

REGULAR CITY COUNCIL MEETING MINUTES  
FEBRUARY 5, 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.

Mayor Allen swore in Officer Ryan Pieper.

At this time Mayor Allen stated with no objections from the City Council he was going to remove agenda item number seven designating time and date for a public hearing on the 07-08 operating budget. There was no objection from the city council members. Moved by Foreman, seconded by Mullan to approve the consent agenda. AYES: Six. NAYS: None. Consent agenda approved. At this time the Mayor read the following statement: Private Redevelopment with Whirlpool, Iowa Telecom, Des Moines Area Community College, and Jasper Community Foundation. February 5, 2007

Agenda Item's # 2, #8 and #9, the City Council is holding a public hearing and considering the passage of an Ordinance and Resolution associated with Iowa Telecom's re-development of the former Maytag Plant 1 and Downtown Campus 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 direction 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 these agenda items, Mike Hansen acting as Mayor Pro Tem will now take over the meeting.

Mayor Pro-Tem asked if there was any citizen participation. Ken Smith, 1013 South 6<sup>th</sup> Avenue West stated he had requested an item be put on this agenda that would delay the rezoning of agenda item number eight. This had not been done and encouraged council members to delay any action on this item. He went on to state the city has not received the revenues from this area they should have, and we certainly wouldn't want to lose out on this revenue. Pete Koppin, 1120 West 18<sup>th</sup> Street South stated he was a lifelong resident of Newton. Koppin encouraged Council members this closing should be cancelled. He went on to state the street department was doing a wonderful job with snow removal. He went on to note the city has added one million dollars of revenue through the local option sales and service tax and encouraged the council members to make sure the citizens would see a tax reduction. Lastly Koppin stated he thought the city council should get away from a 4 – 2 vote. A gentleman discussed tax rates in other cities in Iowa.

Mayor Pro-Tem Hansen stated this was the time and place for a public hearing on an Ordinance Amending Title 4, Chapter 34 of the Code of Ordinances Of The City of Newton And The Zoning Map Adding "Educational Facilities" As A Permitted Use In The C-CBD: Central Business District Commercial Zone And Rezoning The DMACC And Whirlpool (Maytag) Properties To C-CBD From IH: Heavy Industrial. There had been no written comments. Public Comments: Pete Koppin, 1120 West 18<sup>th</sup> Street South and Ken Smith, 1013 South 6<sup>th</sup> Avenue West both opposed moving forward with this Ordinance. Moved by Ewing, seconded by Morgan to close the public hearing. AYES: Two. NAYS: Foreman, Hansen, Greve, Mullan. Public Hearing did not close. Mayor Pro-tem Hansen stated because the Mayor cannot participate in this agenda item he had asked the City Administrator to contact Bill Noth our bonding attorney for an opinion on proceeding with

this ordinance. It was Noth's opinion that proceeding with the ordinance would not jeopardize the city's ability to proceed with collecting the back taxes. Greve urged his colleague's to delay this action. Ewing stated this matter was on a zoning amendment and had nothing to do with the agreement. Moved by Ewing, seconded by Mullan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Ewing, seconded by Morgan to Introduce an Ordinance Amending Title 4, Chapter 34 of the Code of Ordinances Of The City of Newton And The Zoning Map Adding "Educational Facilities" As A Permitted Use In The C-CBD: Central Business District Commercial Zone And Rezoning The DMACC And Whirlpool (Maytag) Properties To C-CBD From IH: Heavy Industrial. Foreman stated he had visited with a previous City Administrator and not Dave Schornack this could have a big financial impact to the city. Morgan thanked staff for all their work. She went on to note we should only discuss matters that are on the agenda; the issue before us is a zoning matter. David Watson, City Administrator stated the case in front of them is a planning perspective; this area is important to the downtown area. It should have been rezoned years ago. Ewing echoed David's remarks. Mr. Henry from Iowa Telecom also made remarks on the importance of rezoning this area. AYES: Four. NAYS: Greve. ABSTAIN: Foreman. Ordinance passed first consideration. Moved by Ewing, seconded by Morgan to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Four. NAYS: Foreman, Greve. Ordinance failed suspending the rules and waiving the second and third readings. This motion requires a super majority.

