

AGENDA

NEWTON CITY COUNCIL
City Hall
101 West 4th Street South

REGULAR MEETING
February 4, 2008
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

CITIZEN PARTICIPATION

1. 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

2. Approve January 21, 2008 Regular City Council Meeting Minutes
3. Approve Class C Beer, Carryout Wine for Fareway, 120 North 3rd Avenue East
4. Approve Class C Beer, Sunday Sales for Newton 66, 1806 South 12th Avenue West
5. Approve Class C Liquor, Sunday Sales for Cardinal Lanes, 1300 South 5th Avenue East
6. Approve Class C Liquor, Outdoor Service, Sunday Sales, Native Wine Carryout for Ovations Food Service, 3333 Rusty Wallace Drive
7. Approve Class C Liquor, Sunday Sales for American Legion, 1101 West 4th Street South

PUBLIC HEARING

8. Resolution Approving An Amendment To The Airport Management Contract And FBO Lease And Fuel Fee Agreement With Johnson Aviation, Inc. (Council Report 08-010)
 - The lease agreement with Maytag for the Maytag Corporate Hangar at the Newton Municipal Airport was a 50-year lease beginning in 1967 and ending in 2017. With the termination of aircraft operations by Maytag, Whirlpool has officially terminated the lease.
 - This resolution amends the Airport Management and FBO contracts with Johnson Aviation to include the Community Hangar. Johnson Aviation will manage the city owned facility in exchange for 15% of the revenue generated from rental agreements (the same as our T-hangars) and 50% revenue from transient users. Johnson Aviation would receive a higher percentage from transient users since there is more handling/management involved with a transient aircraft. Johnson Aviation would also agree to pay the same percentage of electric (20%) for the Community Hangar as an unheated space.

ORDINANCE

9. Ordinance Amending Section 11.1008.504(c)(1), By Switching The No Parking, 8:00 A.M. – 5:00 P.M. School Days From The North Side To The Southside Of South 5th Avenue East, At East 24th Street South To East 23rd Street South (Council Report 08-011)
 - The school district contacted the Traffic Safety Committee to request that the no parking zone along the south side of Aurora Heights School be moved from the north side of 5th Avenue to the south side of the avenue. Many parents are parking on the south side of the avenue and allowing their children to run between parked cars, across the street to enter school, and then reversing the trend when school ends for the day. This amendment would allow parking on the school-side of the avenue and prohibit parking across the street during school hours.

10. Ordinance Amending Section 11.1007.2(A)(7) By Adding A Handicap Parking Space On The Westside Of The 100 Block East Second Street South (Council Report 08-012)

- Staff from the Department of Human Services contacted the Traffic Safety Committee to request that an additional handicap parking space be designated next to the annex building. The committee reviewed the request and concurred that one space be added on the west side of the 100 block of East Second Street North at the north end of the block.

RESOLUTIONS

11. Resolution Authorizing The Use Of Capital Improvement Funds For The 2007 City Of Newton Traffic Signal Project (Council Report 08-013)

- On September 4, 2007, the City Council approved a U-Step Agreement with the IDOT and an Engineering Services Agreement with Engineering Alliance for the 2007 City of Newton Traffic Signal Project. Engineering is nearly complete and we are preparing to go out for bids. As such, we must finalize how to fund the project.
- The IDOT has agreed to pay 55% of the estimated construction costs and Hy-Vee has agreed to pay 35% of the estimated construction and engineering costs. There is currently \$321,000 in the Capital Improvement Fund. Staff recommends that the estimated net cost for this project of \$26,400 (plus an anticipated easement cost of \$2,000 for a total of \$28,400) be paid for out of this fund.
- A public hearing and bid letting will be scheduled for a future council meeting to authorize the work.

