

## CITY COMMISSION MINUTES October 25, 2006

The Newton City Commission convened in special session on October 25, 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, Director of Finance/City Clerk Ahsmuhs, City Engineer/DPW Loomis, Community Development Director Johnson, PIO McDaniel and Deputy City Clerk Duerksen. Commissioner Treaster was absent.

The purpose of this special meeting was to consider the agenda previously published for the regular meeting scheduled for October 24, 2006, but which had to be cancelled due to the unavailability of a quorum.

Pastor Jim Anderson with 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 October 10, 2006 meeting.
2. Receive financial reports for September 2006.
3. Receive a tax abatement request from Mackey & Sons and consider adoption of a Resolution setting this matter for public hearing.

This Resolution establishes a time and date for the conduct of a public hearing on an application to the governing body of the City of Newton, Kansas, for the granting of an exemption from ad valorem taxation for certain property proposed to be improved, expanded and equipped by Mackey & Sons, Inc. for manufacturing purposes, is assigned Resolution No. G-964, which is contained in Volume F of General Resolutions.

4. Cottonwood Heights improvements:
  - A. Receive petitions, plans and specifications for water and street improvements to serve Cottonwood Heights Addition.
  - B. Consider a Resolution finding advisable and authorizing the extension of water to serve Cottonwood Heights Addition.
  - C. Consider an Ordinance establishing Water District 20-B.
  - D. Consider a Resolution finding advisable and authorizing the extension of streets to serve Cottonwood Heights Addition.

E. Set date and time to receive bids (November 14 @ 10:00 a.m. is suggested).

The developer of Cottonwood Heights has asked these items be postponed.

**MOTION:** Commissioner Scott moved and Commissioner Harris seconded to remove the Cottonwood Heights items from the agenda. Motion carried 4-0.

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

## REGULAR AGENDA

### 5. Citizen's Forum.

Evan LaRue, 5814 S. Kansas Avenue, stated he has had problems dealing with the Engineering Department. He wants to pursue a solution to the problem and have a good working relationship with them.

Glen Davis, 525 Grandview, noted a recent incident that happened at his rental property between the Police Department and his renter. He received a letter ten days after the incident to clean up his property. He was disappointed in the way the City has handled the incident with regard to destruction of his property and wants to sit down and talk with City staff. He also noted that there are some problem landlords but he felt renters should be held responsible for their actions.

### 6. Presentation of KMIT safety award.

The City of Newton again earned a Gold Star rating from the Kansas Municipal Insurance Trust for its exemplary employee safety record last year. That designation is worth a \$12,000 savings on workers' compensation premiums. Mayor Nightingale presented the Gold Star award to Risk Manager Quiring.

### 7. Manager's Update.

- The City has been awarded a \$15,000 grant from KDOT's Safe Routes to Schools program to design a plan for safer pedestrian walkways to schools. This planning grant provides a gateway to funding next year for sidewalk construction.
- The National Incident Management Systems was created in 2004 by the Department of Homeland Security. All elected officials and relevant staff will need to be certified in this process. The City will be required to have this training in order to receive Federal money.
- The safe Halloween Walk will be held October 28 from 4:00-5:30 in the downtown area.
- The League Regional Suppers will be held on November 30 at Andover.
- LEAP will meet next Wednesday.
- The City is now under contract with the Buxton CommunityID program.

- Vice Mayor Heck reported that REAP continues to the work on the unified legislative agenda.

**8. Conduct review hearing regarding electrical conditions at the Sunset Mobile Home Park.**

Environmental Inspector Dealy reported he had met with F & W Development and Gehring Electric to review the hazardous electrical conditions at the Sunset Mobile Home property. On October 20, the owners contacted him to have an inspection of trailers #2, #4, #10 and #26. Dealy reported all violations listed in the October 4, 2006 report had been remedied in accordance with the instructions given to the electrical contractor.

