

## AGENDA

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

REGULAR MEETING  
August 18, 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 July 24, 2008 Special City Council Meeting Minutes, August 4, 2008 Regular City Council Meeting Minutes
3. Approve City of Newton Civil Service Commission Police Officer Candidate List
4. Resolution Appointing Tammi DeJong To Serve On The Civil Service Commission Board For The Unexpired Term Ending April 5, 2010
5. Resolution Reappointing Stacy Wyre To Serve On The Library Board For A Six Year Term Expiring July 1, 2014
6. Resolution Reappointing Amy Davis To Serve On The Library Board For A Six Year Term Expiring July 1, 2014
7. Approve Class B Beer Permit, Sunday Sales, Panda Garden, 106 First Street North
8. Approve Class C Beer Permit, Sunday Sales, Casey # 1911, 1018 First Avenue East
9. Approve Class C Beer Permit, Sunday Sales, Kum & Go # 47, 1708 South 8<sup>th</sup> Avenue East

PUBLIC HEARING

10. Public Hearing for Community Development Block Grant Project Status Update For Former Maytag Downtown Campus Demolition (Council Report 08-108)
  - In 2007, the City of Newton received approval from the Iowa Department of Economic Development for a Community Development Block Grant (CDBG). The purpose of this grant was to demolish Maytag Plant 1 facilities in downtown Newton, making the surrounding buildings more open. The award amount was \$1,400,000 in Federal funding.
  - In order to comply with Federal CDBG regulations, a public hearing is required to be held during the implementation phase of the project.
11. Ordinance Amending Title 3, Chapter 20 "Building Regulations" Of The Code Of Ordinances Of The City Of Newton, Iowa (Council Report 08-109)
  - The proposal is for Newton to adopt the updated Codes and have them be effective on January 1, 2009. Until then, the existing Codes would all stay in effect until the end of 2008, but the new Codes could be utilized as an approved alternate method. This gives projects currently planned or underway the option to use either set of Codes this year. It also gives local contractors a transition period to familiarize themselves with the new Code requirements while still being able to operate under the existing Code. By January 1, 2009, the existing Codes would expire and the new International Codes would be the only ones in effect.

12. **Ordinance Vacating And Disposing Of Certain Real Estate Consisting Of Property Measuring Approximately 66 Feet By 205.5 Feet Of East/West Road Right-Of-Way In The 1100 Block Of South 7<sup>th</sup> Avenue West, Located In The City of Newton, Jasper County, Iowa (Council Report 08-110)**
  - The proposal is to close the remaining section of unimproved street right-of-way in the 1100 Block of South 7<sup>th</sup> Ave West. All abutting property owners signed the application in favor of the street vacation and will accept the additional land into their properties.
13. **Ordinance Amending The 2001 Official Zoning Map Of The City of Newton, Iowa, To Rezone The Property At 1001-1003 Highway 14 S. From R-3: One – Twelve Family Zoning To C-A: Arterial Commercial Zoning And Amending Section 34.04032 C-A: Arterial Commercial To Add “Paintball Facility” As A Conditional Use (Council Report 08-111)**
  - The rezoning of the land from R-3 to C-A and the text change to the Zoning Ordinance to make paintball facilities a conditional use in the C-A District were considered by the Planning and Zoning Commission at their special meeting on Thursday, August 14, 2008. The Commission recommended approval of both aspects of the proposal with two separate 6-0 votes.
  - Under the Zoning Ordinance, conditional uses vary from permitted uses in that a proposed conditional use is required to obtain a Conditional Use Permit from the Zoning Board of Adjustment. Conditional uses are those uses that are identified by the Zoning Ordinance as allowed within a particular district that may have significant impacts to adjacent properties and neighborhoods as a whole.
  - Conditions imposed upon properties as part of a Conditional Use Permit must specifically address issues that could be detrimental to surrounding properties and the greater community. For the Action Jack’s Paintball use, it is foreseeable that the Zoning Board of Adjustment would likely place conditions on the permit that would address concerns that raised by the public, some of which have already been stated in previously held public meetings. Any conditions placed on a Conditional Use permit must specifically address issues that could impact surrounding properties and cannot be arbitrary.

## RESOLUTIONS

14. **Resolution Approving Modified CEBA Agreement And Promissory Note With The Iowa Department Of Economic Development For Vernon Company Assistance (Council Report 08-112)**
  - In late 2004, a devastating fire struck the Vernon Company in Newton. Almost immediately, the City of Newton and the Iowa Department of Economic Development (IDED) offered an incentive package to the company to help them recover by remodeling another building on their campus, keeping jobs in this community. The incentives took the form of direct cash and forgivable loans from the City’s North Central TIF District and IDED’s Community Economic Betterment Account (CEBA).
  - Vernon has continued to operate successfully in Newton since the fire, being a great asset to the local economy. Due to this strong performance, the majority of the forgivable loan from the State has been forgiven. However, a portion of the State assistance was based on job projections that have not been fully realized, due to efficiencies that Vernon gained with their new state-of-the-art facility. Because of these efficiencies, some of the forgivable loan from the State is to be repaid. Vernon has worked with IDED to arrive at a proposed payment schedule. The City is being asked to reaffirm its support of the Vernon project and the modified agreement and promissory note. The Vernon Company is still the primary party responsible for its loans with the State. IDED, per its standard practice, requires City sign-off in support of the new promissory note.

