

AGENDA

NEWTON CITY COUNCIL
City Hall
101 West 4th Street South

REGULAR MEETING
May 21, 2007
5:30 p.m.

AMERICANS WITH
DISABILITIES ACT
COMPLIANCE
CALL TO ORDER

IS THERE ANYONE PRESENT WHO MAY REQUIRE SPECIAL ASSISTANCE IN BEING ABLE TO PARTICIPATE IN THIS PUBLIC MEETING?

Roll Call

PROCLAMATION

1. Mayor To Proclaim Week of May 21, 2007 Public Works Week

PRESENTATION

2. Bruce Hoffmeier of the Newton Promise Committee and John Parker, Director of Consulting Services of Iowa Student Loan

CITIZEN PARTICIPATION

3. This is the time of the meeting that a citizen may address the Council on a matter not on the agenda. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda.

CONSENT AGENDA

4. Approve May 7, 2007 Regular City Council Meeting Minutes and May 14, 2007 Special City Council Meeting Minutes
5. Approve Cigarette Permits Submitted By Raceway Motor Sports Café, 2331 First Avenue East, Git-N-Go, 801 First Avenue West, Murphy USA, 200 Iowa Speedway Drive, Casey's # 1375, 1006 North 19th Avenue East. Casey's # 1911, 1018 First Avenue East, Casey's # 2341, 3104 First Avenue East, Casey's # 2417, 1200 West 18th Street South, Casey's Mobile unit, 3333 Rusty Wallace Drive, Dezi's Quick Shop, 702 First Avenue East, Hy-Vee Drugstore, 1207 First Avenue East, Hy-Vee # 1, 1501 First Avenue East, Hy-Vee # 2, 1302 First Avenue West

PUBLIC HEARING

6. Ordinance Vacating And Disposing Of Certain Real Estate Consisting Of Street Right-Of-Way In The 1800 Block Of "Old" West 4th Street South, City Of Newton, Jasper County, Iowa (Council Report 07-065)
 - Myron and Betty Rhone, 1802 W 4th Street South, submitted an application to vacate the southern 50' of the old West 4th Street South. When West 4th Street South was realigned to go over Interstate 80, an old section of the road remained. This "old" W 4th Street South dead-ends at the state right-of-way for Interstate 80
 - The only properties that front on the area for the proposed vacation include the Rhone property and ROW for the "new" West 4th Street South. Vacating this portion of street does not land-lock any parcels. The vacation would allow the Rhones to build a new garage on part of the vacated site.
7. Resolution Approving The 2006 – 2007 Budget Amendments (Council Report 07-067)
 - At the May 7, 2007, City Council meeting, the Council designated May 21, 2007 as the public hearing date to consider the 2006-2007 budget amendments. The State Code requires that expenditures for each of the nine City programs not exceed the budget for the respective programs and permits budgets to be amended by cities prior to May 31 to accommodate this requirement.
8. Resolution Approving Development Agreement With Newton Lodge And Suites, LLC, For An AmericInn Hotel On Property Located Within The Prairie Fire Economic Development Area (Council Report 07-072)
 - City incentives are requested in the form of property tax rebates. The rebates that AmericInn requests amount to 100% percent of the taxes that the project would pay to the TIF district for seven years, followed by a 75% rebate in year 8, 50% in year 9, and 25% in year 10. The rebates would not involve their entire tax bill, as taxes attributable to

City debt service, school debt service, County debt service, and school physical plant and equipment levy would still be paid by the project from the start, amounting to about 10% of the overall tax bill each year. The Development Agreement avoids incurring bond debt, actually increases the City's bonding capacity, and meets a targeted need for the Prairie Fire area.

9. Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$615,000 General Obligation Capital Loan Notes (Council Report 07-068)

- The proceeds of the issuance will be used to pay costs of replacing and reimbursing the funds advanced to Jasper County, Iowa from the Sewer Enterprise Fund of the City under the Intergovernmental Agreement dated August 9, 2006, which funds were advanced for the purpose of terminating the Southeast Interchange Urban Renewal Area of the County and the payment of the related indebtedness of the County and permitting the establishment by the City of the Prairie Fire Economic Development Urban Renewal Area.

10. Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$130,000 General Obligation Capital Loan Notes (Council Report 07-069)

- The proceeds of the issuance will be used to pay costs of aiding in the planning, undertaking and carrying out of urban renewal project activities under the authority of Chapter 403 of the Code of Iowa and the Urban Renewal Plan for the Southwest Newton Urban Renewal Area, including the funding of an economic development grant to T and C Knight, LLC, d/b/a/ Pizza Ranch, under the terms of an Agreement for Private Redevelopment with said developers.

ORDINANCE

11. Second Consideration Of An Ordinance Amending Title 2, Chapter 11, Articles 6, Of The Code Of Ordinances Of The City Of Newton, Speed Limits For Iowa Speedway Drive And Rusty Wallace Drive (Council Report 07-073)

- At the Special City Council Meeting on May 14, 2007 the first consideration of this ordinance passed.

RESOLUTIONS

12. Resolution Directing The Advertisement For Sale Of \$740,000 General Obligation Capital Loan Notes, Taxable Series 2007A, And Approving Electronic Bidding Procedures (Council Report 07-070)

- It is recommended to use the electronic, facsimile and internet bidding to maintain the integrity and security of the competitive bidding process and to facilitate the delivery of bids by interested parties. It is also in the best interests of the City and the residents to receive bids to purchase such Notes by means of both sealed and electronic internet communication.
- Notice is given pursuant to Chapter 75 of the Code of Iowa, and shall state that this Council, on the 4th day of June, 2007, at 5:30 o'clock P.M., will hold a meeting to act upon bids for said Notes, which bids were previously received and opened by City officials at 11:00 o'clock A.M. on that same date.

13. Resolution Approving 28E Household Hazardous Waste Agreement With Metro Waste Authority (Council Report 07-066)

- The current agreement with Metro Waste Authority is set to expire and needs to be renewed. We are proposing a new three (3) year agreement. As before, there is a provision in the contract for years two and three for a possible rate change. This depends on how many additional landfills join with the Metro in this program. The good news to report as there is no proposed increase in cost (currently \$.87 per capita or \$31,083.36/year). In fact, the only change to the agreement is Section VII D, which states that if the aforementioned fees exceed

actual costs, we would receive a rebate for the difference at the close of the fiscal year.

14. Resolution Approving Teamsters Local 120 Collective Bargaining Agreement (Council Report 07-071)

- We have successfully negotiated another contract with the Teamsters (Public Works). The contract will run for two years starting July 1, 2007 and ending June 30, 2009.

15. Resolution Approving The Site Plan For The Expansion Of An Anhydrous Ammonia Area At The Sully Co-op, 1701 Highway 14 North (Council Report 07-064)

- This resolution involves a site plan submitted by Sully Co-op, located in Newton at 1701 Highway 14 North. Normally, site plans are reviewed and approved administratively in accordance with City Code. However, in order to meet the requirements for obtaining a permit from the State of Iowa Department of Agriculture, Sully Co-op's proposal must have public review at the local level.
- The Planning and Zoning Commission reviewed the proposal at their May 8th meeting. No comments from the public were given at the meeting, and the P&Z Commission recommended approval of the site plan with a vote of 4-0.

NEW BUSINESS

16.

CLOSED SESSION

17. To Discuss the Purchase of Particular Real Estate Only Where Premature Disclosure Could be Reasonably Expected to Increase the Price the Governmental Body Would Have to Pay For That Property Pursuant to the Provisions of Section 21.5(1)(j), Code of Iowa 2007

RETURN TO OPEN SESSION

18.

CLOSED SESSION

19. To Evaluate The Professional Competency Of An Individual Whose Appointment, Hiring, Performance Or Discharge Is Being Considered When Necessary To Prevent Needless And Irreparable Injury To That Individual's Reputation And That Individual Request A Closed Session. Pursuant To The Provisions Of Section 21.5(1)(i), Code of Iowa 2007

RETURN TO OPEN SESSION

20.

ADJOURN