

## AGENDA

**NEWTON CITY COUNCIL**  
City Hall  
101 West 4<sup>th</sup> Street South

**REGULAR MEETING**  
July 7, 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 June 16, 2008 Regular City Council Meeting Minutes**

**PRESENTATION**

3. **Emerald Ash Borer – Denny Slings, Park Director**

**CONTINUED PUBLIC**

**HEARING**

4. **Resolution Awarding Contract For The 2008 Traffic Signal Improvement Project (Council Report 08-088)**
  - Bids have been received for the 2008 Traffic Signal Improvements Project. One (1) bid was received as follows:

Engineer's Estimate	\$129,989
Dickinson Co. Oskaloosa, IA	\$194,988
  - Staff worked with the Iowa Department of Transportation and they agreed to up their contribution to cover the higher bid. Hy-Vee, however, will not commit funding beyond their previous commitment. Hy-Vee had previously committed to 35% of the project up to \$48,300. This is \$10,103 less than what their contribution would be based on our bid. The additional money would come from the Capital Fund.

**PUBLIC HEARING**

5. **Ordinance Vacating And Disposing Of Certain Real Estate In Block Two Of Lamb And Kennedy's Addition Consisting Of Alley Right-Of-Way On The South Side Of The 400 Block North 7<sup>th</sup> Avenue East, City of Newton, Jasper County, Iowa (Council Report 08-086)**
  - The proposal is to close the north half of the north-south running alley in the 400 block on the south side of North 7th Ave East. This portion of alley is grassed over and not used for access.
6. **Resolution Accepting Purchase Proposal From Beukema Family For Land In The South Half Of The Southeast Quarter Of Section 1 And The North Half Of The Northeast Quarter Of Section 12, All In Township 79 North, Range 19 West Of The 5<sup>th</sup> PM (Council Report 08-089)**
  - The construction of Iowa Speedway Drive required the acquisition of property for right-of-way. Some of this land was acquired from Stan Clement south of South 24th Avenue East (now Rusty Wallace Drive). The land needed by the City for the road isolated a corner of the Clement land, rendering it without access and thus useless to Clement. The City acquired this uneconomic remnant as part of the \$81,800 paid to Clement for the right-of-way and easements.
7. **Ordinance Amending The 2001 Official Zoning Map Of The City Of Newton, Iowa To Rezone Property In The 2400 Block South 12<sup>th</sup> Avenue West From R-3: One-Twelve Family Zoning To C-A: Arterial Commercial Zoning (Council Report 08-091)**

**RESOLUTIONS**

- This rezoning is requested by Shawn Risseeuw of Action Jack's Paintball, with the consent of the property owner. The request has been prompted by the desire to locate a paintball business at this location. The property is currently zoned R-3 (one through twelve family residential). The proposal is to rezone the property C-A (arterial commercial). The applicant's overall plan for these lots is to use the whole property as a paintball course and associated buildings. While the proposed use is for a paintball course, the change of zoning would allow all general commercial uses on the site.

**8. Resolution Accepting Bids For Salt Storage Shed (Council Report 08-092)**

- Bids have been received for the salt shed. Three bids were submitted:

Accu-Steel	Templeton, Iowa	\$79,574.22
A & B Construction	Harper, Iowa	\$49,495.00
Friedman Dist. Co.	Belle Plaine, IA	\$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:

Manatt's	Brooklyn, Iowa	\$23,925.00
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- 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 project was \$80,000. Funding for this project will come from both the Capital Fund and the General Fund reserves. The amounts shown do not include any contingency.

**9. Resolution Correcting The Description Of The Voluntary Annexation Of Property, Approximately 75.6 Acres, Located In Sections 14 And 23, Township 80 North, Range 19 West Of The 5<sup>th</sup> PM Into The City Of Newton, Jasper County, Iowa (Council Report 08-090)**

- As part of the annexation process, the City submitted to Jasper County documents regarding the annexation along with a map several weeks before Council action. No comments were received. However, after the annexation was approved by Council and recorded, County officials pointed out some typographical errors and needs for clarification in the legal description of the annexed area.

**10. Resolution Approving Modification To Maytag Demolition Project Phase 3 (Council Report 08-087)**

- This resolution approves the a change order for the Maytag Demolition Project: Phase 3 Demolition and Re-Build.
- Change Order #1--\$13,295--This work is to remove and dispose of 15 asbestos containing windows in Bldg. #18. This work was not included in Phase I Asbestos Removal.
- Given the budgeting situation of this project, all change orders are being processed through the Synergy Partners prior to approval. All of the other partners have approved the aforementioned change order.

**11. Resolution Approving Real Estate Easements For 2008 Traffic Signal Improvements Project (Council Report 08-093)**

- As part of the 2008 Traffic Signal Improvements Project, easements are needed for the new traffic signals that will be installed at the entrance of Hy-Vee (1st Ave. and E. 14th St). They are: Gary L. Maki

(Rent-to-Own), Nellis Land, LLC (Long John Silver's/A & W), and Hy-Vee, Inc.

- Nellis Land, LLC and Hy-Vee, Inc. have agreed to grant easements to the City of Newton for consideration in the amount of one (1) dollar. Due to the easement infringing on property that could have been used for parking, Gary Maki approved the easement for consideration in the amount of \$500. This fee is reasonable and consistent with other easements acquired in recent years.

**NEW BUSINESS** 12.

**OLD BUSINESS** 13.

**ADJOURN**