

CITY COMMISSION MINUTES
September 12, 2006

The Newton City Commission convened in regular session on September 12, 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, Scott and Treaster. Also attending were City Manager Heinicke, Director of Finance/City Clerk Ahsmuhs, Community Development Director Johnson, PIO McDaniel, and Deputy City Clerk Duerksen. City Attorney Myers and City Engineer/DPW Loomis were absent.

Vice Mayor Heck 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 August 2, 2006 meeting.
2. Mayor's appointment - Historic Preservation - Dena Bisnette, term ending
3. Duncan Street paving
 - A. Receive plans and specifications for the paving of Duncan Street from 12th Street to 14th Street.
 - B. Consider a Resolution finding advisable and authorizing the paving improvements.

This resolution finds advisable and authorizes the extension of street pavement, curb and gutter on Duncan from 12th Street to 14th Street in Gerald Seibel Addition. The estimated cost of the improvement is \$212,630.02 with 79.91% to be assessed against the improvement district and 20.09% to be paid by the City at large. The Resolution is assigned I-1081, which is contained in Volume E of Improvement Resolutions.

- C. Set date and time to receive bids (October 17 at 2:00 p.m. is suggested).
4. Receive plans and specifications for Wheatridge Second, Phase 2, water and sewer and set date to receive bids (September 25 at 2:00 p.m. is suggested).
5. Consider an Ordinance for the extension of the Cox Communications franchise agreement.

This Ordinance of the City of Newton, Kansas, extends the term of the cable franchise of Cox Communications Kansas, LLC for a period not to exceed three (3) months, is assigned Ordinance 4594-06, which is contained in Volume Y of Ordinances.

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

REGULAR AGENDA

6. Citizen's Forum

A. Receive request for City assistance with the Crop Walk on September 24.

Staff has worked out an acceptable route for the Crop Walk. Assistance with traffic control is requested at 1st and Main to begin the walk.

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

B. Receive a proclamation declaring the week of September 17-23, 2006 as Constitution Week.

Kay Stanley read the proclamation declaring the week of September 17-23, 2006 as Constitution Week.

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to approve the proclamation as presented. Motion carried 5-0.

Manager's Update.

- The Fire/EMS department will serve as trainers for a five region department training on structural collapse.
- The PBC met and took bids for irrigation of various ballfields. The low bid was \$51,331.
- Staff has been meeting with USD 373, Bethel, and NMC to find better ways to utilize channel 7. Bethel has significant production facilities available which could be used for this purpose.
- The City will cover the Newton booth at the State Fair on Wednesday.
- Staff would like a work session on economic development prior to the next Commission meeting.
- Northview is appealing the SRS licensure letter rescinding its license. They still intend to pursue the CDBG grant.
- Vice Mayor Heck reported REAP is asking participating cities to adopt a new version of the interlocal agreement with REAP. There is a Visioneering Economic Summit on October 13.

7. Special Assessments

A. 7:00 p.m. Conduct public hearing to receive public input on proposed special assessments on completed improvement projects.

Industrial Park Street
Windward Drive East
Cottonwood Heights SD 35-B
Wheatridge Dr./Ct Phase V
Windward Park SD 32-D
Westhaven 4th SD 10-S

Washington Rd SD 13-J (Pizza Hut)
Stucky's Addition - Streets
Stucky's Addition WD 11-E
Stucky's Addition SD 10-TJ.
Stratford Phase 7 - WD 19-G

Stratford Phase 7 - SD 31-G
Stratford Phase 7 - Streets
Wheatridge 2nd - WD 4-A3
Wheatridge 2nd - SD 30-A5
Victoria Centre stormwater
SCS Phase 1 - WD 24-A
SCS Meadowbrook paving
Windward park sewer - SD 32-E

Ragsdale sewer - SD 1-B
Ragsdale water - WD 2-C
SCS Phase 1 water - WD- 24-B
SCS Phase 1 sewer - SD 15-A
NLS sewer - SD 33-C
NLS water - WD 22-A2
SCS Phase 1 - streets
SCS \$2,400 per lot

Chuck Bouilly, George K. Baum, reviewed the special assessment process. Final costs have been calculated and notices have been sent to property owners. The Commission must provide an opportunity for any affected party to protest the calculation of costs as erroneous or not following the cost allocation method in the original petition for a project. Mayor Nightingale opened the public hearing at 7:22 p.m.

Veronica Chapman, 420 Wheatridge Drive, noted they were not informed when buying their house about the special assessments. She felt it was unfair to have to come up with the amount of money for the specials in 30 days.

Carson Nuss, 429 Wheatridge Drive, thought the specials should fall on the developer. They were not informed about these extra specials. Their contract already has specials attached and there is some confusion if these are the same specials or additional specials. He asked the Commission for an extra 30 days before the final letter goes out to try to get this issue ironed out with the developer. It was decided that letters would still be sent out, but the property owners in this area could have some extra time to try to get this issue resolved.

Jeff Berger, 2024 Briar Wood Court, noted if the Commission pulls the specials in Wheatridge, then the specials in his area should also be pulled. He also suggested that the City make known to the realtors that new homes will have special assessments.

There being no one else wishing to speak, the Mayor closed the public hearing at 8:09 p.m.

B. Consider an Ordinance levying the special assessments for projects.

An Ordinance levying special assessments on certain property to pay the costs of internal improvements in the City of Newton, Kansas, as heretofore authorized by Resolution Nos. I-1023, I-993, I-1009, I-1006, I-1008, I-1010, I-1011A, I-1019, I-1015, I-1016, I-1026, I-1025, I-1030, I-1031, as amended by I-1069, I-1032, I-1035, I-1040, I-1042, I-1049, I-1045, I-1046, I-1051, I-1052, I-1054, I-1053, I-1056, and I-1028; and home rule Ordinance No. 4585-06 of the City; and providing for the collection of such special assessments was considered.

