

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

Mayor Allen read a letter from Thomas Wardlow. The letter stated his intentions to retire as chief effective April 5, 2009, he will continue as Chief and the Interim City Administrator.

At citizen participation, Dave Nunnikhoven, 304 West 9th Street South was present to visit with the Council about the problems in his neighborhood the last two years with sewer back ups. David Stewart, Public Works Director stated in the facility update plan for the WPC there is a project for that area but it is very expensive, there are alternatives that could be possibly explored.

Angela Hotchkins from Alliant Energy was present to give an update to the City Council on community involvement and investments over the past year.

Jody Rhone, Street Superintendent thanked the council for allowing him to visit with him about how the snow removal is scheduled; he went on to note they have one crew that removes the snow from all the city streets, it takes them approximately 8 to 10 hours, there start time varies as they begin the snow removal when the snow stops. The main arterials are done multiple times while the residential areas are done once. They have 200 lanes miles, 25 gravel roads, 7 parking lots and 25 cul-de-sacs. It was noted the snow ordinances works pretty well.

Moved by Foreman, seconded by Hansen to approve consent agenda items 4-7.

4. Approve December 1, 2008 Regular City Council Meeting Minutes
5. Resolution Reappointing Christine Pletcher To Serve On The Planning And Zoning Commission For A Term Ending December 31, 2013. Resolution No. 2008 – 159 adopted
6. Resolution Reappointing Bernard Lammers To Serve On The Planning And Zoning Commission For A Term Ending December 31, 2013. Resolution No. 2008 – 160 adopted.
7. Resolution Appointing Deputy City Clerk. Resolution No. 2008 – 161 adopted.

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

Moved by Morris, seconded by Mullan to Introduce on first consideration an Ordinance Amending The Code Of Ordinances, City of Newton, Iowa 1993, Title 2, Chapter 11, Article 10, Parking Offenses, By Deleting Section 11.1012.3, Truck Parking Limited, East Eighth Street North. A discussion ensued by council members on an alternative truck parking location. Moved by Hansen, seconded by Plumb to table the ordinance in order to have staff research a new area where truck parking could be allowed. AYES: Five. NAYS: None. Ordinance tabled.

Moved by Mullan, seconded by Foreman to Introduce on first consideration an Ordinance Amending The Code of Ordinances, City of Newton, Iowa, 1993, Title 2, Chapter 11, Article 10, Parking Offenses, By Adding To Section 11.1007.2(A)(2), Handicapped Parking On Street. AYES: Five. NAYS: None. First consideration of the above ordinance passed. Moved by Foreman, seconded by Hansen to suspend the rules and waive the second and third consideration of the above ordinance. AYES: Five. NAYS: None. Ordinance passed second and third considerations. Moved by Mullan, seconded by Foreman to adopt the above ordinance. AYES: Five. NAYS: None. Ordinance No. 2132 adopted.

Moved by Morris, seconded by Mullan to Introduce a Resolution Awarding Bid For The Pasture Land Lease For The Newton Union Cemetery. AYES: Five. NAYS: None. Resolution No. 2008 – 162 adopted.

Moved by Hansen, seconded by Plumb to Introduce a Resolution Approving An Engineering Services Agreement With Clapsaddle – Garber Associates, Inc. For The Apron Expansion Project For The Newton Municipal Airport. Hansen noted the revised engineering services agreement from the agreement approved in November 2007 reflects a net decrease of \$3,400 in engineering costs for the project. A discussion ensued about the revenue to pay for the agreement from the airport budget. David Stewart, Public Works Director noted the FAA uses specific accounting. It was moved by Plumb to table this resolution. The motion died for the lack of a second to his motion. The roll call vote on the original resolution was AYES: Five. NAYS: None. Resolution no. 2008 – 163 adopted.

Mayor Allen recused himself from the next agenda item and turned the gavel over to Mayor Pro-Tem Hansen. Moved by Mullan, seconded by Morris to introduce a Resolution Accepting Work On The Former Maytag Demolition – Phase 2 – utility Modifications Project. Foreman noted it was time to get this project wrapped up. AYES: Five. NAYS: None. Resolution No. 2008 – 164 adopted. Mayor Pro-Tem Hansen handed the gavel back over to Mayor Allen.

The next agenda item was a discussion on plastic bags. It was noted Council Member Mullan had requested this item for the agenda. Council member Mullan stated we need to take better care of our environment. He read a short history on plastic bags, what is the evidence of harm, paper, plastic, or recycled cloth bags along with a course of action. Liz Dodd and Michael Hook, Wal-Mart were also part of the discussions.

Thomas Wardlow, Interim City Administrator presented an update on nuisances. Wardlow also stated since the start of Red Pride there had been 187 nuisance complaints come into the police department, with 141 of them the first 6 weeks, 81 were unfounded, 63 verbal warnings took care of the nuisance and 6 citations were issued. Public Works department reported 291, 103 unfounded, 156 now compliant. Legal department report over 50 court cases on grass, curfew, etc. Wardlow noted the engineering staff became proactive with snow removal.

Under new business Mayor Allen stated he had received calls on the soliciting in town, it was noted residents could put up no solicitation sign on their doors. Darrin Hamilton, City Attorney noted there are exemptions, while the ordinance does require a fee for the permit.

Under old business Foreman inquired about the house on 8th street where there are animals inside of the house. Bryan Friedman, Community Development Director stated he would provide an update on Tuesday.

Moved by Hansen, seconded by Plumb to go into closed session to Discuss and Determine Strategy in Regard to Collective Bargaining Issues, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provisions of Section 20.17(3) Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed. Mayor Allen declared a five-minute recess to clear the council chambers.

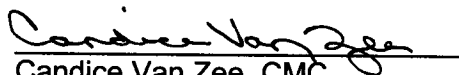
Upon return to open session at 7:16 p.m. it was moved by Hansen, seconded by Foreman to Introduce a Resolution Approving Collective Bargaining Agreement With The Newton Association Of Professional Fire Fighters. AYES: Five. NAYS: None. Resolution No. 2008 – 166 adopted.

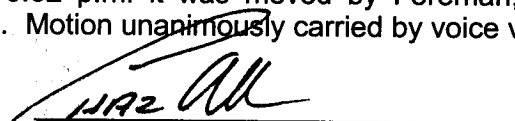
Moved by Foreman, seconded Hansen to Introduce a Resolution Approving Public Professional And Maintenance Employees 2003 Collective Bargaining Agreement. AYES: Five. NAYS: None. Resolution No. 2008 – 167 adopted.

Moved by Hansen, 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. Motion passed. Mayor Allen declared a two-minute recess to clear the chambers.

Upon return to open session at 7:55 p.m. it was moved by Foreman, seconded by Hansen to go into closed session To Discuss Strategy In Matters Relating To Employment Conditions, Of Employees Of The Governmental Body Who Are Not Covered By A Collective Bargaining Agreement Which Discussions Are Exempt From The Open Meetings Law Pursuant To The Provisions Of Section 21.9, Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed.

Upon return to open session at 8:32 p.m. it was moved by Foreman, seconded by Plumb to adjourn the meeting at 8:32 p.m. Motion unanimously carried by voice vote.


Candice Van Zee, CMC
City Clerk


Charles Allen, Mayor