

CITY COMMISSION MINUTES
May 22, 2007

The Newton City Commission convened in regular session at 7:00 p.m. on May 22, 2007 in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nickel, and Commissioners Harris and Thiesen. Also attending were City Attorney Myers, Director of Finance/City Clerk Ahsmuhs, City Engineer/DPW Loomis, PIO McDaniel and Deputy City Clerk Duerksen. Commissioner Nightingale, City Manager Heinicke and Community Development Director Johnson were absent.

Walt Silvernale with St. Mary's Catholic 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 May 9, 2007 meeting.
2. Receive financial reports for April 2007.
3. Meridian Sewer extension
 - A. Consider a petition for the extension of sanitary sewer at 701 & 901 Meridian.
 - B. Consider a Resolution authorizing a sewer extension to serve 701 & 901 Meridian.

This Resolution authorizes the extension of sanitary sewer to serve property at 701 & 901 Meridian. The estimated cost of the improvement is \$72,000 with 100% to be assessed against the benefit district and 0% to be paid by the City at large. This Resolution is assigned I-1092 which is contained in Volume D of Improvement Resolutions.

- C. Consider an Ordinance creating Sewer District 16-J.

This Ordinance creates Sewer District 16-J in the City of Newton, Kansas, is assigned Ordinance No. 4624-07, which is contained in Volume Y of Ordinances.

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

REGULAR AGENDA

4. Citizen's Forum

The was no one requesting to speak.

5. Presentation of CAFR Award

Mayor Heck presented the Certificate of Achievement for Excellence in Financial Reporting (CAFR) award for 2005 to Director of Finance Ahsmuhs. This is 17th year the City

has received the award. Ahsmuhs noted he had excellent staff that helps make this award possible.

6. Vacation of drainage easement

The drainage easement for the Stratford Place/Old Main extension needs to be relocated in order to make improvements for the Old Main paving. The developer has worked with staff to redefine this easement so that a reinforced concrete box can be placed under Old Main. The developer is the one petitioning for the change. No property owners in the area will be affected by the proposed vacation.

A. 7:00 p.m. conduct a public hearing on a petition by Ron Harder for the vacation of a drainage easement.

Mayor Heck opened the public hearing at 7:10 p.m. There being no one wanting to speak, the hearing was closed at 7:11 p.m.

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

An Ordinance vacating a certain drainage easement in Stratford Place Addition to the City of Newton, Harvey County, Kansas was considered.

MOTION: Commissioner Harris moved and Commissioner Thiesen seconded this Ordinance, assigned 4625-07, and the Order of Vacation be approved as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

7. Conduct the following annexation proceedings pursuant to the published notice:

City Attorney Myers reported this annexation is being done to clean up City boundaries in new development areas. Harvey County agreed to pave SW 24th Street, Anderson and part of Meridian with the understanding that the City would assume the maintenance of the streets once that was complete. These street right-of-ways need to be annexed so there is no confusion over maintenance responsibility. Currently, portions of the streets are already in the City limits. In the process of preparing the annexation proceedings, there were a number of other isolated "islands" of land which needed to be brought into the City limits. Notice of the proceedings has been sent to provide an opportunity for any concerned citizens to be heard. Property to be included is: SW 24th Street right-of-way from S. Kansas Avenue west to Meridian; Meridian Avenue street right-of-way from SW 24th north to the Santa Fe Railroad tracks; Meridian Avenue street right-of-way from County Road 572 south 809.68 feet; Meridian Avenue street right-of-way from US Hwy 50 north to Sharps Drive; Meridian Avenue street right-of-way from Broadway north 910 feet; Anderson Avenue street right-of-way from SW 24th to Turkey Red; small parcel remnant in the middle of Sec. 30-23S-1E; SW 14th Street right-of-way from Anderson to Plum; Santa Re railroad right-of-way from SW 24th to Meridian; Santa Fe railroad right-of-way from SW 24th to Hwy 50; Missouri Pacific railroad right-of-way from Spencer to SE 14th. Annexation of these properties has no impact on adjacent properties as it does not change the status of their property for taxation or any other purposes.