12. Resolution Authorizing The Use Of Capital Improvement Funds For The Monroe Drive Box Culvert Drop Structure Project (Council Report 08-014)

- On August 20, 2007, the City Council approved an Engineering Services Agreement with Shuck-Britson, Inc. for the Monroe Drive Box Culvert Drop Structure Project. Engineering is nearly complete and we are preparing to go out for bids. As such, we must finalize how to fund the project.
- Engineering expenses have been taken out of the general fund. As to construction costs, there is currently \$321,000 in the Capital Improvement Fund. There are sufficient funds to pay for this project. Staff recommends that the estimated cost of \$124,235 for this project be paid for out of this fund. On the next city council agenda, we will have a resolution for your consideration to set the public hearing and letting date for the project for spring construction.

NEW BUSINESS

13.

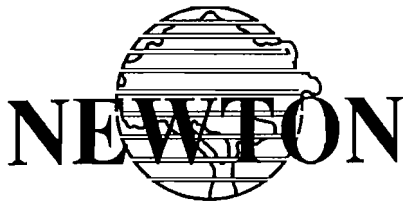
DISCUSSION

14. Discussion To Establish Future Joint Goal Setting Session With Newton Development Corporation

08-09 BUDGET REVIEW

15. Review and Discussion of The 2008-2009 Proposed Operating Budget

ADJOURN



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

February 4, 2008

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Report 08-010

AGENDA ITEM RESOLUTION APPROVING AN AMENDMENT TO THE AIRPORT MANAGEMENT CONTRACT AND FBO LEASE AND FUEL FEE AGREEMENT WITH JOHNSON AVIATION, INC.

BACKGROUND

The lease agreement with Maytag for the Maytag Corporate Hangar at the Newton Municipal Airport was a 50 year lease beginning in 1967 and ending in 2017. With the termination of aircraft operations by Maytag, Whirlpool has officially terminated the lease. As such, the City of Newton can now make other arrangements for the hangar.

Since there is currently no need to use the hangar by a corporate entity, we would lease out the space to patrons similar to our T-hangars and deem the hangar as a "Community Hangar," available for use to both long term and short term (transient) users. This will help offset the loss in revenue in fuel sales that had been generated by the Maytag corporate jets housed by the facility.

This resolution amends the Airport Management and FBO contracts with Johnson Aviation to include the Community Hangar. Johnson Aviation will manage the city owned facility in exchange for 15% of the revenue generated from rental agreements (the same as our T-hangars) and 50% revenue from transient users. Johnson Aviation would receive a higher percentage from transient users since there is more handling/management involved with a transient aircraft. Johnson Aviation would also agree to pay the same percentage of electric (20%) for the Community Hangar as an unheated space.

Overall, Johnson Aviation continues to do a good job managing the city owned facilities at our airport.

RECOMMENDATION

Staff recommends that the Council approve the amendment to the Airport Management Contract and FBO Lease and Fuel Fee Agreement with Johnson Aviation, Inc.

David Watson
City Administrator

Attachments

RESOLUTION NO. 2008-_____

**RESOLUTION APPROVING AN AMENDMENT TO THE AIRPORT
MANAGEMENT CONTRACT AND FBO LEASE AND FUEL FEE
AGREEMENT WITH JOHNSON AVIATION, INC.**

WHEREAS, the lease agreement with Maytag for the former Maytag Corporate Hangar has been terminated; and

WHEREAS, the city of Newton seeks to rent out the former Maytag Hangar now known as the Community Hangar to both long and short term patrons.

WHEREAS, Johnson Aviation has agreed to manage the Community Hangar on behalf of the city of Newton.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, that the Mayor is authorized to execute the amended agreement with Johnson Aviation, Inc. for the management of the Community Hangar.

PASSED ___ day of _____, 2008.

APPROVED ___ day of _____, 2008.

