

**CITY COMMISSION MINUTES**  
**July 24, 2007**

The Newton City Commission convened in regular session at 7:00 p.m. on July 24, 2007 in the City Commission room at 201 East 6<sup>th</sup> street. Attending were Mayor Heck, Vice Mayor Nickel, and Commissioners Harris, Nightingale and Thiesen, 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.

Father Floyd McKinney with Our Lady of Guadalupe 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 July 10, 2007 meeting.
2. Receive financial reports for June 2007.
3. Consider an EMS Mutual Aid Agreement for services within Harvey County.
4. Consider a Resolution authorizing the proposed modifications to Hangar J at the Newton City/County Airport at a cost not to exceed \$75,000.

This Resolution authorizes the renovation of a public building at the Newton City/County Airport; and authorizes the issuance of General Obligation Bonds of the City of Newton, Kansas, to provide for the payment of the costs thereof, is assigned Resolution I-1094, which is contained in Volume D of Improvement Resolutions.

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

**REGULAR AGENDA**

5. Accept the resignation letter of Commissioner Nightingale.

**MOTION:** Commissioner Harris moved and Vice Mayor Nickel seconded to accept the resignation letter of Commissioner Nightingale. Motion carried 5-0.

Mayor Heck presented Commissioner Nightingale with a plaque recognizing his service to the community. He stated Commissioner Nightingale served with integrity, compassion and passion. Commissioner Harris expressed her appreciation to Commissioner Nightingale for being so upfront, straight forward and keeping meetings light. Vice Mayor Nickel noted he would miss Commissioner Nightingale's insights, experience and looking after the people of the community. Commissioner Thiesen expressed her appreciation for Commissioner Nightingale's ability to find the clarity in the situation and to ask questions.

Commissioner Nightingale stated he ran because he thought hard questions needed to be asked and felt he did make a difference during his tenure.

**RECEPTION**

The Commission recessed at 7:10 p.m. for a short reception to honor Commissioner Nightingale. The Commission reconvened at 7:30 p.m.

## 6. Citizen's Forum

Dortha Trouslot, 212 SE 14<sup>th</sup>, spoke regarding Item #12. She is opposed to the sidewalk being built on the north side of SE 14<sup>th</sup>. All mailboxes, light poles and utilities are along the street where the sidewalk is proposed to go. Flower beds, trees, shrubs and yards would have to be torn up. She stated no one on her street wants the sidewalk and feels this is a bad idea. Kids from Stratford Place Addition and Quail Creek would have to walk/bike along highly traveled areas and cross at SE 14<sup>th</sup> with all the traffic. She felt this was very dangerous and suggested an overpass at US-50 and Old Main be done.

## 7. Manager's update

- The Nationwide Tour Pro Am will take place Tuesday, July 31 at Sand Creek Station Golf Course.
- Harvey County held hearing July 10 on the proposed ethanol plant. The item was tabled and will be postponed until August 14. Staff has met with officials who inquired about backup water service and wastewater service. A bus tour to visit the Phillipsburg plant is scheduled for Friday.
- The Rec Commission has now furnished staff with specifications for soccer fields. Design work can now commence on the 12<sup>th</sup> & Boyd site.
- It was suggested a special meeting be held on July 26 at 4:00 p.m. to move forward with the process for selecting a new commissioner. **MOTION:** Vice Mayor Nickel moved and Commissioner Nightingale seconded to hold a special meeting on July 26 at 4:00 p.m. Motion carried 5-0.
- The Senior Center has asked for a meeting with the Commission. Staff will get this scheduled.
- Mayor Heck reported REAP will interview candidates for the part-time position for the water coalition. Their goal is to have someone on board by September 1. In October, Legislators representing cities along Highway 50, will meet to discuss improvements to the highway.

## 8. Receive recommended year 2008 Budget for publication.

City Manager Heinicke reviewed the enhancements to the 2008 budget. Total spending is estimated to go up less than five percent, but the bottom line is the tax rate will decrease to 42.933 mills. Once published, the Commission can reduce expenditures but cannot increase expenditures. The official public budget hearing will be at 7 p.m. on August 14.

