

REGULAR CITY COUNCIL MEETING MINUTES  
MARCH 16, 2009, 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 4<sup>th</sup> Street South. Mayor Allen presided. Present: Council members Plumb, Hansen, Julius, Foreman, Morris, Mullan. Absent: None.

There was no citizen participation.

Moved by Morris, seconded by Mullan to approve consent agenda items 2 and 3.

2. Approve February 25, 2009 Special City Council Meeting Minutes and March 2, 2009 Regular City Council Meeting Minutes

3. Approve Class C Beer Permit, Sunday Sales, West End, 1325 First Avenue West

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

Mayor Allen stated this was the time and the place for a public hearing on the Ordinance Repealing Article 2, "Park Commission" Within Title 1, Chapter 5 And Creating A New Article 2 "Park Commission" Within Title 1, Chapter 5 Of The Code Of Ordinances Of The City of Newton, Iowa, Abolishing The Current Park Commission System And Then Reestablishing A New Park Commission Structure. There had been no written comments. At public participation Scott Creech, 1205 South 11<sup>th</sup> Avenue East stated he had a few questions for the council, such as do we need a park board and why we need a park board. He encouraged council members to attend a park board meeting and also went on to note it would be wise for them to spend a day with the Park Director and golf pro. Hansen requested that Creech give his questions to the City Attorney/Acting City Administrator so they could be addressed. Joyce Moen, 414 West 16<sup>th</sup> Street North stated she used to challenge the park board; she also thanked the city council in advance of answering the questions submitted by Creech. Moen went on to note she liked having the privilege to vote. Moved by Julius, seconded by Plumb to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Foreman, seconded by Plumb to Introduce on second consideration an Ordinance Repealing Article 2, "Park Commission" Within Title 1, Chapter 5 And Creating A New Article 2 "Park Commission" Within Title 1, Chapter 5 Of The Code Of Ordinances Of The City of Newton, Iowa, Abolishing The Current Park Commission System And Then Reestablishing A New Park Commission Structure. AYES: Five. NAYS: Mullan. Ordinance passed second consideration.

Moved by Hansen, seconded by Plumb to introduce a Resolution Approving A Contract With The State Historical Society Of Iowa For A planning For Preservation Grant. AYES: Six. NAYS: None. Resolution No. 2009 - 025 adopted.

Moved by Morris, seconded by Plumb to Introduce a Resolution Approving Purchase Of Plant Two Urban Renewal Area Real Estate For Part Of A Property Located In Section 27, Township 80 North, Range 19, West of The 5<sup>th</sup> PM. Foreman wanted to know how this correlates with East 8<sup>th</sup> Street North. Bryan Friedman, Community Development Director stated it was along North 19<sup>th</sup> Avenue by Woodland Park. Hansen asked how much more right of way was needed for the project. Friedman noted we need a sliver on the south end. AYES: Six. NAYS: None. Resolution No. 2009 - 026 adopted.

Moved by Mullan, seconded by Hansen to Introduce a Resolution Authorizing The Newton Fire Department To Submit A Community Disaster Grant Application And To Purchase Equipment Not To Exceed \$4,872.80. AYES: Six. NAYS: none. Resolution No. 2009 - 027 adopted.

The next item on the agenda was a discussion on the allocation of the hotel/motel taxes. Darrin Hamilton, City Attorney/Acting City Administrator stated the agenda was amended on Friday for this item to be placed on the agenda for discussion. He went on to note the restrictions the hotel/motes taxes have that the city receives. Hansen stated he has resisted reallocation of this funding, however, after reviewing the capital improvement program budget; we are not funding any of those projects or assisting our current businesses. The proposed resolution would assist us in our economic needs. Allow an evaluation of what projects we could work on such as infrastructure, children's area at Maytag Park, the Maytag Bowl project, specifically the bowl itself with the plaza area being privately funded. Foreman stated we need to establish tonight how to reallocate those funds, he agreed with Hansen on the city assisting with the Maytag bowl itself and not the plaza area, we need to do road projects, the golf course should just be receiving what is needed to make their bond payments, do away with the 17% to NDC and keep the CVB as is. We need to catch up. Morris stated the Newton Development Corporation's allocation should be looked at. Mullan noted in all fairness to each group, they need an opportunity to let us know how they use the funds. Plumb agreed with Hansen and Foreman on the Maytag bowl itself. Hansen wanted to know if there are any numbers on the bowl project itself and what might be expected of the City. Denny Slings, Park Director stated he did not know what commitment we will get from the city and county. Vision Iowa stated the city and county must contribute to the project, he also noted there is opportunities for the City

besides the money aspect of it and in order to attract the venues, we must have the plaza area. Hansen stated we cannot make a decision until we have more information. Slings noted this had been discussed on two different occasions. Hansen stated we need more information. Mayor Allen asked how much is just the work on the bowl project. Frank Liebel visited with the Council stating we made a presentation back in September. Council Member Mullan has been attending the meetings associated with the project. He went on to note we have requested funding from the Maytag Foundation. We have a grant writer on board for our application to Vision Iowa. Mayor Allen stated let us bring back the three representatives of CVB, NDC and the golf division to explain what they use the funds for. Mullan suggested also bringing in the grant writer for the application to Vision Iowa. We will have a special city council meeting before our next regular meeting. It was decided the meeting would be on Monday, March 23, 2009 at 5:30 p.m.

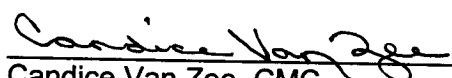
The next agenda item was a discussion on the Whirlpool money – road improvements. Hansen stated we need to give this money back to the community and street projects are a perfect fit, some of the road do not qualify under our 80/20 with the state, he noted he would like to see East 17<sup>th</sup> Street North come back to Council for consideration, is there consensus from the Council? Foreman noted he did not object using half of the whirlpool money but felt the rest should be used in case of an emergency. Julius noted he didn't know a better use of the funds than to do street projects. There was consensus from Council to bring back the 17<sup>th</sup> Street project with costs associated to it from Staff.

There was no new business come before the Council.

Under old business was the snow plowing of sidewalks. A letter had been submitted to the Mayor, City Council and City Administrator from Bruce and Karen Hoffmeier stating their concern about the possible decision to no longer have the Park Dept. use their time and machinery to remove the snow from the curbside and walks in their area. They went on to note they have and will always continue to their part to keep our sidewalks and yards safe and attractive, and they don't believe that they or their neighbors will be able to keep the sidewalks clean without some City help. Foreman stated we shouldn't be plowing the sidewalks. Plumb noted if you do one, we should do them all. Mullan stated it was a safety issue and city's liability. Darrin Hamilton, City Attorney/Acting City Administrator did note there was immunity to sidewalks. Foreman stated we had four votes at one time to stop doing the snow plowing of the sidewalks. A discussion ensued. Mayor Allen noted this was not getting resolved and asked staff to bring back in Resolution form for City Council.

Motion by Hansen, seconded by Mullan 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: Six. NAYS: None. Motion passed. Mayor Allen declared a five-minute recess to clear the council chambers.

At 7:27 with all Council members present they returned to open session. Moved by Plumb, seconded by Hansen to adjourn the meeting at 7:27 p.m. Motion unanimously carried by voice vote.

  
Candice Van Zee, CMC  
City Clerk

  
Charles Allen, Mayor