

SPECIAL CITY COUNCIL MEETING MINUTES  
OCTOBER 13, 2008, 12:00 P.M.  
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 12:00 P.M. on the above date in the Council Chambers at 101 West 4<sup>th</sup> Street South. Mayor Allen presided. Present: Council members Plumb, Hansen, Ewing via telephone, Foreman, Morris. Absent: Mullan.

Moved by Foreman, seconded by Plumb to Introduce a Resolution Approving Submission Of an Application For A Physical Infrastructure Assistance Program (PIAP) Forgivable Loan From The Iowa Department Of Economic Development. Bryan Freidman, Community Development Director noted the State of Iowa is working with TPI, which is considering an expansion of its new wind blade facility in Newton. The company would provide at least 300 additional jobs, which would have a strong positive impact on the local economy. In order to facilitate this expansion, the State is putting together an incentive package. One component of that package is proposed to be a \$1,000,000 forgivable loan from the Physical Infrastructure Assistance Program (PIAP)). This program requires the City of Newton to officially endorse the application. This is a very exciting opportunity. The Iowa Development Board is slated to act on the assistance application at their October 16, 2008 meeting. In order for the Development Board to take action, a resolution supporting the application and committing to local matching funds is required from the City of Newton. AYES: Five. NAYS: None. ABSENT: Mullan. Resolution No. 2008 – 130 adopted.

Moved by Morris, seconded by Hansen to Introduce a Resolution Authorizing Petition Of Waiver For A Physical Infrastructure Assistance Program Funding Application Before The Iowa Department Of Economic Development. It was noted the waiver request is important for an immediate prospect. TPI is proposing to expand its manufacturing facility in Newton, and would employ an additional 300 people on top of the 500 to which it has already committed. The waiver would allow these jobs to have an average and median wage of at least \$13.95. AYES: Five. NAYS: None. ABSENT: Mullan. Resolution No. 2008 – 131 adopted.

Moved by Foreman, seconded by Plumb to go into closed session 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. AYES: Five. NAYS: None. ABSENT: Mullan. The Mayor declared a five-minute recess to clear the council chambers

At 12: 31 p.m. the Council returned to open session with all members present. Moved by Morris, seconded by Foreman to introduce a Resolution Approving Modification To Maytag Demolition Project Phase 3. Mayor Pro-Tem Hansen noted the change orders as follows:

- Change Order #11 \$40,550 This includes reconstruction of the north wall of Building #36. This wall has been deemed not structurally sound and needs to be replaced.
- Change Order #12 \$70,480 This includes additional labor to demolish the upper portion of Building #19 as asbestos containing material. The DNR has ruled that this area must be disposed of as asbestos containing material even though Phase 1 contractor abated this area to the best of his ability. A \$25,000 allowance is included in this amount in case there is damage to nearby EIFS but will only be used if necessary.
- Change Order #13 \$5,957 This includes additional work to abate asbestos along Building #13/#36. This work was not included in the Phase 1 contract.
- Change Order #14 \$73,905 This includes expenses related to the disposal of the asbestos containing materials at Building #13 and #19 on a per ton basis. It is estimated that this will entail removal of 650 tons of debris, but the project will be charged based on actual tonnage only with a not to exceed amount of 650 tons.

These change orders do not increase the City's financial commitment to the project. Given the budgeting situation of this project, all change orders are processed through the Synergy Partners prior to Council approval. All partners have approved the aforementioned change orders; however, Iowa Telecom has taken the position that they will not pay for any of the change orders except for \$6,775 for a portion of Change Order #11. In order to prevent an interruption in the project's progress, the Jasper Community Foundation has agreed to cover the remaining portion (what would normally have been paid by Iowa Telecom) of the change orders. AYES: Five. NAYS: None. ABSENT: Mullan. Resolution No. 2008 – 132 adopted.

Moved by Plumb, seconded by Foreman to adjourn the meeting at 12:35 p.m.  
Motion unanimously carried by voice vote.

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Charles Allen, Mayor

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Candice Van Zee, CMC  
Deputy City Clerk