

REGULAR CITY COUNCIL MEETING MINUTES
JULY 7, 2008, 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 Plumb, Ewing, Foreman, Morris, Mullan. Absent: None. Hansen via telephone

At citizen participation John Vander Schel, 2 Holiday Court, Sean Adams, 4 Holiday Court, Sherman Van Zee, 3 Holiday Court, and Dan of Holiday Court all addressed the Council on the private street they live on and was wondering how they could get it resurfaced and possibly even turned over to the City. It was noted by the City Attorney when the drive was built it might not have been constructed to city standards, if the street was brought up to city standards assessments have been done for such project. Ewing noted it was fair to say it has to meet city standards, there are also on going maintenance and costs. Hansen stated this has come up with other private drives in the city; part of the problem is the city doesn't own it. I appreciate and understand, city owned streets go through the assessment process. Tom Wardlow, Interim City Administrator wanted clarification, you want open conversation on options. Jeri Doyle representing one of the homeowners on Holiday Court stated she hoped something could be done with the Drive. Fran Henderson, 1101 South 13th Avenue West stated she wondered if the Mayor and City Council were present because she could not hear them speak.

Moved by Morris, seconded by Mullan to approve consent agenda item 2.
2. Approve June 16, 2008 Regular City Council Meeting Minutes.
AYES: Six. NAYS: None. Consent agenda approved.

Denny Slings gave a presentation on the emerald ash borer. Highlights of the presentation as follows:

- Exotic pest completely unknown in this country
- First discovered in SE Michigan in 2002
- Most likely arrived in this country in solid packing material from Asia
- Killed an estimated 30 million trees in the infested areas
- Very Host specific. Affects all cultivars of Ash species. Green, black, white, patmore, pumpkin, marshall seedless, etc.
- Small one/half inch long emerald green beetle with a 1 to 2 year life cycle
- Adults are beetles which nibble on ash leaves but cause little or no damage
- Adults mate and each female lays 60 – 90 eggs on the bark of the ash tree
- Eggs hatch into larva, the larva bore through the bark and into the cambium of the tree where they destroy the tissues necessary for moving water and nutrients through the tree
- Large pupate – change into adults
- Adults emerge from the tree through D shaped emergence holes and the life cycle starts all over again
- After infestation smaller trees die within 1 to 2 years, larger trees die within 3 to 4
- Adult beetles can fly only approximately 2 miles
- Major movement of this pest is through infested wood products, primarily firewood
- Quarantines

A survey was done

- Why the survey was needed (good news – city properties not heavy into ash, bad news – community as a whole is estimated at 20% of tree population is ash)
- Areas surveyed
- Results

Recommendations

- Inventory your properties
- Diversify your tree plantings (don't plant ash trees)
- Protect your trees from damage (mowers, string trimmers, construction, etc.)

- Know the symptoms of EAB (emerald ash bore) activity and report what you find
- Buy local fire wood and don't move it in or out of state
- Don't remove healthy ash trees
- Don't apply a preventive insecticide at this time

Mayor Allen stated this was the time and the place for the continued public hearing on the Resolution Approving Contract For The 2008 Traffic Signal Improvement Project. There had been no written comments and there was no public participation. Ewing asked what implications this had on the capital fund. Tom Wardlow, Interim City Administrator stated it would be an additional \$10,103 to the city portion of the project. Moved by Ewing, seconded by Foreman to close the continued public hearing. AYES: Six. NAYS: None. Public hearing closed. Moved by Hansen, seconded by Foreman to Introduce the Resolution Approving Contract For The 2008 Traffic Signal improvement Project. AYES: Six. NAYS: None. Resolution No. 2008 – 073 adopted.

Mayor Allen stated this was the time and the place for a public hearing on an Ordinance Vacating And Disposing Of Certain Real Estate In Block Two Of Lamb Ad Kennedy's Addition Consisting Of Alley Right-Of-Way On The South Side Of The 400 Block North 7th Avenue East, City of Newton, Jasper County, Iowa. There had been written comments. There was no public participation. Moved by Mullan, seconded by Ewing to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morris, seconded by Mullan to introduce the above ordinance for first consideration. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Foreman, seconded by Ewing to suspend the rules and waive the second and third readings of the above ordinance. AYES: Six. NAYS: none. Ordinance passed second and third consideration. Moved by Ewing, seconded by Mullan to adopt the above ordinance. AYES: Six. NAYS: None. Ordinance No. 2124 adopted.