Commissioner Nightingale noted with the increases in doing business (fuel costs, etc.) department heads have done a great job of maintaining their budgets. Even though it is not a huge reduction, it speaks well of the department heads.

**MOTION:** Commissioner Nightingale moved and Commissioner Thiesen seconded to publish the budget presented. Motion which carried 5-0.

## 9. Vacation of Easement - Westhaven Fourth

- A. 7:00 p.m. conduct a public hearing on a Petition For Vacation by Harder Properties, LLC, for the vacation of a portion of the utility easement between Lots 6 and 7 in Block 1, Westhaven Fourth Addition.**

City Attorney Myers noted Harder Properties, LLC has petitioned for a vacation of a utility easement in Westhaven Fourth Addition. The width of the current easement is limiting the space available for construction of homes on the lots. The owner has requested to narrow the easement by ten feet. All utility companies have had an opportunity to review the request. The portion vacated would be five feet on either side of the property line.

Mayor Heck opened the public hearing at 7:55 p.m. There being no one to speak, the hearing was closed at 7:56 p.m.

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

An Ordinance vacating a portion of a utility easement in Westhaven Fourth Addition to the City of Newton, Harvey County, Kansas was considered.

**MOTION:** Commissioner Nightingale moved and Vice Mayor Nickel seconded this Ordinance, assigned 4633-07, and the Order of Vacation be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

- 10. Consider a Resolution of Support for tax credits for rehabilitation of housing units at 112 Southport Drive.**

Community Development Director Johnson presented a Resolution of Support for a Federal Housing Tax Credit Application to be filed with the Kansas Housing Resources Corporation by Rural Housing of Newton, L.C. for acquisition and rehabilitation of a 20-unit, multi-family development (Turkey Red Apartments) located at 112 Southport Drive, just south of the intersection of Old Main and US-50. There is no obligation, financial or otherwise, on the part of the City.

**MOTION:** Commissioner Harris moved and Commissioner Thiesen seconded this Resolution, assigned G-990, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume F of General Resolutions.)

- 11. Consider a Resolution authorizing an application for the Wildlife and Parks grant.**

A Resolution declaring the eligibility of the City of Newton, Kansas, to submit an application to the Kansas Department of Wildlife and Parks, in relation to the Southwest Fourteenth Street Bike Path extension project in the City, for use of Recreational Trails Program Funds set forth by the Federal Highway Administration for the City; and authorizing the Mayor to sign the application therefor was considered.

PIO McDaniel noted this grant application is for a recreational walking trail to extend the bike path on SW14<sup>th</sup> along the creek up to the wastewater treatment plant. The grant is an 80/20 split with the City being responsible for 20% of the construction costs. Approval of the Resolution simply authorizes the filing of the grant.

**MOTION:** Commissioner Harris moved and Vice Mayor Nickel seconded this Resolution, assigned G-991, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume F of General Resolutions.)

**12. Consider a Resolution authorizing an application for the Safe Routes to School grant.**

A Resolution declaring the eligibility of the City of Newton, Kansas, to submit an application to the Kansas Department of Transportation, in relation to the Safe Routes to School Project in the City, for use of Safe Routes to School Funds set forth by SAFETEA-LU for the City; and authorizing the Mayor to sign the application therefor was considered.

PIO McDaniel reported last year the City applied for a \$15,000 planning grant for Safe Routes to School from KDOT. That plan is now the application for Phase II. It includes initiatives to educate and encourage elementary school children and their families to walk and bike to school and to improve infrastructure around South Breeze Elementary School.

City Engineer/DPW Loomis explained the process the task force went through to get to this point. A consultant was hired (Bucher, Willis & Ratliff) to conduct a traffic engineering study and make a recommendation for infrastructure improvements and a route. A walking audit, and surveys asking for input from parents and students were done. Loomis has met with all the utility companies and all do not see a problem with placing a sidewalk along the north side of SE 14<sup>th</sup>. The sidewalk would be placed in street right-of-way. She noted the application process is very competitive.

Roger Busenitz, 1220 Parkwood Lane, expressed his concern with putting a sidewalk along the north side of SE 14<sup>th</sup>. He has cedar trees that are used as screening and they cannot just be trimmed up. He also noted the entry to his garage is from SE 14<sup>th</sup> and backing out and pulling in with a sidewalk becomes a real safety issue. He suggested looking into a walkway over US 50 highway or placing the sidewalk on the south side of the street, since fewer homes would be involved.

