.

- Tim Dudte will meet with staff tomorrow to present his proposal for acquiring the Axtell Clinic building.
- East Broadway construction is now underway. Detours have been marked and announced. The project is expected to be complete in January 2007.
- The housing construction is underway in the residential component of Sand Creek Station.
- The City Manager and Vice Mayor met with the new owners of the Factory Outlet complex. They are working to upgrade the premises.
- USD 373, the City and Bethel College are reviewing ways for a more meaningful use of Channel 7.

6. Consider agreement for Fischer Field funding.

At the last meeting, the Recreation Commission presented a request for an increase in funding from \$15,000 to \$19,000 for operations of Fischer Field. The request is to accommodate utility costs, which are due to the increased use of the facility. The school district will also increase their funding amount.

MOTION: Vice Mayor Heck moved and Commissioner Scott seconded to approve the agreement increasing the funding for Fischer Field to \$19,000. Motion carried 4-0.

7. Receive request from the Chamber of Commerce for matching funds from the City for the Residential Marketing Plan.

Virgil Penner, Chamber CEO, asked that the City participate in the Chamber's new residential marketing plan, which was previously presented at a work session. They are requesting the City match the private investment received from Newton businesses. The match would be \$30,000 per year over a three-year period. Currently, the Chamber has commitments of \$60,000 from the private sector. The marketing campaign is designed to encourage people to choose Newton over other Wichita-area communities when looking for a place to live. The campaign will include TV, radio, and newspaper advertising, direct mailings, billboards, mall kiosks, and media PR events.

Mayor Nightingale noted in order to grow, advertising/marketing are important. He was concerned with a lack of a long-range plan for the City and felt spending money on a campaign without such a plan was not wise. Commissioner Scott felt it was important to get started now with a marketing plan.

MOTION: Commissioner Scott moved and Vice Mayor Heck seconded to approve up to \$30,000 per year for the Chamber residential marketing plan for 2007, 2008, and 2009. Motion carried 3-1 with Mayor Nightingale voting nay.

8. Receive recommended year 2007 Budget for publication.

The 2007 proposed budget for publication reflects a reduction of 10.5 mills in property tax due to the passage of the sales tax question. The levy will go down 20 percent. Once published, the Commission can reduce expenditures but cannot increase expenditures. The official public budget hearing will be at 7 p.m. on August 8.

MOTION: Vice Mayor Heck moved to adopt the 2007 Budget, as presented, for publication. Commissioner Scott seconded the motion, which carried 4-0.

9. Planning Commission - Asbury Park:

- A. Receive the recommendation of the Newton/North Newton Area Planning Commission for a zoning amendment for property located 200 SW 14th Street (Asbury Park) from an A-1 (Agriculture) zoning classification to an R-3 (Multi-family Dwelling District) zoning classification.**

Community Development Director Johnson reported the Planning Commission voted to approve a zoning amendment for Asbury Park, at their last meeting. They are requesting a change in the zoning for their property from an A-1 (Agriculture) to an R-3 (Multi-family Dwelling District).

- B. Consider an Ordinance granting the zoning amendment.**

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 Scott moved to accept the recommendation of the Planning Commission and approve Ordinance 4584-06. Commissioner Harris seconded motion, which carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

10. Planning Commission - Special Use Permit:

- A. Receive the recommendation of the Newton/North Newton Area Planning Commission to grant a Special Use Permit for a neighborhood swimming pool and tot playground at Sand Creek Station Addition.**

Community Development Director Johnson reported the Planning Commission reviewed an application for a Special Use Permit submitted by Newton Development, LLC, for a piece of property located at the corner of Meadowbrook and Firebox Streets. The applicants plan to construct a neighborhood swimming pool and tot lot playground. The property is currently zoned R-3 and will retain that zoning classification. The City's zoning ordinances allow private recreational facilities, per Special Use Permit. The Planning Commission voted to approve the request with the stipulation that a four-foot high fence be placed adjacent to the sidewalk between the playground and Meadowbrook.

- B. Consider a Resolution granting the Special Use Permit.**

A Resolution granting a Special Use Permit for the construction and operation of a private recreational facility within and about a certain residential premises located at Lot 35, Block A, Sand Creek Station Addition to the City of Newton, Kansas was considered.

MOTION: Commissioner Harris moved to accept the recommendation of the Planning Commission and approve Resolution G-954. Vice Mayor Heck seconded the motion, which carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

11. Receive results of the economic development survey.

PIO McDaniel shared the results of the economic development survey that was mailed to citizens in the June utility bills. A total of 789 questionnaires were completed and returned. Respondents were asked to rate a series of economic development issues by priority, with 1 being a high priority, 2 being a medium priority, and 3 being a low priority. The composite scores showed that no item rated below a medium priority, and the highest-rated items were shopping, restaurants, and entertainment, redevelopment of the outlet mall complex, and downtown enhancement. The top write-in priorities were parks and recreation amenities, tax relief, and street improvements. The ideas could be used to help set an economic development agenda for the next few years.

12. Old business.

Mayor Nightingale noted he was still getting complaints about the handling of a tree at Havens Park. Staff has looked at the tree and is satisfied with the way it has been handled.

13. New business.

Commissioner Harris inquired why the walking path was narrowed along 1st Street. Loomis responded that the City would have had to acquire more easement and if the path was wider it could have cut into the roots of trees along the path.

Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 7:45 p.m.

Mayor

ATTEST:

City Clerk