- 15. Resolution Approving Amendment To CDBG Administrative Agreement With Simmering – Cory, Inc. (Council Report 08-113)**
  - The CDBG grant award was for \$1,400,000, of which \$20,000 was set aside for administration. Simmering-Cory is currently under contract for \$18,500 of administrative expenses. This amendment increases the amount to \$20,000. This revised contract better reflects the amount of compliance documentation and administrative coordination time that the grant has required. The amendment does not change the funds allocated for actual project work, as the \$20,000 amount was removed from project budget calculations. The amendment also does not change the City's cap of \$700,000 of contribution to the project.
- 16. Resolution Approving Brownfield And PIAP Administrative Agreement With Simmering – Cory, Inc. (Council Report 08-114)**
  - The City of Newton received approval from the Iowa Department of Economic Development for a Physical Infrastructure Assistance Program (PIAP) grant for \$690,000 and a Brownfield Redevelopment grant for \$1,250,000 in 2007. These grants are being utilized to fund parts of the demolition work at the former Maytag downtown campus.
  - As with all grants, there are administrative requirements for managing and tracking the funds and compiling and submitting compliance information. Consulting firm Simmering-Cory, Inc., of Clear Lake, Iowa, has now submitted a proposal for administering the PIAP and Brownfield Redevelopment grants. The firm is already under contract with the City to administer a CDBG grant for the same project, so is very familiar with the project and its grants. The proposed contract amount is \$4,500.
- 17. Resolution Approving The Fee Schedule For Plumbing, Electrical, Mechanical, Moving, And Demolition Permits, City of Newton, Jasper County, Iowa (Council Report 08-117)**
  - While building code regulations are set by ordinance, the fees for permits are established by resolution. The City of Newton last updated its building permit fees in 2000. With the adoption of the new building codes, it is an appropriate time to also update the fee schedules. Additionally, with the adoption of mechanical regulations for the first time, permit fees need to be established. The permit fees are used to support building inspection and plan review activities, and allow the Building Division to be self-sustaining.
- 18. Resolution Of Solidarity With Maytag Retirees (No Council Report)**
  - This resolution was placed on the agenda at the request of Mayor Allen.
- 19. Resolution Extending The Solid Waste Collection Fee-Low-Income Assistance Program (Council Report 08-115)**
  - The existing three (3) year contract with Red Rock Area Community Action Program Inc. (RRACAP) to administer the Solid Waste Collection Fee Low-Income Assistance Program is set to expire September 30, 2008. RRACAP has agreed to administer this project for another three (3) years at no cost.
  - Citizens who are eligible and apply would be entitled to a 40% discount off the monthly fee. Using the current rate of \$10.45, the resulting monthly fee would equate to \$6.27.
- 20. Resolution Approving The Return To Full Authorized Strength Of Twenty – Five Officers For The Police Department (Council Report 08-118)**
  - During the budgeting process earlier this year, Council found it necessary to reduce, by one officer, the number of budgeted sworn positions. This reduction was deemed to be temporary until the ending

General Fund balance for fiscal year 2007-2008 could be assessed for financial health. The balance has been determined to be at a level of approximately 31%, or \$2,581,644, which is considered a healthy amount. The police department is therefore seeking authorization to return to its authorized strength of twenty-five officers.

**21. Resolution Approving The Return To Full Authorized Strength Of Twenty Five Firefighter / Paramedics For The Fire Department (Council Report 08-119)**

- During the budgeting process earlier this year, Council found it necessary to reduce the Fire Department by one firefighter/paramedic. This reduction was deemed to be temporary until the ending General Fund balance for fiscal year 2007-2008 could be assessed for financial health. The balance has been determined to be at a level of approximately 31%, which is considered a healthy percentage.

**22. Resolution Approving An Agreement With The Newton School District For The Newton Police Department To Provide School Crossing Guards And Dare Instruction For 2008 – 2009 School Year (Council Report 08-116)**

- The Newton Police Department has provided three school crossing guards to the school district for many years. During that time, the school district has reimbursed the police department for 50% of the costs of those guards. The department also provides Drug Abuse Resistance Education (DARE) classes for 6<sup>th</sup> grade students. It is beneficial to formalize these arrangements with a 28E agreement. Said agreement would provide for a payment of 50% of the cost of the crossing guards, and for up to \$750 for DARE instructors. The School Resource Officer (SRO) will take the primary responsibility for teaching the DARE classes and the nominal reimbursement noted for DARE is to cover the expense of other officers teaching when the SRO is not available.

**23. Resolution Approving First Amendment To The City Of Newton's Medical Benefit Plan (Council Report 08-120)**

- This amendment is House File 2539 which went into effect on July 1, 2008. The bill changes the limiting age for each dependent child from age 19 to age 25. This will depend on an individual's situation and the enrollment terms of his or her individual group coverage.

**DISCUSSION**

**NEW BUSINESS**

**OLD BUSINESS**

**CLOSED SESSION**

**24. D & D Properties Disposition**

**25.**

**26.**

**27. 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 2008**

**RETURN TO OPEN SESSION 28.**

**ADJOURN**