**9. Consider the following actions in relation to the issuance of the City's General Obligation Bonds, Series 2006-A, and the City's Taxable General Obligation Bonds, Series 2006-B:**

Chuck Bouilly, financial advisor with George K. Baum, reviewed the bids received for the GO Bond Series 2006-A and 2006-B. The Commission reviewed and considered the bids and found and determined that the bids of Morgan Keegan and M & I Bank were the best bids for each series.

SERIES 2006-A		SERIES 2006-B	
BIDDER	INTEREST RATE	BIDDER	INTEREST RATE
Morgan Keegan	4.054810%	M & I Bank	5.544780%
PNC Capital Markets	4.064794%	UMB Bank	5.741364%
Griffin, Kubik, Stephens	4.068015%	BB&T Capital	5.821973%
Piper Jaffray	4.087429%	Stifel Nicolaus	5.830189%
JP Morgan Securities	4.087775%		
Harris NA	4.096035%		
Stifel Nicolaus	4.104412%		
RBC Capital Markets	4.126544%		
UMB	4.141465%		
George K. Baum	4.253401%		

**MOTION:** Vice Mayor Heck moved the City award the bids to Morgan Keegan and M & I Bank and the City Manager and City Clerk's signature on said bid forms be ratified and confirmed. Commissioner Scott seconded the motion which carried 4-0.

**A. Consider an Ordinance authorizing and providing for the issuance of both the Series 2006-A and Series 2006-B bonds.**

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 2006-A and taxable General Obligation Bonds, Series 2006-B, of the City of Newton, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of an interest on said bonds as they become due;

authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto was considered.

**MOTION:** Commissioner Scott moved and Vice Mayor Heck seconded that this Ordinance, assigned 4601-06, be approved as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

**B. Consider a Resolution prescribing the form and details of the Series 2006-A bonds, authorizing their sale and authorizing other actions in relation thereto.**

A Resolution prescribing the form and details of and authorizing and directing the sale and delivery of General Obligation Bonds, Series 2006-A, of the City of Newton, Kansas, previously authorized by Ordinance No. 4601-06 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was considered.

**MOTION:** Commissioner Harris moved and Commissioner Scott seconded that this Resolution, assigned G-965, be approved as presented. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

**C. Consider a Resolution prescribing the form and details of the Series 2006-B bonds, authorizing their sale and authorizing other actions in relation thereto.**

A Resolution prescribing the form and details of and authorizing and directing the sale and delivery of Taxable General Obligation Bonds, Series 2006-B, of the City of Newton, Kansas, previously authorized by Ordinance No. 4601-06 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith was considered.

**MOTION:** Vice Mayor Heck moved and Commissioner Scott seconded that this Resolution, assigned G-966, be approved as presented. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

**10. Planning Commission:**

**A. Receive the recommendation of the Newton/North Newton Area Planning Commission regarding the zoning of the property located at 529 SW 11<sup>th</sup> from an A-1 (Harvey County) zoning classification to an R-1 (Single-family Dwelling District) zoning classification.**

Community Development Director Johnson reported the owner of property located at 529 SW 11<sup>th</sup> requested a zoning change from the existing A-1 (Harvey

County Agricultural) classification to an R-1 (Single-family Dwelling District) classification. The Planning Commission conducted the necessary public hearing on this matter and voted unanimously to approve the zoning change.

**MOTION:** Commissioner Harris moved and Vice Mayor Heck seconded to accept the recommendation of the Planning Commission. Motion carried 4-0.

**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 Ordinance of the City of Newton, Kansas was considered.

**MOTION:** Commissioner Scott moved and Commissioner Harris seconded that this Ordinance, assigned 4600-06, be approved as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

**11. Review solid waste collection process.**

City Engineer/DPW Loomis reviewed the solid waste collection process. After adding mixed paper to the recycling stream in March 2006, the City is now recycling about 40 percent of the waste stream. When recycling began, collecting multiple streams of recyclables made sense. Since that time, the nation has moved to a single stream collection mode and staff believes it is now time to move in that direction. The current fleet of trucks is aging and can no longer be purchased with the collection appurtenances that will keep all recycling streams separate and collect trash at the same time. Because of the quantity of recyclables, more than one truck is being run along each route in order get everything picked up. With the current system, route times have increased as well as worker fatigue from picking up heavy bins; there is an increase in blowing paper/litter; and the cardboard doesn't fit on the trucks. In addition, a shuttle truck is necessary to roll off the recyclables to a trailer because the recycling compartments on the truck are too small to accommodate the flow.