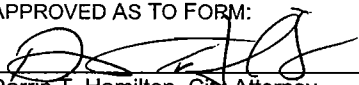
Charles Allen, Mayor

(SEAL)

ATTEST:

Candice Van Zee, CMC,
City Clerk

APPROVED AS TO FORM:



Darrin T. Hamilton, City Attorney

AMENDMENTS TO THE AIRPORT MANAGEMENT CONTRACT
BETWEEN THE CITY OF NEWTON, IOWA AND
JOHNSON AVIATION, INC.

The undersigned agree to the following amendment in Section 2, Part G by adding Community Hangars and removing T-Hangar.

G. Act as agent for the CITY with regard to the leasing of the CITY owned T-Hangars and Community Hangar at the Airport site. The MANAGER shall monitor and assure that the individual lessees of the T-Hangars and Community Hangar abide by the lease agreements entered into between the CITY and the lessees.

The undersigned agree to the following amendment in Section 3, by adding new Part D by the following paragraph:

D. Allowance for Community Hangar – 15% of actual cast rent and 50% of Transient revenue received from the CITY-owned Community Hangar for acting as CITY's agent in renting, manning and collecting rents for City-owned Community Hangar.

DATED and signed at Newton, Iowa this ____ day of _____ 2008.

CITY OF NEWTON, IOWA
INC.

JOHNSON AVIATION,

Charles Allen, Mayor

William A. Smothers, President and Secretary

ATTEST:

Candice Van Zee, CMC
City Clerk

(SEAL)

**AMENDMENT TO THE AIRPORT FIXED-BASE OPERATION LEASE
AND FUEL FEE AGREEMENT
BETWEEN THE CITY OF NEWTON, IOWA
AND JOHNSON AVIATION, INC.**

This Amendment is made and entered into this 4th day of February, 2008 by and between the City of Newton, Iowa, (hereinafter referred to as the "City") and Johnson Aviation, Inc., a corporation organized and existing under the laws of the State of Iowa, (hereinafter referred to as the "OPERATOR").

The undersigned agree to the following amendment in Section III, Part E by adding the Community Hangars when used as an unheated space.

E. To pay the utility costs to heat office-terminal building and to pay eighty percent (80%) of the electric costs associated with the office-terminal building, main T-hangar, 12-stall T-hangars and Community Hangars when used as an unheated space. The remaining twenty percent (20%) of the aforementioned electric costs will be invoiced to and paid by the OPERATOR.

IN WITNESS WHEREOF, the parties have hereunto signed their names the year and day first above below.

CITY OF NEWTON

Date: _____

BY _____
Charles Allen, Mayor

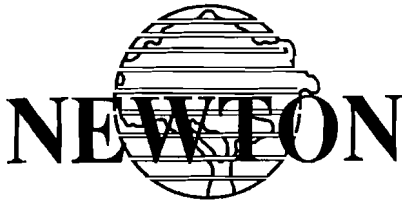
ATTEST:

Candice Van Zee, CMC
City Clerk

JOHNSON AVIATION, INC.

Date: _____

BY _____
William A. Smothers,
President and Secretary



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

February 4, 2008

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Report 08-011

AGENDA ITEM

ORDINANCE AMENDING SECTION 11.1008.504(C)(1), BY SWITCHING THE NO PARKING, 8:00 A.M. – 5:00 P.M. SCHOOL DAYS FROM THE NORTHSIDE TO THE SOUTHSIDE OF S. 5TH AVE. E., AT E. 24TH ST. S. TO E. 23RD ST S.

BACKGROUND

The school district contacted the Traffic Safety Committee to request that the no parking zone along the south side of Aurora Heights school be moved from the north side of 5th Avenue to the south side of the avenue. Many parents are parking on the south side of the avenue and allowing their children to run between parked cars, across the street to enter school, and then reversing the trend when school ends for the day. This amendment would allow parking on the school-side of the avenue and prohibit parking across the street during school hours.

RECOMMENDATION

Staff recommends that the Council adopt the ordinance amending the parking on S. 5th Avenue E. at E. 24th Street S. to E. 23rd Street S.

