

CITY COMMISSION MINUTES
January 9, 2007

The Newton City Commission convened in regular session on January 9, 2007 at 7:00 p.m. in the City Commission room located at 201 East 6th Street. Attending were Vice Mayor Heck and Commissioners Harris, Scott and Treaster. Also attending were City Manager Heinicke, City Attorney Myers, City Engineer/DPW Loomis, Community Development Director Johnson, PIO McDaniel, and Deputy City Clerk Duerksen. Mayor Nightingale and Director of Finance Ahsmuhs were absent.

Pastor Steve Friesen with Grace Community Church provided the invocation. The Vice 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 December 19, 2006 meeting.
2. Old Main water line
 - A. Receive plans and specifications for the extension of a water line to serve Old Main.
 - B. Consider a Resolution finding advisable and authorizing the funding for the water line extension.

This Resolution of the City of Newton, Kansas, authorizes improvements to the City public water supply system; and provides for the payment of the costs thereof, is assigned Resolution I-1086, which is contained in Volume D of Improvement Resolutions.

- C. Set date and time to receive bids (January 23 @ 10:00 a.m.).

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

REGULAR AGENDA

The Commission moved to Item #7.

7. Receive a request for reversal of the prior Sunset Mobile Home Park permit revocation order, and a report from staff regarding current conditions.

A public hearing in October found violations existed that put in jeopardy the operation of the Sunset Mobile Home Park. A review hearing on November 14 found prior and new violations still existed. At that time, the Commission adopted an order to revoke their permit. F&W Development has requested the Commission consider reversing the order of revocation.

Vice Mayor Heck opened the public hearing at 7:06 p.m. Terry Williams, Building and Zoning Administrator, presented an inspection report. Two inspections were conducted upon

receiving the request for the reversal of the order of revocation. The results of the inspection on January 4 found that four violations still remained. At that point, park management stated they planned to do additional clean-up on January 6. A follow-up inspection was done on January 8. All violations previously sited had been adequately addressed, and Mr. Williams felt the park was in reasonable compliance with City code. Continued effort will be needed by park management to implement some general maintenance as well as encouraging the tenants to maintain their units. There being no one else to speak, the Vice Mayor closed the public hearing at 7:11 p.m.

A Resolution entering additional supplemental findings and orders as to the Sunset Mobile Home Park violations under Section 7.17 of the zoning ordinances was considered.

MOTION: Commissioner Scott moved and Commissioner Treaster seconded that Resolution G-976, repealing Section 2 of prior Resolution G-970, be approved. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

3. Citizen's Forum

There was no one to speak.

4. Manager's Update

- The City Commission general election will be April 3. The filing deadline is January 23 at noon. There are three terms which expire.
- Local citizens and City officials will meet with Hutchinson and Reno County officials to advocate for inclusion of a four lane US-50 in the next State transportation plan.
- There are three planning studies underway: Fire/EMS Station Location & Resource Deployment, Buxton CommunityID, and I-135 Corridor.
- Commissioners are invited to attend a tour of airport businesses and a dinner with the EDC on January 17.
- Vice Mayor Heck reported on REAP activities, and noted the work plan that was distributed. REAP is going to take a role in helping get the new transportation plan on a regional basis.

5. Receive the annual report newsletter.

PIO McDaniel presented the Year-in-Review newsletter, which was distributed to citizens in January utility bills. Highlights for the year included a 10.5-mill decrease in City property taxes, making Newton taxes the lowest among area cities other than Wichita; reconstruction of East Broadway; opening of Sand Creek Station Golf Course; and the completion of the Trail of Two Cities.

6. Year-end benchmarks

Community Development Director Johnson reviewed the benchmarks for 2006.

8. Vacation of Easement

- A. 7:00 p.m. conduct a public hearing on a petition by Ken Horst for the vacation of an easement.**

The Horst's have petitioned to vacate an easement on their property at Indian Lane. Staff has checked to see what the easement is for and if it will be needed in the future. No reason has been found for the easement and staff recommends granting the vacation.

Vice Mayor Heck opened the public hearing at 7:32 p.m. There being no one to speak, the hearing was closed at 7:33 p.m.

- B. Consider adoption of an Ordinance and Order of Vacation.**

An Ordinance vacating an easement in Lot 2 of Enns Subdivision to the City of Newton, Harvey County, Kansas was considered.

MOTION: Commissioner Scott moved and Commissioner Treaster seconded this Ordinance, assigned 4613-07, and the Order of Vacation be adopted as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

- 9. Consider an Ordinance annexing a tract of land owned by the City in the Southeast Quarter of Section 25, Township 23 South, Range 1 West.**

An Ordinance including and incorporating certain land within the limits and boundaries of the City of Newton, Kansas was considered. The City owns property acquired in getting the south side organized. Since the property is owned by the City, the Commission may annex it at any time. Once it has been annexed, it is necessary to assign a zoning classification. Staff asked that the Commission authorize the filing of an application to zone the property R-1 (Single family).

MOTION: Commissioner Treaster moved and Commissioner Scott seconded this Ordinance, assigned 4614-07, be approved as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

MOTION: Commissioner Harris moved and Commissioner Scott seconded to direct staff to file an application to zone the property R-1 (Single-family). Motion carried 4-0.

- 10. Consider a request for assistance to fill the tunnel under Pine Street at the former Bethel Clinic.**

Robert Coleman, owner of the former Bethel Clinic building, requested the Commission consider helping financially with the filling of the tunnel under Pine Street between the old hospital and the Bethel Clinic building. Mr. Coleman took bids on the project and the best bid received was for \$47,000, which was too high. Mr. Coleman has since contacted Regier Construction and Builders Concrete to help him fill the tunnel. Retaining walls have been built in the tunnel and three locations will be used to fill the tunnel with slurry. Mr. Coleman has proposed the City and Newton Medical Center each pay \$13,000 and he would pay all the remaining expenses to take care of the tunnel.

MOTION: Commissioner Treaster moved to approve the payment of up to \$13,000 for the filling of the tunnel at the former Bethel Clinic. Commissioner Scott seconded the motion which carried 4-0.

11. Old business

Commissioner Harris inquired if there was any follow up from the joint meeting with Harvey County regarding solid waste. She was informed any decisions on solid waste would be postponed until after the new commission takes office.

12. New business

City Engineer/DPW Loomis gave a construction update on the intersection at SE 14th & Old Main. All the sub grade work is complete and the connections have been poured. It will be a few weeks before the intersection will be open.

13. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 7:48 p.m.

Mayor

ATTEST:

City Clerk