

REGULAR CITY COUNCIL MEETING MINUTES
SEPTEMBER 15, 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, Hansen, Ewing, Foreman, Mullan. Absent: Morris.

There was no citizen participation.

Agenda item number 2 was a presentation by Sue Padilla, Newton Public Library Director. She gave an overview of the Newton Public Library Annual Report.

Moved by Hansen, seconded by Foreman to approve consent agenda items 3-8. Approve September 2, 2008 Regular City Council Meeting Minutes and September 8, 2008 Special City Council Meeting Minutes.

3. Resolution Adopting September 2007 Supplement To The Code Of Ordinances, City Of Newton, Iowa, 1993, And Approving Distribution Of The Same To Code Subscribers. Resolution No. 2008-120 adopted.
4. Approve Class C Liquor License, Catering Privilege, Sunday Sales, Outdoor Service Area, Sodexo DMACC Conference Center, 600 North 2nd Avenue West.
5. Approve Class C Liquor License, Catering Privilege, Sunday Sales, outdoor Service Area, Okoboji Bar and Grill, 1425 West 19th Street South.
6. Approve Class C Liquor License, Sunday Sales, Outdoor Service Area, Raceway Motor Sports Café, 2331 First Avenue East.
7. Approve Class C Liquor License, Sunday Sales, Outdoor Service Area, LaCabana Mexican Restaurant, 2617 First Avenue East, Suites 5 & 6.

AYES: Five. NAYS: None. Consent agenda approved.

Moved by Ewing, seconded by Plumb to Introduce a Resolution Accepting Work On The City Hall Air Conditioning System. Council member Foreman stated he would like to make a motion to amend the resolution that we should only subtract the actual damages of \$189.99. Terry Purvis, owner of Brooker's Mechanical, spoke to the Council. He was unclear on exactly what was being withheld. Interim City Administrator Wardlow stated that the City was waiving 15 days because of suppliers but felt that we should get 8 days of liquidated damages. Mr. Purvis stated that it was not fair to put in liquidated damages in the contract if the City was not going to follow through on it because they had put liquidated damages into their bid knowing that they could not meet the deadline. Council member Ewing stated that most contracts he has dealt with in different cities put in liquidated damages but rather infrequently enforce that. Mr. Purvis stated that he felt that if you put liquidated damages in the contract you should follow through. Suzanne Scott, 1718 S. 3rd Avenue W., stated that she understood the 15 days but couldn't understand why the Council was waiving the other 8 days. City Attorney Hamilton stated that if the City Council approves the amendment it means they are looking to recoup actual damages only. It was moved Foreman, seconded by Mullan to amend the resolution to only withhold \$189.99 in liquidated damages. AYES: Four. NAYS: None. ABSTAIN: Hansen. Motion to amend carried. Roll call vote on the resolution as amended: AYES: Four. NAYS: None. ABSTAIN: Hansen. Resolution No. 2008 – 114 adopted as amended.

Mayor Allen recused himself from this agenda item. Mayor Pro Tem Hansen took over the gavel. Moved by Mullan, seconded by Plumb to Introduce the Resolution Approving Modification To Maytag Demolition Project Phase 2. AYES: Five. NAYS: None. Resolution No. 2008 – 115 adopted.

Mayor Allen resumed the Council meeting. Moved by Hansen, seconded by Ewing to Introduce the Resolution Authorizing The Use Of Private Businesses Or Fee Disposal At The Landfill For Spring Clean-Up Services And Include A Low Income Subsidy Program. Council member Hansen stated that it was apparently unclear after discussion on what Council was asking for. He stated that we needed a more structured program for spring clean up. Council member Foreman stated that it was a benefit to citizens and we need to continue it with a more structured program than what was suggested. Discussion ensued and Council member Mullan stated that he felt that we needed to hold some kind of clean up where citizens could bring computers and other things with hazardous materials in them to be disposed of. The Council asked that staff research other options for spring clean up.

Moved by Hansen, seconded by Plumb to table the item. AYES: Five. NAYS: None. Resolution tabled.

Moved by Foreman, seconded by Ewing to Introduce a Resolution Fixing Date For A Meeting On The Proposition Of The Issuance Of Not To Exceed \$295,000 General Obligation Bonds (For an Essential Corporate Purpose) Of Newton, Iowa, And Providing For Publication Of Notice Thereof. AYES: Five. NAYS: None. Resolution No. 2008 – 116 adopted.

Moved by Hansen, seconded by Ewing to Introduce a Resolution Fixing A Date For A Meeting On The Proposition Of The Issuance Of Not To Exceed \$2,125,000 General Obligation Bonds (For An Essential Corporate Purpose) Of Newton, Iowa, And Providing For Publication Of Notice Thereof. AYES: Five. NAYS: None. Resolution No. 2008 – 117 adopted.

Moved by Mullan, seconded by Ewing to Introduce a Resolution Authorizing The Publishing Of Ordinance Number 2122 Vacating A Portion Of East Eighth Street North In Newton. Discussion ensued on when the road would be started which is slated to start in November if the weather holds and should be completed next fall. Council member Hansen stated that the emergency route map included a gravel road in the Meisner Center. Interim City Administrator Wardlow stated that the City recognized that should there be a train on the track and someone needed emergency vehicles, we need alternate routes. Trinity has stated that 8th Street will be available and that they have 24 hour security people who will move the barricades and the 2nd route is a private drive through the Meisner Center that will be at no cost to the City. Gary Smith, 101 S. 15th Ave. W., stated that he has 2 or 3 businesses on 8th street and was under the impression that 8th Street would not be closed without the bypass open. City Attorney Hamilton stated that the ordinance had 4 requirements, one of which was that an alternate route was identified. Mr. Smith stated that he didn't agree and that the road should not be closed until the new road is built. He stated that he during the discussion on this it was decided not to close the road until the new one was built and that the ordinance passed was not what was voted on. Kerry Cole, president of Trinity Structural Towers stated that they needed 8th Street closed not only to access storage but to move large equipment. They are starting production on October 1 and have less than ½ acre behind the building which is mostly taken up by a large crane. He also noted that it was an extremely slow process to move the towers from the facility to the storage yard but that Trinity was willing to work with the City to make this process work. Kim Didier, Newton Development Corporation, stated that the ordinance did have the 4 conditions and that is what Trinity went by and those had been completed. She asked that the Council take into consideration that Trinity moved forward in good faith based on these conditions. AYES: Four. NAYS: Hansen. Resolution No. 2008 – 118 adopted.

Moved by Mullan, seconded by Ewing to Introduce a Resolution Terminating Lease On 518 West 3rd Street North, Setting Public Hearing On Proposed Lease Or Sale Of Urban Renewal Land, And Inviting Proposals. AYES: Four. NAYS: Plumb. Resolution No. 2008 – 119 adopted.

There was no new business.

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Moved by Ewing, seconded by Mullan to adjourn the meeting at 6:43 p.m. Motion unanimously carried by voice vote.

Charles Allen, Mayor

Jayne Ewing
Deputy City Clerk