

CITY COMMISSION MINUTES July 10, 2007

The Newton City Commission convened in regular session at 7:00 p.m. on July 10, 2007 in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nickel and Commissioners Harris, Nightingale Thiesen. Also attending were City Manager Heinicke, City Attorney Myers, Director of Finance and /City Clerk Ahsmuhs, City Engineer/DPW Loomis, Community Development Director Johnson, PIO McDaniel and Deputy City Clerk Duerksen.

Pastor Tony Grove with Koerner Heights Church provided the invocation. The Mayor then led in the Pledge of Allegiance and presided over the items of business.

CONSENT AGENDA

1. Review minutes of June 26, 2007 meeting.

MOTION: Commissioner Nightingale moved and Vice Mayor Nickel seconded to approve the Consent Agenda as presented. Motion carried 5-0.

REGULAR AGENDA

2. Citizen's Forum

- A. Receive a request from the Salvation Army for help with trash items being dumped at their business.

Brian Carol, Regional Manager with Salvation Army, brought the issue of illegal trash dumping and stealing of items from the Salvation Army store to the Commission's attention. They have looked at multiple options to remedy the problem. Cameras have been installed but people throw shirts over the cameras so that they cannot identify who is stealing. Signs have also been posted and the Police Department has been contacted regarding the illegal dumping. The Salvation Army is not asking for the Commission to solve the problem, they are just looking for suggestions. Commissioners suggested moving the cameras to the roof and posting a sign that lists what items are acceptable to collect.

- B. Receive a request to close East 6th Street from Main to Bank of America parking lot from 6:30-11:00 p.m. on July 27 and for picnic tables and trash receptacles.

Billie Wilson, Chamber of Commerce, requested the closure of East 6th Street from Main Street to the Bank of America parking lot on July 27. The street would be closed from 6:30 until 11:00 p.m. and would be the gathering place for the hourly drawings. They also requested use of four picnic tables and four trash receptacles.

MOTION: Commissioner Thiesen moved and Commissioner Nightingale seconded to approve the request as presented. Motion carried 5-0.

3. Manager's update

- Harvey County is conducting a public hearing on the proposed ethanol plant and whether to grant a special use permit. If granted, the City will have to consider sale of effluent, and possibly water and sewer service. The current policy is not to extend services without annexation.
- Fireworks activity was normal again this year in terms of police and fire reports.
- The sidewalk project is moving along.
- The City has sent personnel for emergency assistance to Independence and Fredonia.
- The Northern Flyer Alliance meeting will be on July 26 at 2:30 p.m. for those wishing to attend.
- Mayor Heck reported REAP went through the process of taking applications for the \$5 million from the State for low pricing air fares. The money was granted to Sedgwick County for Air Tran. REAP continues to work on the legislative package and getting everything in place to hire someone for the water coalition.

The Commission discussed the possibility of an ethanol plant being located in Harvey County. Mayor Heck questioned if there was any interest in annexing the area where the plant would be located. Should annexation be pursued, it would be an island annexation and the construction of the plant would then fall under the City building and fire codes. Commissioners felt the issue was worth discussing given the fact that either City water or effluent water will be used. A tour of the ethanol plant in Garnett has been arranged for July 27, leaving Newton at 7:00 a.m.

Joan Bernowich, 408 East 4th, noted an article in the Kansas City paper regarding ethanol plants pros and cons. She will get a copy of that for the Commission.

4. Receive the Convention and Visitors Bureau program of work for 2008.

Jennifer Mueller, Convention & Visitors Bureau, presented the CVB program of work for 2008. They intend to make available a customer service training seminar; upgrade the visitors website to make it user friendly; and continue corporate travel, group and sports/recreation recruitment. She is also looking for better billboard space to market Newton.

Billie Wilson, Central Business District representative, presented the C-3 District program of work for 2008. They will continue to develop downtown activities in addition to the ones they already have; continue to compile a database of all businesses located in the C-3 District; market Newton through the Wichita media and

area newspapers; and continue all other operation activities outlined in the information distributed.

MOTION: Vice Mayor Nickel moved and Commissioner Nightingale seconded to accept the program of work and budget for 2008. Motion carried 5-0.

5. Consider execution of a Dedication Deed to dedicate the Roosevelt School property as a public park.

At the last meeting, staff was directed to develop, for Commission consideration, a way of designating the Roosevelt School property as a park. The Dedication Deed says the City would dedicate, to the public, the Roosevelt School property for public park purposes. With the dedication, there are restrictions that the area cannot be used for activities other than recreational purposes.

Vice Mayor Nickel stated he would like to see a plan for the area before moving ahead. The Recreation Commission facilities study is going to be presented tomorrow and he felt the City should wait to see what their needs are before making any decisions. Maybe this area can help solve some of their needs.

Commissioner Thiesen inquired if dedicating the land as a park affects the ability to use the area at a later time for practice or ball fields. She was informed the land could still be used for that as long as it is for recreational use.

Commissioner Nightingale felt it was important to strike while the iron was hot and not wait for a plan to be put together. Dedicating the space as a park would not change anything and would allow the area to continue to be used as it is without the worry of anything else going into the space. He thought the layout for the park with amenities could be developed at a later date.

Steve Goddard, 723 E. 7th, noted the neighborhood really wants the Commission to dedicate the open space as a public park. They are even checking out different avenues to add amenities in the future. They also have people working on plans for the headstone.

