

CITY COMMISSION MINUTES
November 27, 2007

The Newton City Commission convened in regular session on November 27, 2007 at 7:00 p.m. in the City Commission room at 201 East 6th Street. Attending were Mayor Heck, Vice Mayor Nickel, Commissioners Hall, Harris and Thiesen, City Manager Heinicke, City Attorney Myers, Director of Finance/City Clerk Ahsmuhs, City Engineer/DPW Loomis, Community Development Director Johnson, Chief Denny, Chief Daily and Deputy City Clerk Duerksen. PIO McDaniel was absent.

Pastor Doug Ingmire with Newton Christian 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 November 13 and November 16, 2007 meetings.
2. Receive financial reports for October 2007
3. Approve plans and specifications for the paving of Elm Street and set date and time to receive bids (December 18 at 2:00 p.m. is suggested).
4. Cottonwood Heights
 - A. Receive petitions, plans & specifications for extension of water and streets to serve Cottonwood Heights Addition.
 - B. Consider a resolution finding advisable and authorizing the extension of water to serve Water District 20-B.

This Resolution finds advisable and authorizes the extension of water to serve Cottonwood Heights Addition, (Lots 1-9, Block 1). The estimated cost of the improvement is \$28,955.99 with 100% of the cost to be assessed against the improvement district and 0% to be paid by the City at large. This Resolution is assigned I-1103, which is contained in Volume D of Improvement Resolutions.

- C. Consider an Ordinance establishing Water District 20-B.

This Ordinance creates Water District 20-B in the City of Newton, is assigned 4651-07, which is contained in Volume Y of Ordinance.

- D. Consider a resolution finding advisable and authorizing the extension of streets.

This Resolution finds advisable and authorizes the extension of street pavement, curb, gutter and related appurtenances in Cottonwood Heights Addition (Lots 1-9, Block 1). The estimated cost of the improvement is \$98,942.72 with 96.79% of the cost to be assessed against the improvement district and 3.21% to be paid by the City at large. This Resolution is assigned I-1104, which is contained in Volume D of Improvement Resolutions.

E. Set date & time to receive bids (December 18 at 2:00 p.m.)

5. **Appointment - Willis Heck, REAP Water Coalition**

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

REGULAR AGENDA

6. **Citizen's Forum**

Virgil Penner, Chamber of Commerce, expressed his thanks to all the City crews for work done for events sponsored by the Chamber. He also thanked City Manager Heinicke for his work the last 10 years for the City.

7. **Employee recognition**

Chief Denny recounted the events of the November 18 fire at Heather Lane. He noted that had the police officers, who were first on the scene, not intervened, the outcome of the situation would have been more critical or even fatal. Mayor Heck presented certificates of appreciation to Sgt. Mark Smith, Cpl. Maurice Montano, Officer Brad Celestin and Officer Brandon Huntley.

8. **Manager's update**

- A work session has been set for December 5 at 5:00 p.m. at the Park Department and then another is set for December 11 at 5:15 p.m. to discuss the CIP.
- Staff has not had any further communication with the owners of Restlawn Cemetery for the purchase of the cemetery.
- The Sand Creek bank restoration project will be bid December 11.
- Work on the soccer fields is slated to begin Monday.
- Newton provides a number of presenters for the City Clerk School held each year.
- The REAP meeting for December will be held at Sand Creek Station Golf Course. Mayor Heck noted that the US 50 Task Force will make a presentation to legislators in January regarding improvements for US 50 from Emporia to the state line. He also reported the Commission will interview candidates for the city manager position in November.

9. **Conduct a public hearing on the KDHE loan agreement for the north main waterline and consider a Resolution authorizing the loan application.**

A Resolution authorizing the completion of an application to the Kansas Department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan Fund was considered.

Mayor Heck opened the public hearing at 7:22 p.m. There being no one to speak, the hearing was closed at 7:23 p.m.

MOTION: Commissioner Harris moved and Commissioner Hall seconded this Resolution, assigned G-1002, be approved as presented. Motion carried 5-0. (This Resolution is contained in Volume E of General Resolutions.)

10. Conduct a public hearing on a budget amendment and consider approval of the budget amendment.

Director of Finance/City Clerk Ahsmuhs noted the budget amendment is needed to accommodate more sales tax received than budgeted. Also, in order to transfer the sales tax money received into reserve accounts for infrastructure and economic development, the amendment must be made.

Mayor Heck opened the public hearing at 7:25 p.m. There being no one to speak, the hearing was closed at 7:26 p.m.

MOTION: Commissioner Hall moved and Commissioner Thiesen seconded to approve the budget amendment as presented. Motion carried 5-0.

11. Consider an agreement establishing an exclusive negotiation period as to a possible hotel and conference center project.

City Manager Heinicke briefed the Commission about the concept of a hotel/conference center for the city. The new taxes (property and bed tax) from the hotel/conference center would be diverted back into the project in some way, minimizing the cost to the City of having a conference center. The developers have tentatively agreed to operate and own the conference center. The principals will evaluate sites and compile specific cost data to determine if the project is feasible to both the City and the investors. If so, this will return for Commission consideration in three months. In the meantime, to protect the developer's commitment, the City needs to agree not to negotiate with other hotel developers for the next 90 days.