MOTION: Commissioner Harris moved and Vice Mayor Heck seconded this Ordinance, assigned 4595-06, be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

8. Consider disposition of excess property on 36th Street.

The City currently owns property at 36th Street, that is used for sludge disposal, and a citizen has expressed interest in purchasing the portion that is not conducive to that function.

According to an appraisal, farm property is currently valued at \$750-\$2,000 an acre. This parcel has floodplain and development issues, so that the property value would be at the lower end of the range. Staff asked for authority to dispose of the excess property and that a reasonable amount for the property be set by the Commission.

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to authorize the disposition of the excess property on 36th Street and set a minimum bid amount of \$15,000. Motion carried 5-0.

9. Consider a Resolution declaring the Commission's intent to issue hospital revenue bonds for the new Newton Medical Center building expansion project.

A Resolution of the governing body of the City of Newton, Kansas determining the advisability of issuing the City's Hospital Revenue Bonds to pay the costs of acquiring, constructing, equipping, and furnishing a surgical center and medical office building facility to be located in the City was considered. Vice Mayor Heck noted he would be abstaining from discussion and voting due to a conflict of interest. Newton Medical Center wishes to utilize tax exempt financing through the City for their ambulatory surgery center. There is \$10 million annual limit to tax exempt financing within the City, but once it is determined how much the City needs to bond each year, the remainder of the \$10 million could be used by tax exempt entities for favorable financing terms.

MOTION: Commissioner Scott moved and Commissioner Harris seconded that this Resolution, assigned G-958, be approved as presented. Motion carried 4-0-1 with Vice Mayor Heck abstaining. (This Resolution is contained in Volume F of General Resolutions.)

10. Receive a report from the Environmental Inspector regarding nuisance conditions at 327 E. 6th, and consider a Resolution directing the abatement of those nuisance conditions.

A Resolution finding the condition of certain property located within the City of Newton, Kansas, as containing health and safety nuisance conditions and directing the removal of abatement of such nuisances was considered. Environmental Inspector Dealy reported on July 25 the structure at this location received extensive fire damage and was ruled a complete loss. Dealy has sent letters notifying the owners of violations for this property. The owners' intention is to clear the lot, but could not in the time frame given due to limited financial resources. An extension was given under the condition that property owners submit a written abatement plan and the necessary demolition permit pulled by August 25. These conditions have not been met.

City Manager Heinicke presented options the Commission consider: 1. Order the work be done and then assess the cost to the taxes, 2. Declare this as a hardship case and help with the cost of demolition and debris removal, which would cost approximately \$2,500 to \$3,000.

MOTION: Commissioner Treaster moved and Commissioner Scott seconded to authorize the City to clean up and absorb the cost of the demolition. Motion carried 5-0.

11. **Receive a preliminary report from Environmental Inspector regarding conditions in the Sunset Mobile Home Park, and consider a Resolution setting a hearing on those conditions for the September 26 City Commission meeting.**

A Resolution establishing a date and time for a hearing as to whether certain conditions located in the Sunset Mobile Home Park at 1125 West Broadway in the City of Newton, Kansas, constitute a danger to the health and welfare of the occupants thereof or to the surrounding community, and which should be ordered to be abated was considered. Environmental Inspector Dealy asked that the Commission set a hearing date, at which time they would consider the merits of the violations against the property. The conditions of this property were brought to his attention after citizens attended a recent Commission meeting. In order for the property owner and their legal counsel to be present, staff is asking the hearing be set for October 10 instead of September 26.

MOTION: Commissioner Scott moved and Commissioner Harris seconded that this Resolution, assigned G-959, be approved with the hearing date set for October 10. Motion carried 5-0. (This Resolution is contained in Volume F of General Resolutions.)

12. **Consider an Ordinance annexing property at the request of the property owner to enable connection to City utilities.**

An Ordinance including and incorporating certain land within the limits and boundaries of the City of Newton, Kansas was considered. Autumn Daily, 529 SW 11th, requested her property be annexed into the city limits in order for her to receive water and sewer.

MOTION: Vice Mayor Heck moved and Commissioner Harris seconded this Ordinance, assigned 4596-06, be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

13. **Consider voting delegates and alternates for the League conference.**

City Manager Heinicke suggested that the voting delegates for the League meeting be the individuals who will be attending the conference: Vice Mayor Heck, City Manager Heinicke, City Attorney Myers and Community Development Director Johnson.

MOTION: Commissioner Harris moved and Commissioner Scott seconded the voting delegates be those attending the meeting as presented. Motion carried 5-0.

14. **Old business.**

Commissioner Treaster inquired on the status of the landfill coupons. Staff is still working on this project.

Mayor Nightingale referenced the thank you note in the packet regarding the additional handicap parking spots at Fischer Field.

15. **New business.**

Commissioner Harris reported she had attended the Municipal Leadership Academy sponsored by the League on Saturday. She suggested checking into setting up a charter ordinance setting procedures for running a meeting. Staff will pass the information received on to the City Attorney.

Mayor Nightingale received notification that Chisholm Middle School was one of 16 winners of the Intel and Scholastic Schools of Distinction in the area of collaboration and teamwork. The award will be presented in Washington, D.C.

16. Adjournment.

There being no further business to come before the Commission, the meeting adjourned at 8:32 p.m.

Mayor

ATTEST:

City Clerk