Larry Friesen, 621 E. 7th, noted he would hate to see the Commission pass up the opportunity to have citizens work with them to develop something for this area. There is a strong commitment from the neighbors at this time.

Randy Pankratz, 720 E. 7th, reiterated the neighborhood is all in agreement to have the City move ahead with the park dedication. He expressed appreciation on behalf of the association for the way the City has talked with the neighborhood. The steering committee plans to meet with Tim Johnson on Monday to discuss what might be developed for the park.

Ronald Dietzal, 321 E. 2nd, questioned whether USD 373 has been approached on helping fund the placement of the Roosevelt headstone. He noted that a promise was made when the demolition was done to help with the expense of the monument.

MOTION: Commissioner Nightingale moved and Commissioner Thiesen seconded to dedicate the Roosevelt School property as an official park. Motion carried 5-0.

6. Consider a draft Request For Proposals for privatization of sanitation services.

Mayor Heck noted some of the reasons for looking into franchising sanitation services, which include growth of the City and the fact that more trash is being picked up; more recyclables being collected; and aging equipment.

City Manager Heinicke noted the City cannot continue doing things the same way. Changing the way things are done means looking at all the options from purchasing new equipment to privatization. He then reviewed the Request For Proposals, noting it is in draft form and is not a contract. Heinicke said he wanted the Commission to be comfortable with every aspect of the document before sending it out.

City Engineer/DPW Loomis noted her concern about being able to include enough details in the RFP to compare apples to apples. There are a lot of things that the sanitation workers provide that are not included in the monthly fees. Staff has tried to note all these services in the RFP, but it is difficult to quantify many of these things. Keeping all the details in the requirements will be an important part of the contract, along with the penalty phase. She also said she would be remiss if she did not point out that there are 13 sanitation workers who do a very good job for the City and there are a number of workers who have been with the City for 20 plus years, and they should not be forgotten in this process.

Mayor Heck reminded everyone that recycling is very important to the City and to keep in mind this whole refuse effort is a partnership with Harvey County. He questioned what would be left that the City would have to continue to provide. Heinicke responded that would depend on what the vendors submit. Enforcement, customer billing and public education are a few things that a vendor might not do. Mayor Heck noted the contract would be for seven years and questioned how to guarantee the amount charged to customers is not raised significantly after the first year. He was informed there would be an adjustment clause in the contract.

Commissioner Nightingale asked if the collection times under the requirements section could be clarified. He suggested special events needing trash receptacles might have to make their request 30 days in advance, and the first eleven would get service covered and any after that might have to pay for it. He also would like the City to look at ways to absorb some of the current employees.

Commissioner Thiesen noted this is a quality of life issue. If streets were trashy, citizens would be complaining. Reasons for being engaged in this issue have been identified and the Commission has articulated some of the results they want to see - cost effectiveness and maintaining current levels of recycling. She questioned if the only option being looked at is privatization or are there other options the City could make changes in or alter. She was informed the City too will put a plan together to submit.

Joan Bernowich expressed her support for the Sanitation Department, saying it was the best in the state of Kansas. She stated she would pay more to keep them. She noted that the private haulers are out to make their profit.

Richard Sadowski, 117 S Logan, noted the Sanitation employees are great guys. He questioned if the City would be looking at multiple companies to provide the service or if there would be only one vendor hauling trash for the whole City. Staff replied there would be only one hauler to serve the entire City.

Connie Hill, 1205 Grove, expressed her support for the sanitation employees and asked that the Commission not take jobs away from these workers. She said she was told there was money for new vehicles and didn't understand why the Commission was going through the process. She was informed there is money in the equipment replacement plan to replace aged vehicles, but the collection process needs to be changed. Therefore, it is a good time to look at all the options available.

Commissioner Harris inquired if all refuse would have to be hauled to the transfer station. Staff informed her that there is not any contractual obligation to do that. The City is only required to take the recyclables to Harvey County. She then asked how it is determined who will be sent the RFP. Loomis noted those who have asked will receive the RFP.

Staff will continue to tweak the RFP and bring back the changes at the next meeting. It was noted the RFP has been set up so the Commission is free to accept or reject all bids, even the low bid.

7. Receive bids and award contract for extension of sewer to serve 701 & 901 Meridian.

City Engineer/DPW Loomis recommended awarding the contract to the low bidder, Rod's Ditching.

BIDDER	BID AMOUNT
Rod's Ditching	\$49,411.00
Mies Construction	\$50,860.00
Nowak Construction	\$86,436.00
Engineer's Estimate	\$53,309.30

MOTION: Commissioner Harris moved and Vice Mayor Nickel seconded to accept the bids and award the contract to the low bidder, Rod's Ditching, in the amount of \$49,411.00. Motion carried 5-0.

8. Old business

Mayor Heck noted he has served on the League Legislative Policy Committee for a number of years. He would be willing to serve again unless one of the other Commissioners would like to step in. Consensus was for Mayor Heck to continue to serve.

9. New business

Commissioner Nightingale announced his resignation from the Commission effective at the end of the July 24 meeting. He has signed a long term contract with the Pratt School District. Because of the time commitment to the school, he did not feel he could focus on both jobs as they deserve. He said he had enjoyed his time on the Commission and hoped he had made a difference during his tenure. Commissioners expressed their thanks to Commissioner Nightingale and noted he would be missed.

10. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:43 p.m.

Mayor

ATTEST:

City Clerk