Mayor Allen stated this was the time and the place for a public hearing on a Resolution Accepting Purchase Proposal From Beukema Family For Land In The South Half Of The Southeast Quarter Of Section 1 Ad The North Half Of The Northeast Quarter Of Section 12, All In Township 79 North, Range 19 West Of The 5th PM. There had been no written comments. There was no public participation. Moved by Ewing, seconded by Hansen to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morris, seconded by Mullan to Introduce the Resolution Accepting Purchase Proposal From Beukema Family For Land In The South Half Of The Southeast Quarter Of Section 1 Ad The North Half Of The Northeast Quarter Of Section 12, All In Township 79 North, Range 19 West Of The 5th PM. AYES: Six. NAYS: None. Resolution No. 2008 – 074 adopted.

Mayor Allen stated this was the time and the place for a public hearing on an Ordinance Amending The 2001 Official Zoning Map Of The City of Newton, Iowa To Rezone Property In The 2400 Block Of South 12th Avenue West From R-3: One – Twelve Family Zoning To C-A: Arterial Commercial Zoning. There had been no written comments. At public participation the following citizens addressed the Council: Shawn Risseuw of Action Jack's Paintball stated he was the one making the request. The request has been prompted by the desire to locate a paintball business at this location. He went on to note this is a growing activity, it is not noisy and the proposed property is surrounded by vegetation, and there would not be alcohol allowed on the premises. Christine Frank addressed the Council over concern with the proposed change stating she was in the process of acquiring some of the lots adjacent what was being proposed. Rick Trese stated he was in favor of the rezoning and encouraged the council to adopt the ordinance. Dennis Combs stated this would be something new coming to exit 164, it lends it self well with minimal effort and strong assurances. Council member Ewing stated he did not feel this was the right location for this business and has always advocated multi family living in the area adjacent and a paintball business will detract from it. Bryan Friedman, Community Development Director stated this area adjacent to the proposed business was developed in 2001 and has not been developed residential, as we had hoped for. Council Member Foreman noted the residential area has been sitting in weeds, going for tax sales, this is an opportunity to have the area adjacent to it have a business on it. Moved by Foreman, seconded by Hansen to close the public hearing. AYES: Six. NAYS: None. Public hearing closed. The Mayor called for the roll call vote on the first consideration. AYES: Three. NAYS: Plumb, Ewing, Mullan. The ordinance fails. After the ordinance failed. Michael Sellers owner of three of the lots stated he has been trying for years to get a developer to construct town homes on these

lots and it hasn't happened it is a ruined project, the west end of Newton is a depressed area and you should go for this idea. Mayor Allen wanted it known that Newton is moving forward.

Moved by Plumb, seconded by Ewing to Introduce a Resolution Approving Bids For salt Shed. Tom Wardlow, Interim City Administrator noted with the approval of the traffic signal project we know how much is left in the capital fund which is not enough to cover the salt shed but recommended the balance to come out of the general fund. Preliminary numbers are showing the general fund at 31%. Wardlow also wanted the council to know in the current budget the contingency line items have been reduced from previous years. AYES: Six. NAYS: None. Resolution No. 2008 – 075 adopted.

Moved by Foreman, seconded by Mullan to Introduce a Resolution Correcting The Description Of The Voluntary Annexation Of Property, Approximately 75.6 Acres, Located In Sections 14 and 23, Township 80 North, Range 19 West Of The 5th PM Into The City of Newton, Jasper County, Iowa. AYES: Six. NAYS: None. Resolution No. 2008 – 076 adopted.

Moved by Mullan, seconded by Morris to Introduce a Resolution Approving Modifications To Maytag Demolition Project Phase 3. It was noted these change orders do not effect the city's contribution of \$700,000 and these change orders need prior approval by all the partners. AYES: Six. NAYS: None. Resolution No. 2008 – 077 adopted.

Moved by Ewing, seconded by Plumb to Introduce a Resolution Approving Real Estate Easements For 2008 Traffic Signal Improvements Project. AYES: Six. NAYS: None. Resolution No. 2008 – 078 adopted.

Under new business Foreman inquired about the foreclosures in town. Wardlow stated that was possibly a number they could get but it most likely would be numbers rather than the location of the foreclosures. Mullan stated he still was seeing junk around the hatchery and also noticed a for sale sign posted on the property. It was noted staff would look into it.

Under old business Council Member Hansen, via telephone wanted the public to know that what was supposed to be a routine medical procedure had complications, and that was why he perhaps was not returning phone calls and emails in a timely manner.

Motion by Foreman, seconded by Morris to adjourn the meeting at 6:57 p.m. Motion unanimously carried by voice vote.

Charles Allen, Mayor

Candice Van Zee, CMC
City Clerk