In order to change to a single stream recycling collection system, the City would need to purchase three split packers in 2007. These trucks would be smaller and would compact recyclables to 10 percent of their original volume. With a single stream collection, citizens would be given a poly-cart to use for all recyclables. Instead of sorting the items at home, the items would be sorted at the recycling center. Sanitation workers would no longer have to hand-load heavy bins, and blowing paper would be reduced because of lids on the carts. These changes would alter the contract with Harvey County. Staff feels it is important to have a work session with Harvey County to discuss this issue. Commissioners also suggested hearing more from the County on the waste to energy program they are looking at, as well as discussing a City wide clean up.

**12. Receive bids and award contract for the Duncan Street paving between 12<sup>th</sup> & 14<sup>th</sup> Street.**

City Engineer/DPW Loomis recommended awarding bids to the low bidder, Vogts Construction.

<b>BIDDER</b>	<b>BID AMOUNT</b>
Vogts Construction	\$127,315.00
Paver's Inc.	\$146,047.50
Kansas Paving	\$189,527.25
LaFarge	\$209,003.05
Engineer's Estimate	\$158,712.00

**MOTION:** Commissioner Harris moved to accept the bids and award the contract to Vogts Construction in the amount of \$127,315.00. Commissioner Scott seconded the motion which carried 4-0.

- 13. Consider an Ordinance authorizing the commencement of eminent domain proceedings to acquire necessary street right-of-way for the extension of Old Main Street.**

City Attorney Myers requested that this item be tabled until the next meeting.

**MOTION:** Vice Mayor Heck moved and Commissioner Scott seconded to table this item until the next meeting. Motion carried 4-0.

- 14. Receive a report on and consider the proposal received for the disposition of excess City property.**

The City recently took bids for a 20 acre parcel of land on 36<sup>th</sup> Street, which cannot be used by the City. Commissioners set a minimum of \$750 per acre. No bids were received in that amount. There was one bid of \$10,100 (\$500 per acre), which was accompanied by a rational explanation of the offer. The City Manager suggested the Commission accept the bid received. City Attorney Myers noted the Commission has no obligation to go back and reopen the proposals.

**MOTION:** Vice Mayor Heck moved and Commissioner Scott seconded to authorize the sale of the excess property with the offer of \$10,100 as presented. Motion carried 4-0.

- 15. Executive session.**

There was no need for the executive session.

- 16. Old business.**

Vice Mayor Heck agreed to serve on the KDOT Transportation Planning Committee. They will not create the plan, but will create the vision. KDOT will host a regional meeting in November to receive citizen input on projects.

City Attorney Myers reported the Water Coalition Board of Delegates met to consider a proposal for an increase in member contributions for professional staff. Questions have been raised regarding the funding. Myers has met with the City of Wichita water staff and was invited to appear before the Council. They are wanting REAP to consider whether the water coalition and REAP can be brought together as one entity. REAP will discuss this at upcoming meetings.

Commissioner Scott inquired if staff had heard anything from the Corps on Sand Creek. City Engineer/DPW Loomis noted that they are working on another piece of the plan. Rep. Tiahrt has reiterated his commitment to this project.

Mayor Nightingale questioned how the amnesty program was going. City Attorney Myers noted that a number of warrants have been cleared. Mayor Nightingale also noted there are other mobile home parks within the City that are going to need some attention. He suggested staff needs to open up dialogue with the owners to review codes, etc.

**17. New business.**

Commissioner Harris inquired as to when the joint meeting with Harvey County would be held. Staff thought it would need to be some time in November.

**18. Adjournment.**

There being no further business to come before the Commission, the meeting adjourned at 8:18 p.m.

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Mayor

ATTEST:

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City Clerk