

REGULAR CITY COUNCIL MEETING MINUTES
MAY 21, 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, Foreman, Morris, Mullan. Absent: None.

Mayor Allen Proclaimed the week of May 21, 2007 as Public Works Week.

Bruce Hoffmeier of the Newton Promise Committee stated they were launching their campaign on the Newton Promise, he went on to note they would be holding town hall meetings, and then conducting a survey, after the results of the survey were tabulated they would like to come back to a City Council meeting. Hoffmeier introduced John, Parker, Director of Consulting Services of Iowa Student Loan. Parker presented a Newton Promise Consulting Update from Iowa Student Loan.

At citizen participation Mayor Allen stated AVI Systems of Urbandale, Iowa have been contracted to fix our video and audio system for broadcasting city council meetings. Bob Swihart, 1306 East 5th Street South visited with the City Council about the excessive dust coming off of the hike/bike trail located at East 5th Street South and South 13th Avenue East. Pete Koppin 1120, West 18th Street South stated money seems to be an issue and according to the paper we have a problem, if spending continues I will be back.

Moved by Foreman, seconded Mullan by to approve consent agenda items 4. - 5.

2. Approve May 7, 2007 Regular City Council Meeting Minutes and May 14, 2007 Special City Council Meeting Minutes

3. Approve Cigarette Permits Submitted By Raceway Motor Sports Café, 2331 First Avenue East, Git-N-Go, 801 First Avenue West, Murphy USA, 200 Iowa Speedway Drive, Casey's # 1375, 1006 North 19th Avenue East. Casey's # 1911, 1018 First Avenue East, Casey's # 2341, 3104 First Avenue East, Casey's # 2417, 1200 West 18th Street South, Casey's Mobile unit, 3333 Rusty Wallace Drive, Dezi's Quick Shop, 702 First Avenue East, Hy-Vee Drugstore, 1207 First Avenue East, Hy-Vee # 1, 1501 First Avenue East, Hy-Vee # 2, 1302 First Avenue West

AYES: Six. NAYS: None. Consent agenda approved

Mayor Allen stated this was the time and the place for a public hearing on the Ordinance Vacating And Disposing Of Certain Real Estate Consisting Of Street Right-Of-Way In The 1800 Block Of "Old" West 4th Street South, City Of Newton, Jasper County, Iowa. There had been no written comments and no public participation. Moved by Ewing, seconded by Morgan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Foreman, seconded by Ewing to Introduce on first consideration the Ordinance Vacating And Disposing Of Certain Real Estate Consisting Of Street Right-Of-Way In The 1800 Block Of "Old" West 4th Street South, City Of Newton. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Foreman, seconded by Morris to suspend the rules and waive the second and third readings of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Mullan, seconded by Morgan to adopt the above ordinance. AYES: Six. NAYS: None. Ordinance No. 2104 adopted.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Approving The 2006-2007 Budget Amendments. There had been no written comments and no public participation. Moved by Hansen, seconded by Morgan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Hansen, seconded by Mullan to Introduce the Resolution Approving The 2006-2007 Budget Amendments. AYES: Six. NAYS: None. Resolution No. 2007-058 adopted.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Approving Development Agreement With Newton Lodge And Suites, LLC, For An AmericInn Hotel On Property Located Within The Prairie Fire Economic Development Area. There had been no written comments. Moved by Foreman, seconded by Morgan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by

Foreman, seconded by Hansen to Introduce the Resolution Approving Development Agreement With Newton Lodge And Suites, LLC, For An AmericInn Hotel On Property Located Within The Prairie Fire Economic Development Area. AYES: Six. NAYS: None. Resolution No. 2007-059 adopted.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$615,000 General Obligation Capital Loan Notes. There had been no written comments and no public participation. Moved by Ewing, seconded by Foreman to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Hansen, seconded by Ewing to Introduce the Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$615,000 General Obligation Capital Loan Notes. AYES: Six. NAYS: None. Resolution No. 2007-060 adopted.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$130,000 General Obligation Capital Loan Notes. There had been no written comments. Scott Creech noted he did not have a problem with the rebates in the agreement but did not like the grant incentive. Moved by Foreman, seconded by Mullan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Foreman, seconded by Ewing to Introduce the Resolution Instituting Proceedings To Take Additional Action For The Authorization Of A Loan Agreement And The Issuance Of Not To Exceed \$130,000 General Obligation Capital Loan Notes. AYES: Six. NAYS: None. Resolution No. 2007-061 adopted.

Moved by Morris, seconded by Mullan to Introduce on Second Consideration Of An Ordinance Amending Title 2, Chapter 11, Articles 6, Of The Code Of Ordinances Of The City Of Newton, Speed Limits For Iowa Speedway Drive And Rusty Wallace Drive. AYES: Four. NAYS: Hansen, Ewing. Ordinance passed second consideration.

Moved by Foreman, seconded by Mullan to Introduce a Resolution Directing The Advertisement For Sale Of \$740,000 General Obligation Capital Loan Notes, Taxable Series 2007A, And Approving Electronic Bidding Process. AYES: Six. NAYS: None. Resolution No. 2007 – 062 adopted.

Moved by Ewing, seconded by Morgan to Introduce a Resolution approving 28E Household Hazardous Waste Agreement With Metro Waste Authority. AYES: Six. NAYS: None. Resolution No. 2007 – 063 adopted.

Moved by Hansen, seconded by Foreman to Introduce a Resolution Approving Teamsters Local 120 Collective Bargaining Agreement. AYES: Six. NAYS: None. Resolution No. 2007 – 064 adopted.

Moved by Mullan, seconded by Morris to Introduce a Resolution Approving The Site Plan For The Expansion Of An Anhydrous Ammonia Area At The Sully Co-Op, 1701 Highway 14 North. AYES: Six. NAYS: None. Resolution No. 2007 – 065 adopted.

Under new business Mayor Allen stated in an upcoming meeting the council would be reviewing the CIP. Foreman stated he would like to see a discussion on the hotel/motel tax. Hansen noted he would like to have an informational piece on Tax Increment Financing distributed, perhaps on the local access channel and upcoming city report. There was no other new business

Moved by Foreman, seconded by Mullan to go into closed session To Discuss The Purchase Of Particular Real Estate Only Where The Premature Disclosure Could Be Reasonably Expected To Increase The Price The Governmental Body Would Have to Pay For That Property Pursuant To The Provisions Of Section 21.5(1)(j). AYES: Six. NAYS: None. Mayor Allen declared a five-minute recess to clear the council chambers.

After returning to open session at 7:08 pm, it was moved by Hansen, seconded by Foreman to go into closed session 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 Requests A Closed Session Pursuant To The Provisions Of Section 21.5(1)(i), Code of Iowa 2007. Mayor Allen declared a five-minute recess to clear the council chambers.

Upon return to open session with all council members present a motion was made by Mullan, seconded by Hansen to adjourn the meeting at 8:23 p.m. Motion unanimously carried by voice vote.

Charles Allen, Mayor

Candice Van Zee
City Clerk