Tim Johnson, hotel/conference center principal, stated the day-to-day operations will be the responsibility of hotel management and the CVB will be responsible for promoting the conference center and recruiting events. They plan to work very closely with the CVB in selling the conference center. Mr. Johnson stated this project would be an asset to the City.

Shawn Penner, hotel/conference center principal, stated they have been in discussions with the City and Chamber for a number of years. They would appreciate the consideration of this agreement so they can come to a conclusion to make the project happen. When asked if they intended to sell the facility after a few years, Mr. Penner responded they plan to build and operate the facility like they are going to own it forever.

Virgil Penner, Chamber of Commerce, stated they have talked with four other motel groups about similar projects, but decided to go with the group that they first started working with.

Commissioners were in favor of giving the developers 90 days to gather the information and bring that information back at a future meeting. This is a piece of the puzzle that will make Newton attractive and help the City to grow.

MOTION: Commissioner Thiesen moved and Vice Mayor Nickel seconded to enter into an agreement establishing an exclusive negotiation period of 90 days for a possible hotel and conference center project. Motion carried 5-0.

12. Receive the south side traffic study.

City Engineer/DPW Loomis noted BWR was hired to perform a traffic study from South 14th Street to South 36th Street between Meridian and I-135. The study provides information that should be considered when the City updates long range planning documents. Some of the issues discussed in the study include access control to maximize roadway capacity, requirements for development traffic studies and developer mitigation implementation costs. Some of the minor improvements include modifying traffic signal timing and phasing, or installing advance intersection signaling. The study will help ensure that future development of streets occurs in an organized manner that maximizes safety and convenience.

MOTION: Vice Mayor Nickel moved and Commissioner Harris seconded to receive the study and place the recommended projects on the CIP list for future consideration and have the Planning Commission consider the transportation policies in their next plan update. Motion carried 5-0.

Commissioner Harris asked about signing the roundabouts with street name signs. Loomis stated they would look into that.

13. Review the Capital Improvements Project list.

City Engineer/DPW Loomis reviewed the CIP list with the Commission. The projects will be discussed further at the work session on December 11. She noted the projects are a collective effort from department heads as well as other partnering agencies.

14. Consider an Ordinance authorizing the filing of eminent domain proceedings for the acquisition of necessary easements for the south side interceptor sewer line project.

An ordinance authorizing and providing for the acquisition by eminent domain of a sanitary sewer easement, and associated temporary construction easements, from certain lands for the use of the City in relation to the extension of the City's existing sanitary sewer system was considered. The City is still trying to acquire the necessary right-of-way easements for phase 2 of the south side interceptor sewer project. Approving the ordinance would give staff the authority to file condemnation proceedings, should negotiations with the property owner fail.

MOTION: Commissioner Hall moved and Commissioner Thiesen seconded this Ordinance, assigned 4652-07 be approved as presented. Motion carried 5-0. (This Ordinance is contained in Volume Y of Ordinances.)

15. Consider salt storage structure.

At last meeting the Commission approved the updated snow route and ice policy. In order to have enough product on hand during a snow event, a bigger structure is needed. A new salt storage structure was previously approved in the 2006 CIP. A structural engineer will be hired to prepare a footing plan and Street Department staff will place the asphalt pad and set the concrete blocks for the structure. The roof will be purchased and installed by a vendor. The overall cost of the project will be \$31,000.

MOTION: Vice Mayor Nickel moved and Commissioner Harris seconded to approve moving forward with the salt storage structure. Motion carried 5-0.

16. Receive bids and award contract for the Sand Creek Station streets.

City Engineer/DPW Loomis reported on the bids received for the Sand Creek Station streets. She recommended awarding the bid to the low bidder, Vogts Construction.

BIDDER	BID AMOUNT
Vogts Construction	\$460,769.60
KS Paving-ConSpec	\$472,212.00
Cornejo & Sons	\$484,257.18
LaFarge	\$562,755.00
APAC-KS Inc.	\$568,135.50
Engineer's Est.	\$489,612.75

MOTION: Commissioner Thiesen moved and Commissioner Hall seconded to accept the low bid of Vogts Construction and award them the contract in the amount of \$460,769.60. Motion carried 5-0.

17. Old business

There was none.

18. New business

There was none.

19. Executive session

MOTION: Commissioner Hall moved and Vice Mayor Nickel seconded to recess to executive session for 15 minutes for discussions prior to the acquisition of real estate. Motion carried 5-0.

The Commission recessed to executive session at 8:15 p.m. and reconvened at 8:30 p.m. Mayor Heck announced no decisions were made and no action was taken.

MOTION: Commissioner Harris moved and Vice Mayor Nickel seconded to recess to executive session for 45 minutes to discuss personnel matters. Motion carried 5-0.

The Commission recessed to executive session at 8:30 p.m. and reconvened at 9:15 p.m. Mayor Heck announced no decisions were made and no action was taken.

20. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Mayor

ATTEST:

City Clerk