

**Minutes of the  
Newark City Council  
October 20, 2011**

**I. Call to Order**

Mayor Matt Newby called the meeting to order at 7:01 p.m. on Thursday, October 20, 2011 in the Newark Municipal Building located at 209 Hudson, Newark, Texas. Those present were: Mayor Matt Newby, Mayor Pro Tem Laura Pixler, Council Member Bob Wells, Council Member Chana Massey, City Attorney Walt Leonard and City Administrator Diane Rasor. Council Member Doug Anderson was absent.

**II. Invocation – None.**

**III. Citizen Comments** – Citizens requested to speak during Item #2 – Rogers Road repairs.

**IV. Mayor's Report – None.**

**V. Consent Agenda** – A. Approval of Past Minutes, B. Approval of Accounts Payable, C. Approval of Financial Data for September - October 2011, D. Approval of Staff Reports

Council Member Massey moved to approve the consent agenda items A, B, C and D; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

**VI. Regular Meeting**

**1. Consider and act on a Resolution approving Newark Cultural Education Facility Finance Corporation Retirement Facility Revenue Refunding Bonds (MRC Cornerstone Project) Series 2011A and Retirement Facility Revenue Bonds (MRC Towncreek Project) Series 2011 B; and other matters in connection therewith.**

Mr. Ted Christianson, with Government Capital, explained by the Council agreeing to act as a conduit for a non-profit, the non-profit would be able to borrow money tax exempt. He stated that neither the State of Texas nor the City of Newark would be obligated to pay the bonds in case of a default and the City will receive a \$10,000 fee for the services. The Newark Cultural Education Facility Finance Corporation unanimously approved the bonds.

Council Member Wells move to adopt a Resolution; Council Member Massey seconded the motion. All approved. Motion passed.

**2. Discussion and possible action on residents' concerns about removing items out of the right-of-way on Rogers Road.**

Mr. Thomas McAndrews, 511 Rogers, asked if his driveway and mailbox were going to be put back the way they are now after the construction. City Attorney Walt Leonard addressed his question by explaining that residents, knowingly or unknowingly, have encroached in the City's

right-of-way and they are responsible for removing any fixtures and if they put them back in the right-of-way they will need to have an encroachment agreement with the City. Mayor Newby stated the driveway will be cut at the expansion joint. Mr. McAndrews said he is thankful the City is going to repair the road as it will make his property value increase. He has spoken with the post office and they will hold his mail during construction.

Laura & Ray Richards, 505 Rogers Road, asked what the City can do to help them with taking their fence down and replacing trees that will need to be cut down. Council Member Massey said as long as she has lived in Newark, Rogers Road has been an issue. She requested the Council set a standard that will apply to all residents for the items located in the right-of-way. Council Member Wells said he would like for the City to help take their fence down, save the chain lengths and then the property owners would be responsible for putting the fence back up out of the right-of-way. Ms. Richards asked to be notified before any construction began.

Mr. Ray Chaffin told the Council that people speed down Rogers Road. Mayor Pro Tem Pixler stated that the City tried to get speed bumps put on the road, but since that is not possible, they are considering a three way stop at Pettit and Rogers.

Mr. John Ballard, 503 Rogers, stated he is well aware of the drainage problems and he is glad the drainage will be repaired; however repairing the road with chip-n-seal is a waste of money. Council Member Wells said the City cannot afford asphalt and he had spoke with County Commissioner Harry Lorange and determined chip-n-seal was the best way to go for the amount of money they had to spend. The chip-n-seal will cost the City approximately \$15,000. Mr. Ballard requested a no truck sign could be put up on Rogers.

Mr. Billy Hood, 815 Rogers, asked why more easement was taken out of his property than his neighbors. Council Member Wells explained that the survey showed the right-of way expands by approximately 10 feet towards the bridge. Mr. Hood said he didn't care if his mailbox was taken down.

Mayor Pro Tem Pixler moved to cut the driveway at 511 Rogers at the expansion joint, lay road base up to the expansion joint and the property owner will be responsible for replacing any other part of the driveway and assisting the property owners at 505 Rogers with taking their chain length fence down, moving the chain length back on their property and then the property owners will be responsible for putting the fence back up out of the right-of-way; Council Member Massey seconded the motion. All approved. Motion passed.

Mayor Pro Tem Pixler moved to authorize Mayor Newby to enter into encroachment agreements; Council Member Massey seconded the motion. All approved. Motion passed.

### **3. Discussion and possible action on organizing Christmas tree activities.**

Ms. Jan Van Wagner requested the Council make a place for the Christmas Angel Tree when planning the remodel of the municipal building to city hall. There will be a need for space to store items until families are able to pick them up and also possibly place three trees. This year the tree will be put up on November 1<sup>st</sup> and presents will be ready for pick up on December 17<sup>th</sup>.

**4. Discussion and possible action on hiring an additional public works' employee.**

The Public Works' Director does not need another employee currently so this item was tabled.

**5. Discussion and possible action on purchasing another vehicle for the public works department.**

Mayor Newby suggested finding a ¾ ton truck with a service bed that is between two and three years old. The \$18,000 paid for the excavator was paid out of last year's budget; however it was actually budgeted for this fiscal year. These funds could be used to purchase another truck.

Council Member Wells moved to look for a good used truck for the City with a price of \$10,000 or less; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

**6. Consider and act on the City of Newark Website Design contract.**

Council Member Wells stated he may have agreed to go with Todd Cave for the web design; however he is not in favor of Mr. Cave. He believes the price is too high and wants more out of a website. He asked the Council to allow him to find another web designer and approve funds up to \$2,000 to do so.

Council Member Massey moved to contract with a web developer to set up the web site and City Hall to maintain it; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

**7. Consider and act on the proposal from Skyway Towers alternate option to the current lease agreement.**

No action taken on this item.

**8. Consider and act on participating in the FY2012 Regional Public Works Program.**

No action taken on this item.

**9. Consider and act on nominating a person to the Wise County Appraisal District Board of Directors.**

Council Member Wells moved to nominate Chana Massey for the Wise County Appraisal District's Board of Directors; Mayor Pro Tem Pixler seconded the motion. All approved. Motion passed.

**10. Discussion and possible action on preparing an ordinance allowing "late sales" of alcohol from midnight to 2:00 a.m.**

The consensus was to keep the cut off time for the sale of alcohol at midnight. No action was taken on this item.

**11. Consider and act on continuing Stage 1 of the City's Drought Contingency Plan.**

No action was taken on this item.

**12. Discussion and possible action pertaining to the closing documents on the property being sold to the Fire Department located on Hudson Street.**

Council Member Massey moved to have Mayor Newby negotiate the terms of the closing documents with the Fire Department; Council Member Wells seconded the motion. All approved. Motion passed.

**13. Discussion and possible action on the Fire Department's TML Property & Liability Insurance for the 2012-2013 fiscal year.**

The consensus was to bill the Fire Department when the actual bill was received quarterly. No action taken on this item.

**14. Adjourn.**

The meeting adjourned at 8:37 p.m.

**APPROVED:**

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**Matt Newby, Mayor**

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**Date**

**ATTEST:**

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**Diane Rasor, City Administrator**