

REGULAR CITY COUNCIL MEETING MINUTES
APRIL 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 Morgan, Hansen, Ewing, Morris, Mullan. Foreman was present via telephone. Absent: None.

Holly Petlan, Aces Teen Center Director presented an update on the Teen Center, further explaining a Spring Leadership Rally that Aces will be sponsoring with other communities on April 14, 2007.

At citizen participation Pete Koppin, 1120 West 18th Street South stated he was thankful for our troops and commended the city on snow removal and clean up after the ice storm. Koppin also hoped the city would watch their spending.

Moved by Ewing, seconded by Mullan to approve the consent agenda. AYES: Six. NAYS: None. Motion carried to approve the consent agenda.

Mayor Allen stated now was the time and the place for a public hearing on the Resolution Approving Redevelopment Agreement With T And C Knight, LLC, For A Pizza Ranch Restaurant On Property Located Within The Southwest Newton Economic Development Area. There had been no written comments. At public input Scott Creech – Dominos, stated he had been in the community for eighteen years; he listed over twenty establishments that sold pizzas. Creech went on to note everyday he looks at his numbers and costs. He was not in favor of the grant the City was prepared to offer, the owners should do this on their own. Pete Koppin stated he hadn't had a lot of time to look at this, but went on to note he had been in business for several years and never asked the city for money. Moved by Hansen, seconded by Ewing to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morgan, seconded by Hansen to Introduce a Resolution Approving Redevelopment Agreement With T And C Knight, LLC, For A Pizza Ranch Restaurant On Property Located Within The Southwest Newton Economic Development Area. Discussion ensued by Council Members. It was noted by Hansen TIF can be a misunderstood tool, not one cent of any citizens property taxes are being used for this project. The tax rebate was also discussed at length. With the upfront grant, along with the rebate, the project would repay the city's initial investment in approximately 8 years. Ewing made a motion to amend as follows: (1). an exhibit "F" needs to be provided by the Developer in a form that is acceptable to both the Mayor and City Attorney and (2). Section 3.3 is amended to add the following sentence at the end of 3.3 – "Said property tax rebate, if any, shall be limited to a one time, single payment, not to exceed \$7,500.00." Hansen seconded the motion to amend. Mayor Allen requested the roll call vote on the amendment. AYES: Six. NAYS: None. Amendment passed. The roll was called on the original motion as amended. AYES: Six. NAYS: None. Resolution No. 2007 – 032 adopted as amended.

Moved by Hansen, seconded by Ewing to Introduce on first consideration an Ordinance Amending Title 2, Chapter 11, Article 1 Of The Newton Code Of Ordinances, "General Provisions" Section 11.0104 "Power To Direct Traffic" To Allow The Police Chief Or Designee To Authorize A Third Party To Perform Traffic Direction. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Hansen, seconded by Mullan to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Ewing, seconded by Mullan to adopt the above ordinance. AYES: Six. NAYS: None. Ordinance No. 2102 adopted.

Motion by Morris, seconded by Morgan to Introduce a Resolution Approving A Contract For Traffic Control Services During Iowa Speedway Events In 2007. Tom Wardlow, Police Chief stated the contract entered into in 2006 allowed for a two-year extension with Per Mar. Per Mar was contacted and they have advised they will be willing to hold the hourly rate at the 2006 level. This request then is to renew the existing contract for the 2007 season. Foreman noted he felt the speedway should be paying for these services. At 6:54 p.m. Foreman excused himself from the meeting via telephone. It was noted the traffic control on city streets should be the city's responsibility. AYES: Five. NAYS: None. Resolution No. 2007 – 033 adopted.

Motion by Hansen, seconded by Mullan to Introduce a Resolution Approving Purchase Of A ¾ Ton 4X4 Pickup For The Public Works, Water Pollution Control Division From Noble Ford Of Newton, Iowa. It was noted the bid was lower than two weeks ago, so we did save some money and narrowed the gap between state bid and the local bid. AYES: Five. NAYS: None. Resolution No. 2007 – 034 adopted.

Motion by Morgan, seconded by Mullan to Introduce a Resolution Approving The Newton Sanitary Landfill 2007-08 Tonnage Fee AYES: Five. NAYS: None. Resolution No. 2007 – 035 adopted.

Motion by Hansen, seconded by Mullan to Introduce a Resolution Authorizing The Newton Fire Department To Submit A Grant Application In The Amount Of \$615,000 To The Assistance To Firefighter Grant Program Administered By The Federal Emergency Management Agency. It was suggested the funds for the local match could possibly come from the sale of the pumper. AYES: Five. NAYS: None. Resolution No. 2007 – 036 adopted.

At this time Mayor Allen excused himself from this agenda item. Motion by Mullan, seconded by Ewing to Introduce a Resolution Approving CDBG Administrative Contract With Simmering-Cory, Inc. David Watson, City Administrator noted the proposed contract would be for \$18,500 and would be covered by the CDBG budget. In order to meet the Federal requirements for record keeping, reporting, and general administration, it is strongly recommended to utilize expert consultants. It is anticipated that Simmering-Cory would provide efficient and effective administration of this CDBG project. AYES: Five. NAYS: None. Resolution No. 2007 – 037 adopted.

Mayor Allen returned to the meeting. David Watson, City Administrator led a discussion on the speed limit around the Speedway area stating staff was recommending a 35 MPH speed limit for Iowa Speedway Drive for the area under Interstate 80 and the same speed along Rusty Wallace Drive west of the Speedway Entrance. This alternative would establish the 35 MPH for the road section wholly within the Newton Corporate boundaries. It would also establish higher speeds for those road sections that are designed for 45 MPH. As you know, any section not designated as 35 is by default 45 MPH. Council members directed the city administrator to prepare the final legislation from this discussion.

There was no new business.

Moved by Mullan, seconded by Hansen to go into closed session To Discuss and Determine Strategy In Regard To Collective Bargaining Issues, Which Discussions Are Exempt From The Open Meetings Law Pursuant To The Provisions Of Section 20.17(3) Code Of Iowa 2006. AYES: Five. NAYS: None. Mayor Allen declared a five-minute recess to clear the council chambers.

Upon return to open session at 7:31 pm with all council members present, Mayor Allen removed himself from the closed session.

Moved by Ewing, seconded by Mullan 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: Five. NAYS: None. Mayor Pro Tem Hansen declared a two-minute recess to clear the council chambers.

Upon return to open session at 8:23 pm it was moved by Ewing, seconded by Morgan to adjourn the meeting at 8:24 p.m. Motion unanimously carried by voice vote.

Charles Allen, Mayor

Candice Van Zee
City Clerk