David Watson
City Administrator

Attachments

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 11.1008.504(C)(1), BY SWITCHING THE NO PARKING, 8:00 A.M. – 5:00 P.M. SCHOOL DAYS FROM THE NORTHSIDE TO THE SOUTHSIDE OF S. 5TH AVE. E., AT E. 24TH ST. S. TO E. 23RD ST S.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 1993, TITLE 2, CHAPTER 11, ARTICLE 10, PARKING OFFENSES, SECTION 11.1008.504, is hereby amended by adding AND ~~deleting~~ the following:

11.1008.504(C)(1) North South side from East Twenty-fourth Street South to East Twenty-third Street South.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2008.

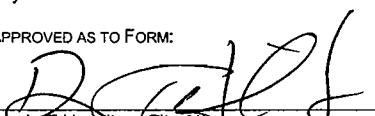
APPROVED this _____ day of _____, 2008.

Charles Allen, Mayor

ATTEST:

Candice Van Zee, CMC
City Clerk

APPROVED AS TO FORM:



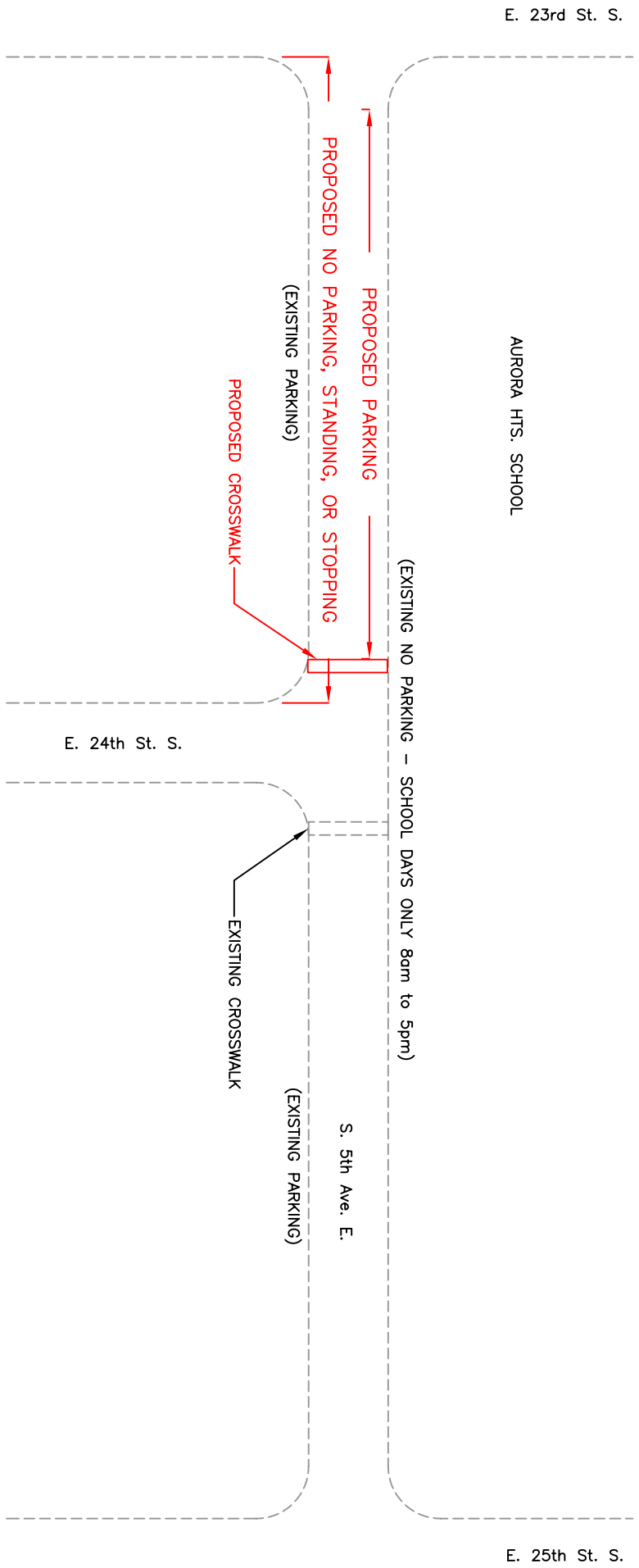
Darin T. Hamilton, City Attorney

I, Candice Van Zee, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa, on the _____ day of _____, 2008, and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton, on the _____ day of _____, 2008.

Dated this _____ day of _____, 2008.

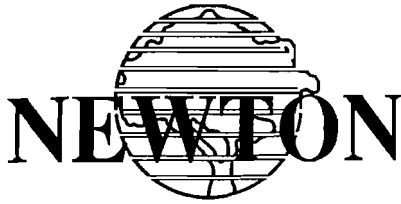
Candice Van Zee, CMC
City Clerk

**PROPOSED PARKING CHANGES
S. 5TH AVE. E. (2300 BLOCK)**



W:\Eng\AutoCAD\STREETS\parking\S. 5TH AVE. E.2300 BLOCK.dwg

CITY OF NEWTON ENGINEERING DIVISION 1700 N. 4TH AVE. W. NEWTON, IA 50208	DATE: 1/31/08	DRAWN: BJL
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To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

February 4, 2008

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Report 08-012

AGENDA ITEM ORDINANCE AMENDING SECTION 11.1007.2(A)(7) BY ADDING
A HANDICAP PARKING SPACE ON THE WESTSIDE OF THE 100
BLOCK OF EAST SECOND STREET NORTH

BACKGROUND

Staff from the Department of Human Services contacted the Traffic Safety Committee to request that an additional handicap parking space be designated next to the annex building. The committee reviewed the request and concurred that one space be added on the west side of the 100 block of East Second Street North at the north end of the block.