Rachel Zielke, 715 Quail Drive, noted she was in favor of the project. Her children would love to be able to walk and ride to school. Currently, they cannot do that since there are no safe routes. She stated her family would take advantage of this improvement.

Barbara Burns, representing USD 373, stated they are supportive of the grant project. Wellness of students will be a priority this coming school year and children will be encouraged to walk and bike to school. This is not possible unless there are safe routes to get to the schools. She asked the Commission keep the greater need of the community in mind.

Commissioner Nightingale noted the concerns of those who spoke, but felt the greater concern is getting the kids to school safely. He stated staff has checked with KDOT about the possibility of an overpass and the cost was outrageous, plus there was a lot of red tape. He also stated he would give up every tree and shrub to not have to tell a parent their child has been hit by traffic because there wasn't a safe place for them to ride/walk.

**MOTION:** Commissioner Thiesen moved and Vice Mayor Nickel seconded this Resolution, assigned G-992, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume F of general resolutions.)

**13. Consider revisions to the Request for Proposals for privatization of sanitation services.**

City Manager Heinicke noted the suggested changes from the last meeting were made to the RFP. Some significant issues still remain. Staff is still working on the dollar amount which will need to be retained in the rate to cover the costs of the Sanitation Division beyond just picking up the trash and recyclables. All those overhead items will be lumped together. Language was also added to prohibit mixing Newton trash and recycling with other customers, at least until such point as a measurement of the waste stream and recyclables can be taken. Otherwise, the City will have no way to monitor what is really being collected in the two processes.

Commissioner Harris asked for clarification on the franchise fee and the complaint logs. She also questioned whether the financial status of those submitting proposals could be reviewed. City Attorney Myers noted the franchise fee applies to all fees, not just to the trash collection part. As for the logs, if there are repeat offenders, those can be turned over to the City for enforcement efforts.

City Engineer/DPW Loomis noted the process of enforcement is enormous and will be very difficult if the City does not have cooperation with a private hauler. Citizens will not recycle and the recycling numbers will go way down.

Myers reminded the Commission they are under no obligation to take the low bid. The RFP has been set up so the Commission is free to accept or reject all bids.

Larry Mathews, 1204 East 9<sup>th</sup>, cautioned the Commission about subcontracting this service. Private companies can hire employees for less money and less benefits. Cheapest is not always the best. He felt the City has done a marvelous job of providing trash service to the citizens.

Joan Bernowich, 408 East 4<sup>th</sup>, encouraged the Commission to keep the sanitation service as it is. A private company will hire cheaper labor and that is where they make their profit. She noted her daughter lives in Hesston and they hired Stutzman's for their trash service and are not satisfied. She felt seven years is a long time for a contract and asked if the City could get out of that if they are not satisfied. Myers stated it depends on the circumstances.

Chuck Regier, 205 East 11<sup>th</sup>, expressed positive comments in support of the current sanitation system. It is something the citizens have enjoyed and it feels good to know it is part of the community.

Joyce Gough, 528 Meadowlark Lane, stated she would hate to see a change in this service. She noted how the workers help her mother out and felt they do a great job.

**MOTION:** Commissioner Harris moved and Vice Mayor Nickel seconded to authorize the issuance of the Requests for Proposals and set August 31 at noon as the date and time to receive the proposals. Motion carried 5-0.

**14. Old business**

There was no old business.

**15. New business**

Commissioner Harris suggested having a quarterly review of the budget to know where everything stands.

City Attorney Myers clarified the quorum requirements. The quorum still remains at four and two Commissioners may still engage in a private discussion of City business outside a public meeting.

Commissioner Nightingale encouraged more time be allowed at future budget work sessions to discuss each individual department requests.

Mayor Heck reviewed a time line for getting the vacant Commission seat filled. He asked the Commission to think about making their selection by the second meeting in August for that person to be on board at the first meeting in September.

**16. Adjournment**

There being no further business to come before the Commission, the meeting was adjourned at 8:55 p.m.

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Mayor

ATTEST:

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City Clerk