A. Receive a report on the proposed annexation of various tracts, and a Report Setting Forth Plans for the Extension of Municipal Services as to such tracts.

B. Conduct a public hearing on the proposed annexation of various tracts of real estate.

Mayor Heck opened the public hearing at 7:16 p.m.

Orville Schmidt, 1913 S. Anderson, questioned how this annexation could be done since a month earlier the City would not annex one acre of his land to build a house. He also asked why he had not received information for the cost of hooking on to City sewer. He then expressed his frustration with not being able to mow the ditches because the banks were steep and the erosion that has taken place since the road was paved.

Jessie Russell, 2322 South Anderson, stated he was to receive the costs for hooking on to City sewer and has never received that information. He questioned the annexation and what was in it for the people who lived out in the area. He was not sure if he was for or against the annexation as he did not know how it would affect his property. Staff informed him he would see no advantage or disadvantage from the annexation as it would not affect his property. The property would still fall under the County authority. There would be no tax increase due to the annexation. It was noted again the reason for the annexation was an agreement with Harvey County that once they paved the road, the City would annex it and then be responsible for the maintenance. He was informed if at some point he chose to be annexed, that would be a separate annexation procedure.

City Engineer/DPW Loomis noted she did not have record of receiving any inquiries from Mr. Russell. Currently there is no sanitary sewer main that would serve the properties on the west side of Anderson. Once the large mains are extended closer with other development, estimates for lateral lines to serve these properties can be developed. Development is not to this point yet. She also noted that the issue of sewer extension to any property is not just whether the property can be served with existing sewer mains, but the property must be within the City limits in order to receive service. At this point, Mr. Schmidt has not requested his entire property be annexed.

Shirley Grosch, 610 SW 24th, questioned the drainage by her place. Currently that area does not drain well. She felt if the City inherits the road, the ditches need to be fixed.

There being no one else to speak, the Mayor closed the public hearing at 7:28 p.m.

Commissioner Harris inquired if the ditches become part of the City maintenance. She was informed they did and the water problem Ms. Grosch was referring to was there before. Road side ditches won't have perfect drainage.

C. Consider an Ordinance annexing the various tracts.

An Ordinance including and incorporating certain land within the limits and boundaries of the City of Newton, Kansas was considered.

MOTION: Vice Mayor Nickel moved and Commissioner Harris seconded this Ordinance, assigned 4626-07, be approved as presented. Motion carried 4-0. (This Ordinance is contained in Volume Y of Ordinances.)

8. **Conduct the following in relation to the proposed issuance by the City of Wichita of its Health Care Facilities Refunding and Improvement Revenue Bonds, Series 2007 (Presbyterian Manors, Inc.), which will include approximately \$2,500,000 in improvements for the Presbyterian Manor facilities in Newton:**

Some years ago Presbyterian Manor's parent organization consolidated all of their local healthcare facility bonds into one joint issue through the City of Wichita. In order to issue new improvement bonds, they have to ask each city involved for approval. The local facility will be doing \$2.5 million in improvements. There is no financial liability to the City for the bonds.

- A. **Conduct a public hearing as to this proposed bond issuance.**

Shawn Sullivan, Presbyterian Manor Executive Director, noted the refinancing is similar to the previous refinancing issues. Some of the improvements the Newton facility will receive are new boilers, roofs, and a dining room expansion.

Mayor Heck opened the public hearing at 7:33 p.m. There being no one to speak, the hearing was closed at 7:34 p.m.

- B. **Consider a Resolution authorizing the issuance of the proposed bonds by the City of Wichita.**

A Resolution authorizing the issuance of certain Healthcare Facilities Refunding and Improvement and Revenue Bonds in the principal amount not to exceed \$28,000,000 pursuant to an interlocal cooperation agreement by and between the City of Wichita, Kansas, as issuer, and the City of Newton, Kansas, as participant was considered.

