

REGULAR CITY COUNCIL MEETING MINUTES  
JANUARY 2, 2007, 5:30 P.M.  
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in regular session at 5:30 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor Allen presided. Present: Council members Foreman, Morgan, Hansen, Greve, Mullan, Ewing. Absent: None.

At citizen participation Pete Koppin, 1120 West 18<sup>th</sup> Street South stated he wanted to take this time to thank all of our service men overseas and for the Council to approve all the items on the agenda tonight.

Moved by Morgan, seconded by Mullan to approve consent agenda item number two, 2. Approve December 18, 2006 Regular City Council Meeting Minutes. AYES: Six. NAYS: None. Consent agenda approved.

Mayor Allen read the following statement: Agenda item # 3, the City Council is holding a public hearing associated with Iowa Telecom re-development of the former Maytag Plant I buildings.

The Iowa Ethics and Campaign Disclosure Board's Advisory Opinion 2003-13 dated September 11, 2003 stated "If Iowa Telecom were to appear before the city you would be required to "publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty" involving Iowa Telecom.

With that I have the following statement:  
When I learned that Iowa Telecom was considering a possible agreement with the City of Newton I informed and city staff informed all parties associated with this agreement that I would not be able to participate due to my employment with Iowa Telecom and the conflict of interest that this would create. Following the direction of the Iowa Ethics and Campaign Disclosure Board I have not taken part in the planning, negotiating or direction of staff with regard to the agreement and the process.

For the purposes of this agenda item Mike Hansen acting as Mayor Pro-Tem will now take over the meeting.

Mayor Pro-Tem Hansen stated this was the time and place for a public hearing on a Resolution Approving An Application For Brownfield Funding To The Iowa Department Of Economic Development. There had been no written comments. There was no public input. Moved by Ewing, seconded by Morgan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Mullan, seconded by Ewing to Introduce a Resolution Approving An Application For Brownfield Funding To The Iowa Department Of Economic Development. A discussion ensued by Council Members on the indemnification issues. David Watson, City Administrator noted they would go with the titleholders only. It was also noted this was an application for funding only and that each contract would have to come back to City Council for approval. AYES: Four. NAYS: Foreman, Greve. Resolution No. 2007 – 001 adopted.

Mayor Allen took over the gavel and proceeded with the meeting.

Moved by Greve, seconded by Foreman to Introduce a Resolution Awarding The Bid For The Crop Land Lease For The Newton Sanitary Landfill. AYES: Six. NAYS: None. Resolution No. 2007 – 002 adopted.

On the next agenda item Council Member Ewing stated he did not suggest an audit for the design speed for Newton Roadway Improvements With The Iowa Speedway and asked that it be removed from the agenda. They're being no objections from the other council members it was removed from the agenda.

Moved by Mullan, seconded by Morgan to Introduce a Resolution Approving Purchase Of A Mainline Camera System For Public Works, Water Pollution Control Division. AYES: Six. NAYS: None. Resolution No. 2007 – 003 adopted.

Under new business Council discussed having a workshop before the regular council meeting on the 15<sup>th</sup> to review and possibly update the rules for citizen participation. Foreman also commended the police and fire departments and Skiff Hospital for a job well done concerning one of his family members.

Mayor Allen stated he would be handing the gavel back to the Mayor Pro-Tem for the closed session. Moved by Hansen, seconded by Morgan 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 provisions of section 21.5(1) (c), Code of Iowa 2006. AYES: Five. NAYS: Ewing. Motion carried. Mayor Pro-Tem Hansen called for a five-minute recess to clear the council chambers.

Upon return to open session at 6:26 p.m. it was moved by Mullan, seconded by Morgan to adjourn the meeting at 6:26 p.m. Motion unanimously carried by voice vote.

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Charles Allen, Mayor

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Candice Van Zee, CMC  
City Clerk