

AMENDED AGENDA

NEWTON CITY COUNCIL
City Hall
101 West 4th Street South

REGULAR MEETING
November 19, 2007
5:30 p.m.

AMERICANS WITH
DISABILITIES ACT
COMPLIANCE

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

CALL TO ORDER

Roll Call

OATH OF OFFICE

1. **Mayor to Swear in Marvin Morris, Council Member for the Third Ward**

CITIZEN PARTICIPATION

2. **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

3. **Approve November 7, 2007 Regular City Council Meeting Minutes, November 13, 2007 Special City Council Meeting Minutes**

4. **Approve Class E Liquor License, Carryout Beer, Carryout Wine, Sunday Sales, Hy-Vee #1, 1501 First Avenue East**

RESOLUTIONS

5. **Resolution Abolishing The Position Of One (1) Landfill Equipment Operator In The Landfill Division, Public Works Department (Council Report 07-158)**

- On June 5, 2006 the City Council approved the addition of one (1) Landfill Equipment Operator in the Landfill Division of the Public Works Department. The resolution required City Council review whether to fill or abolish this added position when there was a vacancy. A vacancy has been created with a recent retirement.
- This additional position was created to satisfy litigation. From an operational perspective, the Landfill can operate efficiently with three operators.
- It is our recommendation that this position be abolished thus bringing the total count of equipment operators at the Landfill Division down from four (4) to three (3).

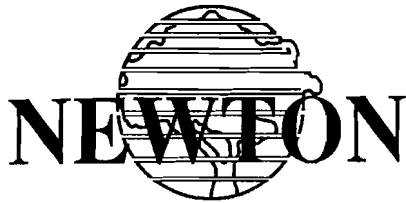
6. **Resolution Awarding Contract For Iowa Speedway Projects Wetland Mitigation Area Project (Council Report 07-159)**

- As part of the city's infrastructure project (roads, storm drainage, and sanitary sewer) for the Speedway project, we are required to perform a wetland mitigation project. This project will mitigate the wetlands that were disturbed when the roadways were constructed. The approximate one (1) acre project will be built just south of the location of our sanitary sewer lift station/equalization basin that was constructed for the Speedway.
- Terracon has prepared plans and specifications for the project and quotations were received on November 13, 2007. They are as follows:
- Peterson Contractors, Inc. (PCI) of Reinbeck, Iowa \$65,785.00
Elder Corp. of Des Moines, Iowa \$61,439.99
Sterk Excavating, Inc. of Otley, Iowa \$23,922.00
- The engineer's estimate was \$38,860.00. The Engineering Division will be performing the construction staking which is estimated at \$6,500.00.
- Staff recommends awarding the contract to Sterk Excavating, Inc. in the amount of \$23,922.00.

7. **Resolution Approving Purchase Of 25 Ea. Self Contained Breathing Apparatus (SCBA) With Spare Tanks From Sandry Fire Supply L.L.C. And A Vehicle Exhaust Extraction System From Air Cleaning Technologies, Inc. For The Fire Department (Council Report 07-160)**
 - Pursuant to Resolution 07-041, the Newton Fire Department applied for an equipment grant through the AFG program. On September 14, 2007 the department was notified that application #2 of the 07/08 AFG application was successful. FEMA has granted the purchase of 25 each self-contained breathing apparatus (SCBA) with spare tanks and a Vehicle Exhaust Extraction System to be installed in the truck, ambulance and wash bay of the fire department.
8. **Resolution Directing The Advertisement For Sale Of \$690,000 Urban Renewal Tax Increment Revenue Bonds, Taxable Series 2007B, And Approving Electronic Bidding Procedures (Council Report 07-161)**
 - This resolution is directing the advertisement of Bonds for sale and the form of notice of sale. This resolution also approves the electronic bidding procedures that our financial consultant, Ruan Securities is recommending to the Council. Based upon this recommendation, the Iowa Code requires that the Council make a finding that the recommended procedure will provide reasonable security and maintain the integrity of the competitive bidding process and facilitate the delivery of bids by interested parties under the circumstances of the sale.
9. **First Avenue Steakhouse, Class C Liquor License – Six Months, Outdoor Service Area, 2002 First Avenue East**
10. **Midwest Steakhouse, Class C Liquor License, Sunday Sales, 1800 West 18th Street South**
- 11.