RECOMMENDATION

Staff recommends that the Council adopt the ordinance amending the handicap parking space on the Westside of the 100 block of East Second Street North.

David Watson
City Administrator

Attachment

ORDINANCE NO. _____

**ORDINANCE AMENDING SECTION 11.1007.2(A)(7) BY ADDING A
HANDICAP PARKING SPACE ON THE WESTSIDE OF THE 100 BLOCK
OF EAST SECOND STREET NORTH**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 1993, TITLE 2, CHAPTER 11, ARTICLE 10, PARKING OFFENSES, SECTION 11.1007.2, is hereby amended by adding the following:

**11.1007.2(A)(7) East Second Street North, 100 Block, eastside (1)
and westside (1)**

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2008.

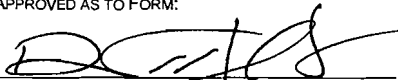
APPROVED this _____ day of _____, 2008.

Charles Allen, Mayor

ATTEST:

Candice Van Zee, CMC
City Clerk

APPROVED AS TO FORM:

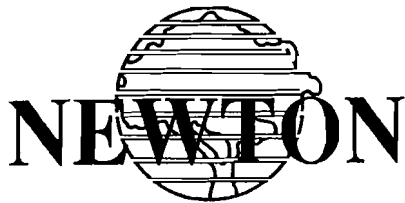


Darrin T. Hamilton, City Attorney

I, Candice Van Zee, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa, on the _____ day of _____, 2008, and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton, on the _____ day of _____, 2008.

Dated this _____ day of _____, 2008.

Candice Van Zee, CMC
City Clerk



To Honorable Mayor and Council

COUNCIL REPORT

FOR AGENDA
DATED

February 4, 2008

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Report 08-013

AGENDA ITEM RESOLUTION AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE 2007 CITY OF NEWTON TRAFFIC SIGNAL PROJECT

BACKGROUND

On September 4, 2007, the City Council approved a U-Step Agreement with the IDOT and an Engineering Services Agreement with Engineering Alliance for the 2007 City of Newton Traffic Signal Project. Engineering is nearly complete and we are preparing to go out for bids. As such, we must finalize how to fund the project.