Motion by Morgan, seconded by Ewing to Introduce a Resolution Approving The Final Plat For Synergy Addition In The City of Newton, Jasper County Iowa. AYES: Four. NAYS: Foreman, Greve. Resolution No. 2007 – 009 adopted.

At this time Mayor Allen took over the meeting.

Motion by Mullan, seconded by Greve to Introduce a Resolution Approving A 28E Agreement With The Newton Community School District For The School Resource Officer Program. Hansen stated the Finance Committee had previously met and unanimously supported the SRO Program. The committee wanted to amend to remove the dollar figure and keep a percentage and have a three-year agreement. Hansen made the amendment in the form of a motion; Morgan seconded the motion to amend. Greve stated this would start the next fiscal year. Roll call vote on the amendment. AYES: Six. NAYS: None. Amendment passed. Roll call vote on the amended resolution. AYES: Six. NAYS: None. Resolution No. 2007 – 010 adopted as amended.

Motion by Ewing, seconded by Mullan to Introduce a Resolution Approving Farm Compensation In The Speedway Urban Renewal Area For A Property Located In The West Half Of Section 2, Township 79 North, Range 19 West Of The 5<sup>th</sup> PM. Foreman wanted to know how this was going to be funded. Bryan Friedman, Community Development Director noted from the ROW Acquisition line item in the Speedway Fund. Friedman also noted it was RISE eligible. AYES: Six. NAYS: None. Resolution No. 2007 – 011 adopted.

Motion by Greve, seconded by Mullan to Introduce a Resolution Approving Farm Compensation For Properties Located In The East Half Of Sections 1 and 12, Township 79 North, Range 19 West Of The 5<sup>th</sup> PM. AYES: Six. NAYS: None. Resolution No. 2007 – 012 adopted.

Motion by Hansen, seconded by Morgan to Introduce a Resolution Fixing Date For A Meeting On The Authorization Of A Loan And Disbursement Agreement And The Issuance Of Not To Exceed \$2,800,000 Sewer Revenue Capital Loan Notes Of Newton, Iowa, And Providing For Notice Thereof. Foreman questioned if this was part of paying back the \$600,000 that was considered to be a surplus in the WPC fund. David Watson, City Administrator stated that it was not and the money that was considered a surplus would be paid back to that fund before going out for the sewer revenue notes. AYES: Six. NAYS: None. Resolution No. 2007 – 013 adopted.

Motion by Mullan, seconded by Ewing to Introduce a Resolution Ordering Bids, Approving Plans, Specifications And Form of Contract And Notice TO Bidder, And Ordering Clerk To Publish Notice And Fixing A Date For Receiving Same, And For A Public Hearing On Plans, Specifications, Form of Contract And Estimate Of Costs For The

Newton Wastewater Grit Removal And Pump Station Improvements Project. AYES: Six. NAYS: None. Resolution No. 2007 – 014 adopted.

Motion by Greve, seconded by Hansen to Introduce a Resolution Authorizing Purchase of Equipment And Transfer of Funds By Allocating \$495,700 From The Local Option Sales And Service Tax Revenue. David Watson, City Administrator noted our ability to maintain proper mowing will be enhanced with less down time due to aged equipment. AYES: Six. NAYS: None. Resolution No. 2007 – 015 adopted.

Under new business Foreman noted he had received a call about the intersection of East 4<sup>th</sup> Street North and 8<sup>th</sup> Avenue. Hansen wanted it stated that during 2006 only 15% of the votes were 4 – 2 and some times the votes are not who you think they are.

Moved by Foreman, seconded by Hansen 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 2006. AYES: Six. NAYS: None. Mayor Allen declared a five-minute recess to clear the council chambers.

Mayor Allen removed himself from the closed session. Upon return to open session with all council members present a motion was made by Mullan, seconded by Foreman to adjourn the meeting at 8:00 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