

AGENDA

NEWTON CITY COUNCIL
City Hall
101 West 4th Street South

REGULAR MEETING
June 2, 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 May 19, 2008 Regular City Council Meeting Minutes**
3. **Resolution Adopting June 2007 Supplement To The Code Of Ordinances, City Of Newton, Iowa, 1993, And Approving Distribution Of The Same To Code Subscribers**
4. **Approve Cigarette Permits submitted from Walgreen's, 1204 First Avenue East, 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, Hy-Vee Drugstore, 1207 First Avenue East, Hy-Vee, 1501 First Avenue East, Fareway, 120 North 3rd Avenue East, Git-N-Go #14, 801 First Avenue West, Kum & Go # 333, 405 First Avenue East, Kum & Go # 47, 1708 South 8th Avenue East, Petro Stop, 404 South 11th Avenue West**
5. **Approve Class B Beer Permit, Sunday Sales, Pizza Hut, 1337 First Avenue East, 14 Day Special Class C Liquor License, Sunday Sales, Okoboji Grill For Sculpture Festival and Indy Pit Stop Events At Maytag Park**

PUBLIC HEARING

6. **Resolution Approving Contract For The 2008 Traffic Signal Improvement Project (Council Report 08-071)**
 - Staff recommends the public hearing be opened and then continued to the June 16th City Council meeting, along with action on the Resolution. It is anticipated additional information will be received by then to allow for an informed decision on awarding a contract.

RESOLUTIONS

7. **Resolution Approving Bids For Salt Shed (Council Report 08-072)**
 - Three bids were submitted for the salt shed. The estimated cost for the building was \$40,000-50,000. Staff recommends approval of low bidder Friedman Dist. Co. of Belle Plaine, IA for \$41,763.26.
 - Bids have been received for the asphalt pad for the structure. In order to reduce this cost and reduce impacts to existing parking, the building has been relocated to behind the existing public works facilities (see attached site plan). One (1) bid was submitted. Staff recommends approval of low bid Manatt's for the building pad in the amount of \$23,925.
 - This work totals \$65,688.30. There will be some additional expense for site prep estimated at no greater than \$10,000 for a total project cost of \$75,688.30. Estimated project cost for the entire project was \$80,000.

- 8. Resolution Approving Engineering Services Agreement For East 8th Street North Relocation RISE Project (Council Report 08-074)**
- An engineering services agreement with CGA Consultants of Marshalltown to perform engineering services for the East 8th Street North Relocation Project has been prepared. Engineering services are reimbursable under the recently awarded RISE grant at 60%. The cost breakdown is as follows:
 - Task 1 – Design and Preparation of Contract Documents
\$64,900
 - Task 2 – Construction Contract Administration
\$17,300
 - Task 3 – Resident Construction Observation
\$49,500
 - Total not to exceed
\$131,700
- 9. Resolution Approving The 2008-09 Non-Union Compensation Plan (Council Report 08-075)**
- The pay range dollar amounts in the 2008-09 Non-Union Compensation Plan have been adjusted by a 3.25% COLA increase. This is in line with other increases that the Council has approved for other City employees.
- 10. Resolution Approving Agreement With The Iowa Department of Transportation For Revitalizing Iowa's Sound Economy (RISE) Grant (Council Report 08-076)**
- Trinity Structural Towers, the proposed manufacturer in former Maytag Plant Two, will necessitate roadway relocation for a northern section of East 8th Street North. At its April 15, 2008 meeting, the Newton City Council endorsed the submittal of a RISE application for the East 8th Street North project.
 - At their May 13th meeting, the Iowa Department of Transportation Commission approved Newton's grant application. Newton was awarded a RISE grant of \$630,000 or up to 80 percent of the relocated East 8th Street North project costs, whichever is less. Newton will receive these funds on a reimbursement basis.
 - In order to receive the DOT funding, Newton must approve the RISE agreement. Any funds spent on the road projects, including engineering, after May 13th, 2008, are eligible for RISE reimbursement, so it is timely to approve this agreement now.
- 11. Resolution Authorizing Changing Dental Service Provider To Delta Dental And Changing Third Party Administrator To United Medical Resources (Council Report 08-073)**
- Effective July 1, 2008 the dental insurance program will be moving to Delta Dental Plan of Iowa under a fully insured contract, keeping the benefits the same. The annual premium will remain the same as under the self-funded program. However, by moving this benefit to a fully insured contract, we are limiting the City's liability to unnecessary claim exposure.
 - Also effective July 1, 2008 the plan is to continue with Midland's Choice as the provider network, Medco Health as our pharmacy benefit manager, and our re-insurance carrier will continue to be with HCC Life, however, we will change our third party administrator to United Medical Resources for claim services. All insurance benefits will remain the same. The overall rate increase will be 18.4%.

12. Resolution Stating Intent To Accept Purchase Proposal From Beukema Family, Setting Public Hearing On Proposed Sale Of Urban Renewal Land, And Inviting Competing Proposals (Council Report 08-077)

- The resolution starts the thirty-day clock by setting July 7th as the date for competing proposals to be received and as the date for a Public Hearing. It states the City's intent to sell the property to the Beukemas, conditioned on final determination by the City Council of Newton, after the Public Hearing and the evaluation of any competing proposals received, that the Beukema proposal best meets the objectives of the Urban Renewal Plan and is in the best interest of the City.

13. Resolution Approving Payment To The Iowa Department Of Transportation For Road Right-Of-Way In Section 2, Township 79 North, Range 10 West Of The 5th PM On Behalf Of Meisner And Woebbeking Properties (Council Report 08-078)

- During the construction of the roads in support of the Iowa Speedway project, it was discovered that the western part of South 20th Avenue East (the Airport Road) was actually owned by the Iowa Department of Transportation.
- As the new Rusty Wallace Drive was built, the western segment was relocated slightly to the south to intersect with East 12th Street South (the Reasnor Road) at a point with better visibility. If this had been a City-owned right-of-way, the normal course of action would be for the City to vacate the road and deed it to the adjoining owners for a small fee. However, since it is a DOT right-of-way, the procedure is much different.
- Per their rules, the DOT must sell their land for fair market value, which they have determined to be \$3,000 per acre in this case. Therefore, the DOT would need to receive \$9,000 for the three acres of right-of-way. Once they receive this payment, they would issue patents (akin to deeds) for the land to the adjoining owners. Through negotiations to acquire right-of-way and easements with the Edna Meisner Trust to the south and with Doug Woebbeking to the north, City staff had originally stated its intent was not to have the adjoining owners pay significant amounts for the abandoned roadway land, since they are the only logical owners. Money for this action would come from the project fund.

NEW BUSINESS 14.

OLD BUSINESS 15.

CLOSED SESSION 16. **To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2007**

RETURN TO OPEN SESSION 17.

ADJOURN