

REGULAR CITY COUNCIL MEETING MINUTES
JULY 21, 2008, 5:30 P.M.
ARBORETUM

The City Council of Newton, Iowa met in regular session at 5:30 P.M. on the above date in the Arboretum at 3000 North 4th Avenue East. Mayor Pro Tem Hansen presided. Present: Council members Plumb, Hansen, Ewing, Foreman, Mullan. Absent: Morris.

At citizen participation, Maxine Udelhoven with the Historical Preservation Commission told the Council that the Commission had received their Federal certification letter last week.

- Moved by Mullan, seconded by Foreman to approve consent agenda items 2-5.
2. Approve July 7, 2008 Regular City Council Meeting Minutes and July 14, 2008 Special City Council Minutes.
 3. Resolution Naming Depositories. Resolution No. 2008-080 Adopted.
 4. Approve Class E Liquor License, Carryout Beer, Carryout Wine, Sunday Sales, Wal-Mart #748, 300 East 31st Street South.
 5. Approve Class B Beer Permit, Sunday Sales, Godfather's Pizza, 2426 First Avenue East.
- AYES: Five. NAYS: None. Consent agenda approved.

Mayor Pro Tem Hansen stated agenda item number 6 was to be a presentation from Angela Hotchkin, Strategic Account Manager for Alliant Energy but due to the storms early this morning and the threat of more tonight she was unable to attend.

Mayor Pro Tem Hansen stated this was the time for a motion to reconsider 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 was no motion so the motion to reconsider died.

Moved by Foreman, seconded by Mullan to Introduce the first consideration of an Ordinance Amending The Code Of Ordinances, City Of Newton, Iowa, 1993, Title 2, Chapter 11, Article 10, Parking Offenses, By Adding Section 11.1007.2(C)(1), Handicapped Parking, Parking Lots, South Second Avenue East, 100 Block. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed first consideration. Council member Mullan asked why the two spaces being proposed were not closer to the Elks Building. Public Works Director Stewart stated that they have to look for spaces that do not have another parking space on the right side to allow enough room for handicapped people to exit the vehicle without taking up another parking space. Discussion ensued as to whether one of the spaces could be moved closer to the building. City Attorney Hamilton stated that the Ordinance only stated that we were adding to handicapped spots in the parking lot, not where the spaces were located. Stewart stated he would talk with the Traffic Safety Committee and see if one of the spaces could be moved closer to the building. Council asked for a report back at a future meeting as to where the two additional spots were located. Moved by Mullan, seconded by Plumb to suspend the rules and waive the second and third readings of the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed second and third readings. Moved by Mullan, seconded by Foreman to adopt the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance No. 2125 adopted.

Moved by Foreman, seconded by Hansen to Introduce the first consideration of an Ordinance Amending The Code Of Ordinances, City Of Newton, Iowa, 1993, Title 2, Chapter 11, Article 10, parking Offenses, By Adding Section 11.1016.4(G)(2), Three Hour Parking On The East Side Of The Three Hundred Block Of East Second Street North. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed first consideration. Moved by Foreman, seconded by Hansen to suspend the rules and waive the second and third readings of the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed second and third readings. Moved by Mullan, seconded by Foreman to adopt the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance No. 2126 adopted.

Moved by Mullan, seconded by Plumb to Introduce the first consideration of an Ordinance Amending The Code Of Ordinances, City Of Newton, Iowa, 1993, Title 2, Chapter 11, Article 10, parking Offenses, By Adding Section 11.1008.512(A)(1), No Parking South Twenty-Second Avenue East, Both Sides, From Iowa Speedway Drive

To The East. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed first consideration. Moved by Mullan, seconded by Plumb to suspend the rules and waive the second and third readings of the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance passed second and third readings. Moved by Plumb, seconded by Ewing to adopt the above Ordinance. AYES: Five. NAYS: None. ABSENT: Morris. Ordinance No. 2127 adopted.

Moved by Ewing, seconded by Hansen to Introduce a Resolution approving An Amended Contract For A Brownfield Grant With The Iowa Department Of Economic Development AYES: Five. NAYS: None. ABSENT: Morris. Resolution No. 2008 – 081 adopted.

Moved by Mullan, seconded by Ewing to Introduce a Resolution Approving the Fiscal Year 2009 Unified Planning Work Program As A Member Of The Central Iowa Regional Transportation Planning Alliance. Council member Foreman stated had had no problem with this except the designation that the money go towards Iowa Speedway Drive and wanted to know if this resolution states that this is where the money goes. Community Development Director Bryan Friedman stated that this does not designate the money and that the Council could discuss this during goal setting and the CIP/CEP process. He also stated that the money must be used on main roads or federal roads. Council member Foreman asked if the Council could get a map of what roads the money could be used for. AYES: Five. NAYS: None. ABSENT: Morris. Resolution No. 2008 – 082 adopted.

Moved by Ewing, seconded by Plumb to Introduce a Resolution Approving Modification To Maytag Demolition Project Phase 3. AYES: Five. NAYS: None. ABSENT: Morris. Resolution No. 2008 – 083 adopted.

Under new business Mullan stated he had received a voicemail from a lady with questions about truck parking but she did not leave her name or number so if she could call him back, he would like to discuss this with her.

Under old business Foreman stated he wanted the public to know he understood everyone's opinions on the paintball issue but believed Council missed the vote on this one and the chance to bring another business to town. Foreman believes people would come to use this business and then also spend money at other businesses such as gas stations, restaurants, and hotels and he wanted it noted on record that he supports the business. Ewing stated he didn't believe that anyone on the Council was discouraging businesses but he had a couple of concerns with this item. Ewing stated that he had concerns about whether this was the right location for it and maybe we needed to look at alternative locations. Ewing's other concern is that maybe the City needs to take a comprehensive look at the area and that maybe a residential subdivision isn't the right use for the area. Ewing has directed staff take a comprehensive look at this. Mullan stated he had nothing against the business but believes the Council was not given enough information to make a judgment. Hansen stated he understands the concerns about zoning and hopes we don't send the owner down the road, additionally, he believes it would be a great addition to the tourism start we have. Plumb stated he had spent considerable time with the proposed owner and hopes that he continues to work with the Community Development Director on his options.

Also under old business, Hansen noted he wanted this on record that at the last council meeting they had discussed the road issues at Holiday Court and he had been waiting on a legal opinion from the City Attorney which they had now received. Based on Iowa Code, the assessment option is unlawful because a City may assess to make or repair public improvements but cannot do so on a private street. Hansen had also spent time researching other grant money but it all comes down to it being a private street. Hansen stated there was no covenant set up to put money away for future repairs.

Moved by Foreman, 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 2008. AYES: Five. NAYS: None. ABSENT: Morris. Motion carried at 6:04p.m. Mayor Pro Tem Hansen declared a five-minute recess to clear the arboretum.

Upon return to open session at 6:43 p.m. a motion was made by Foreman, seconded by Mullan to adjourn the meeting at 6:44 p.m. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor Pro Tem

Jayne Ewing
Deputy City Clerk