NEW BUSINESS

ADJOURN



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

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Report 07-158

AGENDA ITEM RESOLUTION ABOLISHING THE POSITION OF ONE (1) LANDFILL EQUIPMENT OPERATOR IN THE LANDFILL DIVISION, PUBLIC WORKS DEPARTMENT

BACKGROUND

On June 5, 2006 the City Council approved the addition of one (1) Landfill Equipment Operator in the Landfill Division of the Public Works Department. The resolution required City Council review whether to fill or abolish this added position when there was a vacancy. A vacancy has been created with a recent retirement.

This additional position was created to satisfy litigation. From an operational perspective, the Landfill can operate efficiently with three operators.

It is our recommendation that this position be abolished thus bringing the total count of equipment operators at the Landfill Division down from four (4) to three (3).

RECOMMENDATION

Staff recommends abolishing the position of one (1) Landfill Equipment Operator in the Landfill Division of the Public Works Department.

David Watson
City Administrator

Attachment

RESOLUTION NO. 2007-_____

**RESOLUTION ABOLISHING THE POSITION OF ONE (1) LANDFILL
EQUIPMENT OPERATOR IN THE LANDFILL DIVISION, PUBLIC
WORKS DEPARTMENT**

WHEREAS, Resolution No. 2006-101 adopted June 2006 established a fourth Landfill Equipment Operator position in the Landfill Division, Public Works Department; and

WHEREAS, said resolution required a review when a future vacancy opened; and

WHEREAS, a vacancy now exists in the Landfill Equipment Operator position in the Landfill Division; and

WHEREAS, upon review, City Council deems it appropriate to abolish one (1) Landfill Equipment Operator, reducing the total number of Landfill Equipment Operators from four (4) to three (3).

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, that one (1) Landfill Equipment Operator position in the Landfill Division, Public Works Department is hereby abolished upon approval of this resolution, as being in the best interest of the City of Newton..

PASSED ___ day of November, 2007

APPROVED ___ day of November, 2007.

Charles Allen, Mayor

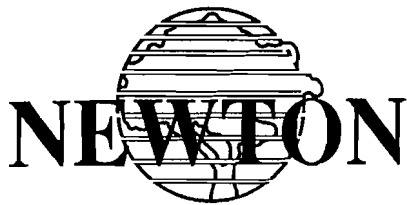
ATTEST:

Candice Van Zee, CMC,
City Clerk

APPROVED AS TO FORM:



Darrin T. Hamilton, City Attorney



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

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Report 07-159

AGENDA ITEM RESOLUTION AWARDING CONTRACT FOR IOWA SPEEDWAY
PROJECTS WETLAND MITIGATION AREA PROJECT

BACKGROUND

As part of the city's infrastructure project (roads, storm drainage, and sanitary sewer) for the Speedway project, we are required to perform a wetland mitigation project. This project will mitigate the wetlands that were disturbed when the roadways were constructed. The approximate one (1) acre project will be built just south of the location of our sanitary sewer lift station/equalization basin that was constructed for the Speedway.

Terracon has prepared plans and specifications for the project and quotations were received on November 13, 2007. They are as follows:

Peterson Contractors, Inc. (PCI) of Reinbeck, Iowa	\$65,785.00
Elder Corp. of Des Moines, Iowa	\$61,439.99
Sterk Excavating, Inc. of Otley, Iowa	\$23,922.00

The engineer's estimate was \$38,860.00. The Engineering Division will be performing the construction staking which is estimated at \$6,500.00.

Staff recommends awarding the contract to Sterk Excavating, Inc. in the amount of \$23,922.00

RECOMMENDATION

Staff recommends awarding the contract for the Iowa Speedway Projects Wetland Mitigation Area Project to Sterk Excavating, Inc.

David Watson
City Administrator

Attachment

RESOLUTION NO. 2007-_____

**RESOLUTION AWARDING CONTRACT FOR
IOWA SPEEDWAY PROJECTS WETLAND MITIGATION AREA
PROJECT**

WHEREAS, wetland mitigation was a requirement of the Iowa Motorsport public infrastructure projects; and

WHEREAS, Terracon Consultants have prepared plans and specifications for the Iowa Speedway Projects Wetland Mitigation Area project; and

WHEREAS, quotations were received for said project by the City on November 13, 2007; and

WHEREAS, the City's Public Works Director, David Stewart, recommends that the City of Newton award a contract to Sterk Excavating, Inc. of Otley, Iowa for the Iowa Speedway Projects Wetland Mitigation Area project based on the low bid received in the amount of \$23,922.00,

NOW, THEREFORE, BE IT RESOLVED, that the bid of Sterk Excavating, Inc. in the amount of Twenty-three thousand nine hundred twenty-two dollars and zero cents (\$23,922.00) for the Iowa Speedway Projects Wetland Mitigation Area project is hereby accepted, the same being the lowest quotation received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Sterk Excavating, Inc. for the Iowa Speedway Projects Wetland Mitigation Area project be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby directed to execute the contract with the foregoing bidder for such work.

