

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

At citizen participation, Ken Smith, 1013 S. 6th Avenue W. commented on a letter the City had delivered to the Jasper County Assessors office regarding the Iowa Telecom property and the minimum assessment agreement with Maytag.

Moved by Morgan, seconded by Mullan to approve consent agenda items 2. - 6. Morris stated a correction was needed to the minutes of June 18, 2007. Fifth Paragraph on Page 2 showed one too many aye votes.

2. Approve June 18, 2007 Regular City Council Meeting Minutes as corrected
3. Approve Class C Liquor License, Outdoor Service, Sunday Sales, Newton Country Club, 601 West 12th Street South
4. Approve Class B Beer, Permit, Sunday Sales, Godfather's Pizza, 2426 First Avenue East
5. Approve Class E Liquor License, Carryout Beer, Carryout Wine, Sunday Sales, Wal-Mart, 300 East 31st Street South
6. Approve Special 5 Day Class C Liquor License, Okoboji Grill, 2000 West 18th Street South (Newton Inn).

AYES: Six. NAYS: None. Consent agenda approved

Mayor Allen stated this was the time and the place for a public hearing on the Ordinance Confirming The Vacation And Disposal City Interest Of Certain Real Estate Originally Known As Lot A, Lot B, And Lot D (Columbian Avenue) Of Block 7 Of College Addition. Moved by Ewing, seconded by Foreman to remove the item from the table. AYES: Six. NAYS: None. Item removed from the table. City Attorney Darrin Hamilton stated there had been a written request from the Mulbrook's attorney, Bruce Nuzum, asking the council to close the public hearing and pass the first consideration but not to waive the 2nd and 3rd readings and to proceed with an additional public notice and hearing under a different State Code Section. The City Attorney stated the request came too late to act on this agenda. Council discussion ensued. At public participation Ken Smith asked the council to put a condition in the ordinance to solve Mr. Churchill's problem by requiring the release of money. The City Attorney advised against acting like a court. Council agreed to amend the ordinance to take out the Mulbrook's name and put in a sentence about the abutting property owners. Moved by Mullan, seconded by Foreman to amend the ordinance. AYES: Six. NAYS: None. Ordinance was amended. Moved by Ewing, seconded by Morgan to close the public hearing. AYES: Six. NAYS: None. Public hearing was closed. Moved by Foreman, seconded by Mullan to Introduce on first consideration an Ordinance Confirming The Vacation And Disposal City Interest Of Certain Real Estate Originally Known As Lot A, Lot B, And Lot D (Columbian Avenue) Of Block 7 Of College Addition. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Foreman, seconded by Hansen to suspend the rules and waive the 2nd and 3rd readings. AYES: Six. NAYS: None. Ordinance passed 2nd and 3rd readings. Moved by Mullan, seconded by Morris to adopt the ordinance. Ordinance 2107 was adopted as amended.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Approving Contract And Bond And Making Award Of Contract For The North Newton Hike And Bike Trail Project. There had been no written comments and no public participation. Moved by Morgan, seconded Ewing by to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Hansen, seconded by Mullan to Introduce A Resolution Approving Contract And Bond And Making Award Of Contract For The North Newton Hike And Bike Trail Project. AYES: Six. NAYS: None. Resolution No. 2007 -079 adopted.

Mayor Allen stated this was the time and the place for a public hearing on a Resolution Approving Airport Ground Lease And T-Hangar Agreement. There had been

no written comments and no public participation. Moved by Morgan, seconded by to Foreman to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Mullan, seconded by Morris to Introduce a Resolution Approving Airport Ground Lease And T-Hangar Agreement. AYES: Six. NAYS: None. Councilmember Ewing asked if there was a reason the 6th and 8th whereas paragraphs in the resolution were the same. David Stewart, Public Works Director, noted that only one of the paragraphs needed to be there. Moved by Ewing, seconded by Hansen to amend the resolution. AYES: Six. NAYS: None. Resolution No. 2007 – 080 adopted as amended.

Moved by Hansen, seconded by Morgan to Introduce a Resolution Authorizing The Approval Of The U.S. Department Of Transportation Federal Aviation Administration Grant Agreement For The Payment/Facility Evaluations Study For The Newton Municipal Airport. AYES: Six. NAYS: None. Resolution No. 2007 – 081 adopted.

Moved by Morgan, seconded by Mullan to Introduce a Resolution Approving Engineering Services Agreement For Study At The Airport. AYES: Six. NAYS: None. Resolution No. 2007 – 082 adopted.

Moved by Morris, seconded by Mullan to Introduce a Resolution Approving Inter-Governmental Agreement With The Iowa Department Of Human Services. AYES: Six. NAYS: None. Resolution No. 2007 – 083 adopted.

Moved by Ewing, seconded by Foreman to Introduce a Resolution Accepting Work On The Obstruction Removal And Vault Relocation Project For The Newton Municipal Airport. AYES: Six. NAYS: None. Resolution No. 2007 – 084 adopted.

Moved by Morgan, seconded by Ewing to Introduce a Resolution Approving Quotation For The Newton Public Library High Light Ballast Replacement Project. AYES: Four. NAYS: Morris. ABSTAIN DUE TO CONFLICT: Hansen. Resolution No. 2007 – 085 adopted.

Under new business Foreman asked Police Chief Thomas Wardlow for an update on E. 4th Street N. and E. 8th Street. Chief Wardlow noted that the Traffic Safety Committee had looked into it and an ordinance would be presented at a future Council Meeting. Foreman also asked Public Works Director David Stewart for an update on a request from Mr. Swihart regarding dust control on his road. Stewart said they are looking into it and are planning on getting cost estimates for work as an assessment project and this is something they typically do in the winter when things are slower.

Moved by Morris, seconded by Mullan to adjourn the meeting at 6:04 p.m. Motion unanimously carried by voice vote.

Charles Allen, Mayor

Jayne Ewing
Deputy City Clerk