As you may recall, the IDOT has agreed to pay 55% of the estimated construction costs and Hy-Vee has agreed to pay 35% of the estimated construction and engineering costs. There is currently \$321,000 in the Capital Improvement Fund. Staff recommends that the estimated net cost for this project of \$26,400 (plus an anticipated easement cost of \$2,000 for a total of \$28,400) be paid for out of this fund.

A public hearing and bid letting will be scheduled for a future council meeting to authorize the work.

RECOMMENDATION

Staff recommends that the Council authorize the use of Capital Improvement Funds for the 2007 City of Newton Traffic Signal Project.

David Watson
City Administrator

Attachment

RESOLUTION NO. 2008-_____

RESOLUTION AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE 2007 CITY OF NEWTON TRAFFIC SIGNAL PROJECT

WHEREAS, there are sufficient funds in the Capital Improvement Fund for the 2007 City of Newton Traffic Signal Project; and

WHEREAS, this money can be used towards construction related expenses for the 2007 City of Newton Traffic Signal Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, that the City Administrator is authorized to utilize Capital Improvement Funds towards construction related expenses for the 2007 City of Newton Traffic Signal Project.

PASSED ___ day of February, 2008.

APPROVED ___ day of February, 2008.

Charles Allen, Mayor

(SEAL)

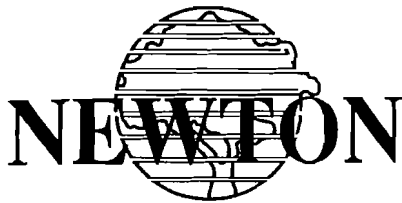
ATTEST:

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

February 4, 2008

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Report 08-014

AGENDA ITEM RESOLUTION AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE MONROE DRIVE BOX CULVERT DROP STRUCTURE PROJECT

BACKGROUND

On August 20, 2007, the City Council approved an Engineering Services Agreement with Shuck-Britson, Inc. for the Monroe Drive Box Culvert Drop Structure Project. Engineering is nearly complete and we are preparing to go out for bids. As such, we must finalize how to fund the project.

Engineering expenses have been taken out of the general fund. As to construction costs, there is currently \$321,000 in the Capital Improvement Fund. There are sufficient funds to pay for this project. Staff recommends that the estimated cost of \$124,235 for this project be paid for out of this fund. On the next city council agenda, we will have a resolution for your consideration to set the public hearing and letting date for the project for spring construction.

RECOMMENDATION

Staff recommends that the Council authorize the use of Capital Improvement Funds for the Monroe Drive Box Culvert Drop Structure.

David Watson
City Administrator

Attachment

RESOLUTION NO. 2008-_____

RESOLUTION AUTHORIZING THE USE OF CAPITAL IMPROVEMENT FUNDS FOR THE MONROE DRIVE BOX CULVERT DROP STRUCTURE PROJECT

WHEREAS, there are sufficient funds in the Capital Improvement Fund for the Monroe Drive Box Culvert Drop Structure Project; and

WHEREAS, this money can be used towards construction related expenses for the Monroe Drive Box Culvert Drop Structure Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, that the City Administrator is authorized to utilize Capital Improvement Funds towards construction related expenses for the Monroe Drive Box Culvert Drop Structure Project.

PASSED ___ day of February, 2008.

APPROVED ___ day of February, 2008.

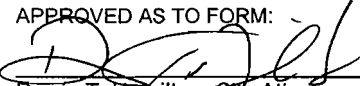
Charles Allen, Mayor

(SEAL)

ATTEST:

Candice Van Zee, CMC,
City Clerk

APPROVED AS TO FORM:



Darrin T. Hamilton, City Attorney