PASSED this _____ day of _____, 2007.

APPROVED this _____ day of _____, 2007.

(SEAL)

Charles Allen, Mayor

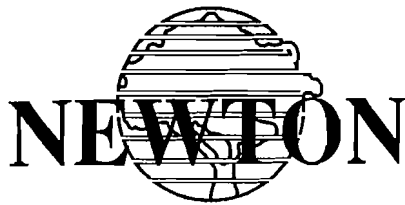
ATTEST:

Candice Van Zee, CMC
City Clerk

APPROVED AS TO FORM:



Darrin T. Hamilton, City Attorney



To Honorable Mayor and Council

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Report 07-160

AGENDA ITEM RESOLUTION APPROVING PURCHASE OF 25 EA. SELF CONTAINED BREATHING APPARATUS (SCBA) WITH SPARE TANKS FROM SANDRY FIRE SUPPLY L.L.C. AND A VEHICLE EXHAUST EXTRACTION SYSTEM FROM AIR CLEANING TECHNOLOGIES, INC. FOR THE FIRE DEPARTMENT.

BACKGROUND

Bids have been received for 25 EA. MSA Self Contained Breathing Apparatus. The bids are as follows:

<u>Vendor</u>		<u>Bid</u>
Sandry Fire Supply LLC.	Dewitt, IA	\$122,175.00
Grand Folks Fire Equip. Co.	Grand Forks, ND	\$147,675.00
Metro Fire	Ham Lake, MN	\$165,750.00

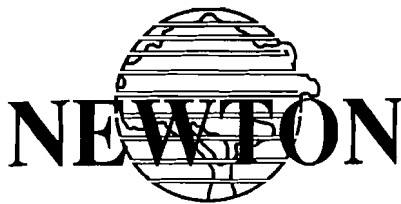
Bids have been received for Vehicle Exhaust Removal System. Bids are as follows:

<u>Vendor</u>	<u>Make</u>	<u>Bid</u>
Air Cleaning Technologies, Inc.	Plymovent	\$69,650.00
Air Cleaning Specialist, Inc.	MagnaGrip	\$74,800.00
Carter Air Clean	Plymovent	\$80,995.00

Congress has authorized the Federal Emergency Management Agency (FEMA) to administer the Assistance to Firefighter Grant Program (AFG).

Pursuant to Resolution 07-041, the Newton Fire Department applied for an equipment grant through the AFG program. On September 14, 2007 the department was notified that application #2 of the 07/08 AFG application was successful. FEMA has granted the purchase of 25 each self contained breathing apparatus (SCBA) with spare tanks and a Vehicle Exhaust Extraction System to be installed in the truck, ambulance and wash bay of the fire department.

The purpose of the AFG program is to award one-year grants directly to fire departments to enhance their abilities with respect to fire-related hazards. This program seeks to identify departments that lack the basic tools and resources necessary to protect the health and safety of the public and their firefighting personnel.



To Honorable Mayor and Council

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Report 07-160

The purchase of the new SCBA will enable the department to be 2007 SCBA compliant. Installation of the vehicle exhaust extraction system will make the fire station compliant with air quality regulations within public buildings.

Total cost of both projects is not to exceed \$191,825.00. This grant requires a local 5% cash match. The cost-share will not exceed \$9,591.25 for the City of Newton. No "in-kind" contribution will be allowed for cost-share that is statutorily required.

RECOMMENDATION

Staff recommends approval of the resolution approving the purchase of 25 EA. SCBA's with spare tanks from Sandry Fire Supply LLC. and an Vehicle Exhaust Extraction System from Air Cleaning Technologies, Inc.

David Watson
City Administrator

Attachment

RESOLUTION NO. 2007- _____

**RESOLUTION APPROVING THE PURCHASE OF 25 EA. SELF
CONTAINED BREATHING APPARATUS (SCBA) WITH SPARE TANKS
FROM SANDRY FIRE SUPPLY, L.L.C. AND A VEHICLE EXHAUST
EXTRACTION SYSTEM FROM AIR CLEANING TECHNOLOGIES, INC.
FOR THE FIRE DEPARTMENT**

WHEREAS, the Federal Emergency Management Agency (FEMA) administers the Assistance to Firefighters Grant Program (AFG), and

