

CITY COMMISSION MINUTES September 11, 2007

The Newton City Commission convened in regular session on September 11, 2007 at 7:00 p.m. in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Commissioners Harris and Thiesen, City Manager Heinicke, City Attorney Myers, Director of Finance/City Clerk Ahsmuhs, City Engineer/DPW Loomis, Community Development Director Johnson, PIO McDaniel, Chief Denny, Chief Daily and Deputy City Clerk Duerksen. Vice Mayor Nickel was absent.

Pastor Timothy Conner with Missional Church Network provided the invocation. The Mayor then led in the Pledge of Allegiance and presided over the items of business.

1. Administer Oath of Office to Ken Hall to fill unexpired term of Curtis Nightingale.

Director of Finance/City Clerk Ahsmuhs administered the Oath of Office to Ken Hall. Commissioner Hall then took his place at the bench.

CONSENT AGENDA

2. Review minutes of August 28, 2007 meeting.
3. Receive a request to close Main Street on September 19 at 7:00 p.m. for the homecoming parade.
4. Receive a request for City assistance with the Crop Walk on September 23.

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

REGULAR AGENDA

5. Citizen's Forum

- A. Receive a proclamation declaring the week of September 17-23, 2007 as Constitution Week.

Kay Stanley, Janet Newton and Marilyn Bartel, representing the Daughters of the American Revolution, presented a proclamation declaring the week of September 17-23, 2007 as Constitution Week. The proclamation was read by Ms. Stanley.

MOTION: Commissioner Thiesen moved and Commissioner Harris seconded to approve the proclamation as read. Motion carried 4-0.

B. Receive a proclamation declaring September 24, 2007 as FAMILY DAY - a Day to Eat Dinner with Your Children™

City Manager Heinicke read the proclamation declaring September 24 as FAMILY DAY - a Day to Eat Dinner with Your Children™. The proclamation is sponsored by South Central KS RPC.

MOTION: Commissioner Harris moved and Commissioner Hall seconded to approve the proclamation as read. Motion carried 4-0.

6. Manager's update

- Harvey County has approved the special use permit for an ethanol plant.
- The joint meeting with USD 373, the City & the NRC for September 19 has been postponed.
- The City will staff the Newton booth at the State Fair on Wednesday.
- Sand Creek Station will host a media day on Friday.
- Park Electrochemical has provided their building layout plan for staff review.
- Community Development Director Johnson shared about the community forum that will take place on the I-135 corridor and south-side development plan. The forum will be held on September 24 at Grace Community Church from 7:00-9:00 p.m.
- Chief Denny reported on the new agreement with USD 373 to provide EMS standby at every football game including middle school games. A fee of \$50 will be charged per game.
- Mayor Heck reported REAP is working with the Visioneering group to develop next years' legislative package. Interviews are being conducted to fill the water coalition staff person.

7. Consider voting delegates and alternates for the League of Kansas Municipalities meeting October 9, 2007.

City Manager Heinicke suggested that the voting delegates for the League meeting be the Commission and staff be the alternates.

MOTION: Commissioner Harris moved and Commissioner Hall seconded the voting delegates be Mayor Heck and Commissioners Nickel, Hall and Thiesen and the alternates be City Manager Heinicke, City Attorney Myers, Community Development Director Johnson and Public Works Administrative Assistant Bauer. Motion carried 4-0.

8. **Approve the contract with Organization Consultants for the City Manager search.**

Commissioner Thiesen reviewed the consultant selection process. Commissioners liked the fact that Robert Saunders, Organization Consultants, would perform more of the administrative functions in the search process, his willingness to gain information from the Commission to put a profile together, as well as screening the applicants and managing the interview process. The contract amount is \$9,900 with \$900 in expenses.

MOTION: Commissioner Thiesen moved and Commissioner Harris seconded to approve the contract as presented. Motion carried 4-0.

9. **Review Environmental Control changes.**

Staff is seeking direction from the Commission on proposed changes to environmental control issues. City Engineer/DPW Loomis reported that the caseload for notices for tall weeds, minimum housing code violations, and overall nuisance abatements are at an all time high. Through August, 612 properties have received notices for violations. There were 445 cases in all of 2006. Staff is being pulled from other dedicated functions in order to handle the current caseload.

In the budget work sessions there was talk about changing the violation notices and the possibility of sending out reminder letters prior to sending actual violation notices. However, this only prolongs the process. There seems to be more and more properties with weeds over 12" tall around town. These properties have received notices and the owners have elected not to maintain the properties. When notices are ignored, staff forwards the information to the Park Department for mowing. With all the additional right-of-way and City property added over the last few years, they cannot keep up with the violation notices. The City did bid out the weed mowing service a few years ago, but nobody was interested because it was a complete unknown. Staff has visited with BNSF Railroad, who has very visible property with high weeds. They are now going to mow their properties with a contractor. The entire weed notice process is very time consuming and leaves the City looking unkempt.

Loomis explained after a property has received a code violation, they have a certain amount of time to remedy the situation. If this does not happen, the case is forwarded to municipal court. Due to the caseload of municipal court and the law department, the environmental cases may not hit the court docket for a month or more. The City Attorney has suggested increasing the prosecutor's hours to help move these cases to conclusion. Currently, there is a mishmash of regulations. Different statutes deal with different violations so there is not a one size fits all for violations. City Attorney Myers said some of the procedures could be streamlined if the Commission is willing to forfeit some rights that are in place now.

Loomis then reviewed the sidewalk program. At the budget work session it was the consensus of the Commission to include \$100,000 for 2008 towards this program. This year there is only \$30,000 in the operating budget for repairs. Total cost of the project to date is \$194,741.26 with the City's share being \$83,990, which is being paid with sales tax dollars. Loomis noted that any changes being made to the environmental procedures will need to wait until the first of the year.

Commission consensus was to leave the violation notice letter as is. They also thought streamlining the court process was a good idea and should be looked at. City Attorney Myers noted it might be possible to get more prosecutor time in the 2007 budget. He will look at the numbers to see if there is a way to do that.

10. Executive Session

MOTION: Commissioner Thiesen moved and Commissioner Harris seconded to recess to executive session for 10 minutes to discuss acquisition of real estate to include Director of Finance Ahsmuhs and Community Development Director Johnson. Motion carried 4-0.

The Commission recessed to executive session at 8:05 p.m. and reconvened at 8:15 p.m. Mayor Heck announced no decisions were made and no action was taken.

11. Old business

City Engineer/DPW Loomis reported the Sand Creek bank restoration project will be bid this year.

12. New business

City Attorney Myers reported the Harvey County Council of Governments was going to review a clean air ordinance he was asked for draft, at their next meeting. The HCCOG feels Newton is key in passing such an ordinance.

13. Adjournment

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m.

Mayor

ATTEST:

City Clerk