MOTION: Commissioner Thiesen moved and Vice Mayor Nickel seconded this Resolution, assigned G-986, be approved as presented. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

9. **Consider a Resolution adopting specifications for engineering design standards for public improvements.**

A Resolution adopting engineering design standards as to public paving and drainage improvement projects for the City of Newton, Kansas was considered. These standards are a partner to the construction standards adopted at the previous meeting. The engineering standards will be beneficial for the consultants working on projects who develop plans for city facilities and will ensure adequate and coordinated design.

MOTION: Commissioner Harris moved and Vice Mayor Nickel seconded this Resolution, assigned G-987, be approved as presented. Motion carried 4-0. (This Resolution is contained in Volume F of General Resolutions.)

10. **Consider an Ordinance authorizing the filing of eminent domain proceedings in District Court to acquire necessary easements as to the Southside Sewer Interceptor project.**

MOTION: Vice Mayor Nickel moved and Commissioner Harris seconded to table this item indefinitely. Motion carried 4-0.

11. Greensburg briefing

Fire/EMS Deputy Chief Willis recapped Newton's response to Greensburg following the tornado on May 4. He led a team of Fire/EMS personnel who provided medical support and assisted with technical rescue efforts. This was the first time the technical rescue trailer was in operation and it worked very well. The technical rescue team returned on May 6 to help complete searches before the public was allowed to return. DC Willis returned again on May 17 to serve as medical command as part of the MERGe (Major Emergency Response Group) response. DC Willis noted the importance of the coordinated response and the ability of all the different agencies being able to work together.

DC Willis reported the Fire/EMS Department has two pieces of surplus equipment, a skid unit and a light/cascade trailer, they would like to donate to the City of Greensburg. With the purchase of the technical rescue trailer, the light/cascade trailer is no longer needed and the skid unit would be beneficial to Greensburg for grass fires.

MOTION: Vice Mayor Nickel moved and Commissioner Thiesen seconded to approve the donation of a skid unit and light/cascade trailer to the City of Greensburg. Motion carried 4-0.

12. Receive bids and award contract for Springlake Drainage improvements.

City Engineer/DPW Loomis reported bids were received earlier in the day. All bids were over the Engineer's Estimate. The lowest bid was received by Mies Construction. The only way to accept the bids is to have the developer pay for the difference between the low bid and the Engineer's Estimate. Otherwise, all bids would need to be rejected and the project re-bid. Staff has been in contact with the developer who has agreed to pay the difference, plus contingencies.

BIDDER	BID AMOUNT
Mies Construction	\$1,003,875.00
Sporer Land Development	\$1,056,274.50
Utility Contractors	\$1,079,795.00
Vogts Construction	\$1,106,848.00
Middlecreek Corp.	\$1,254,832.00
Nowak Construction	\$1,270,692.00
Engineer's Estimate	\$ 971,097.50

MOTION: Commissioner Thiesen moved and Commissioner Harris seconded to accept the bids and award the contract to Mies Construction, subject to the developer paying the difference in the low bid and the Engineer's Estimate plus contingencies by 5:00 p.m. on Thursday, May 24, 2007. Motion carried 4-0.

13. Old business

City Engineer/DPW Loomis noted the public works departments went to Slate Creek and South Breeze schools to show students the functions of the public works departments. This is in honor of National Public Works Week.

City Attorney Myers noted that the merger of the South Central Water Coalition and REAP was approved by each board. The structure of the board will not be formalized until there are enough funds to support a paid position for the water board.

14. New business

Mayor Heck reported that he and staff met last week with the Fox Theatre group. They are meeting with the architect and will be getting pricing for the upgrades to the theatre.

15. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:02 p.m.

Mayor

ATTEST:

City Clerk