WHEREAS, the Newton Fire Department is in need of replacing the current inventory of non-compliant SCBA's and spare tanks and the building is also in need of a Vehicle Exhaust Extrication System to be compliant with air quality regulations within public buildings, and

WHEREAS, pursuant to Council Report 07-041, the Newton Fire Department applied for an equipment grant through the AFG program and on September 14, 2007, the department was notified that application #2 of the 07/08 AFG application was successful and FEMA has granted the purchase 25 each Self Contained Breathing Apparatus (SCBA) with spare tank and a Vehicle Exhaust Extraction System, and

NOW, THEREFORE, BE IT RESOLVED, that the bid from Sandry Fire Supply, LLC for 25 each Self Contained Breathing Apparatus with spare tanks in the amount of one hundred twenty-two thousand one hundred seventy-five and zero cents (\$122,175.00) and the bid from Air Cleaning Technologies, Inc. for a Vehicle Exhaust Extraction System in the amount of sixty-nine thousand six hundred fifty dollars and zero cents (\$69,650.00) are hereby accepted, the same being the lowest quotations received for said project with the City match being nine thousand five hundred ninety-one and twenty-five cents (\$9,591.25).

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, that the Fire Chief is authorized to proceed with the purchase of said equipment.

PASSED this _____ of _____, 2007.

APPROVED this _____ of _____, 2007.

Charles Allen, Mayor

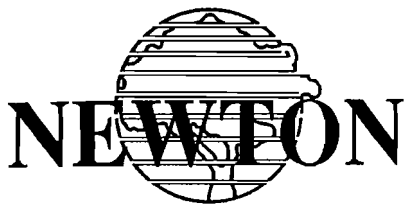
(SEAL)

ATTEST:

Candice Van Zee, CMC
City Clerk

APPROVED AS TO FORM:


Darrin T. Hamilton, City Attorney



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

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Report 07-161

AGENDA ITEM RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$690,000 URBAN RENEWAL TAX INCREMENT REVENUE BONDS, TAXABLE SERIES 2007B, AND APPROVING ELECTRONIC BIDDING PROCEDURES

The City was asked and previously approved a contribution to the redevelopment of the Synergy properties. The redevelopment agreement covers all of the obligations of the City and the other partners in the redevelopment. In that agreement the City will contribute \$700,000 to the project with \$100,000 coming directly from Fund 15 and available under the current fiscal year budget. The remaining balance will be bonded using the Tax Increment Income of the North Central TIF District.

On December 27, 2006 City Council held a public hearing and adopted a resolution approving the issuance of Urban Renewal Tax Increment Revenue Bonds.

This resolution is directing the advertisement of Bonds for sale and the form of notice of sale. This resolution also approves the electronic bidding procedures that our financial consultant, Ruan Securities is recommending to the Council. Based upon this recommendation, the Iowa Code requires that the Council make a finding that the recommended procedure will provide reasonable security and maintain the integrity of the competitive bidding process and facilitate the delivery of bids by interested parties under the circumstances of the sale.

RECOMMENDATION

Staff recommends approving the above resolution.

David Watson
City Administrator

Attachment

Council Member _____ introduced the following Resolution entitled "RESOLUTION DIRECTING THE ADVERTISEMENT FOR SALE OF \$690,000 URBAN RENEWAL TAX INCREMENT REVENUE BONDS, TAXABLE SERIES 2007B, AND APPROVING ELECTRONIC BIDDING PROCEDURES" and moved its adoption. Council Member _____ seconded the Resolution to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION DIRECTING THE ADVERTISEMENT
FOR SALE OF \$690,000 URBAN RENEWAL TAX
INCREMENT REVENUE BONDS, TAXABLE SERIES
2007B, AND APPROVING ELECTRONIC BIDDING
PROCEDURES

WHEREAS, the City of Newton, Iowa is in need of funds to pay costs of aiding in the planning, undertaking and carrying out of urban renewal project activities under the authority of Chapters 403 and 15A of the Code of Iowa and the Amended and Restated Urban Renewal Plan for the North Central Urban Renewal Area of the City, including those costs associated with the funding of certain construction and other development activities to be carried out by the City under the terms of an Agreement for Private Redevelopment with Iowa Telecommunications Services, Inc., Des Moines Area Community College and other parties, an urban renewal project, and it is deemed necessary and advisable that the City issue Urban Renewal Tax Increment Revenue Bonds for the purpose to the amount of not to exceed \$690,000 as authorized by Section 403.9 of the City Code of Iowa; and

