

## AGENDA

NEWTON CITY COUNCIL  
City Hall  
101 West 4th Street South

REGULAR MEETING  
December 17, 2007  
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.

PRESENTATION

2. Convention and Visitor's Bureau, Linda Bacon, Director

CONSENT AGENDA

3. Approve December 3, 2007 Regular City Council Meeting Minutes and December 10, 2007 Special City Council Meeting Minutes
4. Resolution Reappointing John Billingsley To Serve On The Zoning Board Of Adjustment For A Term Ending December 30, 2011
5. Resolution Reappointing Jim Gran To Serve On The Water Board For A Term Ending December 31, 2013
6. Resolution Reappointing Pat Wallace To Serve On The Board Of Appeals For A Term Ending On December 31, 2012
7. Resolution Appointing Gerald LoRang To Serve On The Historic Preservation Commission For A Term Ending December 31, 2009
8. Resolution Appointing Melanie Lahart To Serve On The Historic Preservation Commission For A Term Ending December 31, 2009
9. Resolution Appointing Ferdinand Chabot To Serve On The Historic Preservation Commission For A Term Ending December 31, 2009
10. Resolution Appointing Christopher Frances To Serve On The Historic Preservation Commission For A Term Ending December 31, 2010
11. Resolution Appointing Maxine Udelhoven To Serve On The Historic Preservation Commission For A Term Ending December 31, 2010

RESOLUTIONS

12. Resolution Approving The Final Plat For Wrights 2<sup>nd</sup> Addition In The City of Newton, Jasper County, Iowa (Council Report 07-169)
  - Wright's 2<sup>nd</sup> Addition is a 6-lot subdivision located along Iowa Speedway Drive and S 9<sup>th</sup> Ave E.
  - The total area of the subdivision is about 14 acres and is zoned C-A: Arterial Commercial. All lots have access to a City street either with direct frontage or by easement. Thus, no "island" lots are created and the requirements of the subdivision code are met. The driveway that serves the interior lots will be maintained by the development.
13. Resolution Accepting Additional Road Right of Way And A Public Utility Easement Abutting The Existing Right Of Way Of Iowa Speedway Drive And South 9<sup>th</sup> Avenue East, City of Newton (Council Report 07-170)
  - As part of the site plan approval process, the property owner/developer has dedicated additional right-of-way and a 10' utility easement along Iowa Speedway Drive and South 9<sup>th</sup> Ave East for future roadway improvements.
  - This need for additional right-of-way was identified in 1997 by Stanley Consultants, the City's consulting engineer, with an exhibit designating future right-of-way to be acquired as development occurred along SE Beltline Drive (now Iowa Speedway Drive).

- The developer has had an acquisition plat prepared. City Council acceptance of the right-of-way and easement land is the final step in the process.

**14. Resolution Approving Sub-Recipient Agreement With Polk County (Council Report 07-171)**

- As the police department no longer administers grant monies for a narcotics investigator, the department now receives its grant funding through the Polk County Sheriff's Office. A new requirement pertaining to that grant requires the fiscal agent, Polk County, and the sub-recipient, City of Newton, to enter into an agreement that makes formal the reporting and expectations between the two agencies.
- The agreement specifies the expectations for each agency and fulfills the requirement, thereby allowing the police department to continue receiving the grant.

**15. Resolution Approving Inmate Off-Grounds Labor Agreement Between The Iowa Department Of Corrections And The City Of Newton, Iowa As Provided By Chapter 28E, Code Of Iowa (Council Report 07-172)**

- Currently, the Public Works Department (Landfill, Water Pollution Control, and Cemetery) and the Parks Department (Golf and Parks General) utilize inmates from the Newton Correctional Facility in their daily operations. This Inmate Off-grounds Labor Program has proven to be a very beneficial resource and one that City staff recommends extending. Continuation of this program requires both parties to enter into an intergovernmental agreement as provided by Chapter 28E of the Code of Iowa.

**MOTION**

**16. The Residential Anti-Displacement And Relocation Assistance Plan Under Section 104(D) Of The Housing And Community Development Act of 1974, As Amended (Council Report 07-173)**

- This policy has no application to the Synergy project as there is no housing involved. However, CDBG-Federal requires grant recipients to adopt such a policy regardless if housing is not involved.

**MOTION**

**17. Policy On The Prohibition Of The Use Of Excessive Force (Council Report 07-173)**

- Chief Wardlow has reviewed the policy and has determined that the current Police Department policy is more restrictive and therefore compliant.

**NEW BUSINESS**

**18.**

**CLOSED SESSION**

**19. 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**

**20.**

**CLOSED SESSION**

**21. To Evaluate The Professional Competency Of An Individual Whose Appointment, Hiring, Performance Or Discharge Is Being Considered When Necessary To Prevent Needless And Irreparable Injury To That Individual's Reputation And That Individual Request A Closed Session. Pursuant To The Provisions Of Section 21.5(1)(i), Code Of Iowa 2007**

**RETURN TO OPEN SESSION**

**22.**

**ADJOURN**