WHEREAS, pursuant to notice published as required by Section 403.9 this Council has held a public meeting and hearing on December 27, 2006, upon the proposal to institute proceedings for the issuance of the above described bonds, and all objections, if any, to such Council action made by any resident or property owner of the City were received and considered by the Council; and it is the decision of the Council that

additional action be taken for the issuance of the bonds, and that such action is considered to be in the best interests of the City and the residents thereof; and

WHEREAS, the Council has received information from its Financial Consultant evaluating and recommending the procedure hereinafter described for 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; and

WHEREAS, the Council deems it in the best interests of the City and the residents thereof to receive bids to purchase such Notes by means of both sealed and electronic internet communication.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. That the receipt of electronic bids by facsimile machine and through the PARITY[®] competitive bidding system described in the Notice of Bond Sale are hereby found and determined to provide reasonable security and to maintain the integrity of the competitive bidding process, and to facilitate the delivery of bids by interested parties in connection with the offering at public sale.

Section 2. That the City Clerk is hereby directed to publish notice of sale of the bonds at least once, the last one of which shall be not less than four clear days nor more than twenty days before the date of the sale. Publication shall be made in Newton Daily News, a legal newspaper, printed wholly in the English language, published within the county in which the bonds are to be offered for sale or an adjacent county. The notice is given pursuant to 403.9 of the Code of Iowa, and shall state that this Council, on the 3rd day of December, 2007, at 5:30 o'clock P.M., will hold a meeting to act upon bids for the bonds, which bids were previously received and opened by City Officials at 11:00 o'clock A.M. on such date. The notice shall be in substantially the following form:

NOTICE OF BOND SALE

Time and Place of Sealed Bids: Bids for the sale of Urban Renewal Tax Increment Revenue Bonds, Taxable Series 2007B, of the City of Newton, Iowa, will be received at the office of the City Clerk, in the City of Newton, Iowa (the "Issuer") at 11:00 o'clock A.M., on the 3rd day of December, 2007. The bids will then be publicly opened and referred for action to the meeting of the City Council in conformity with the terms of offering.

The Bonds: The bonds to be offered are the following:

URBAN RENEWAL TAX INCREMENT REVENUE
BONDS, TAXABLE SERIES 2007B, in the amount of
\$690,000, to be dated the date of delivery (the "Bonds").

Manner of Bidding: Open bids will not be received. Bids will be received in any of the following methods:

- Sealed Bidding: Sealed bids may be submitted and will be received at the office of the City Clerk, City Hall, 101 West 4th Street South, Newton, Iowa
- Electronic Internet Bidding: Electronic internet bids will be received at the office of the City Clerk, Newton, Iowa. The bids must be submitted through the PARITY[®] competitive bidding system.
- Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the City Clerk, Newton, Iowa. Electronic facsimile bids will be sealed and treated as sealed bids.

Consideration of Bids: After the time for receipt of bids has passed, the close of sealed bids will be announced. Sealed bids will then be publicly opened and announced. Finally, electronic internet bids will be accessed and announced.

Sale and Award: The sale and award of the Bonds will be held at the Council Chambers, City Hall at a meeting of the City Council on the above date at 5:30 o'clock P.M.

Official Statement: The Issuer has issued an Official Statement of information pertaining to the Bonds to be offered, including a statement of the Terms of Offering and an Official Bid Form, which is incorporated by reference as a part of this notice. The Official Statement may be obtained by request addressed to the City Clerk, 101 West 4th Street South, Newton, Iowa 50208, telephone: (641) 792-2787, or to the financial

consultant to the City, Ruan Securities Corporation, 666 Grand Avenue, 3300 Ruan Center, Des Moines, Iowa 50309, telephone: (515) 245-3871.

Terms of Offering: All bids shall be in conformity with and the sale shall be in accord with the Terms of Offering as set forth in the Official Statement.

Legal Opinion: The bonds will be sold subject to the opinion of Ahlers & Cooney, P.C., Attorneys of Des Moines, Iowa, as to the legality and their opinion will be furnished together with the printed bonds without cost to the purchaser and all bids will be so conditioned. Except to the extent necessary to issue their opinion as to the legality of the bonds, the attorneys will not examine or review or express any opinion with respect to the accuracy or completeness of documents, materials or statements made or furnished in connection with the sale, issuance or marketing of the bonds.

Rights Reserved: The right is reserved to reject any or all bids, and to waive any irregularities as deemed to be in the best interests of the public.

By order of the City Council of the City of Newton, Iowa.

City Clerk of the City of Newton, Iowa

(End of Notice)

PASSED AND APPROVED this _____ day of
_____, 2007.

Mayor

ATTEST:

Clerk