

REGULAR CITY COUNCIL MEETING MINUTES
APRIL 6, 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 4th Street South. Mayor Allen presided. Present: Council members Plumb, Hansen, Julius, Foreman, Mullan. Absent: Morris.

Mayor Allen swore in the new Police Chief, Jeff Hoebelheinrich.

Mayor Allen proclaimed April 24, 2009 as Arbor Day.

At citizen participation Joyce Moen, 414 West 16th Street North addressed the Council with information about having Maytag Park and the Maytag Bowl evaluated for National Register eligibility.

Moved by Mullan, seconded by Foreman to approve consent agenda items 4 and 5.

4. Approve March 9, 2009 Special City Council Meeting Minutes, March 16, 2009 Regular City Council Meeting Minutes and March 23, 2009 Special City Council Meeting Minutes
5. Resolution Reappointing David Zellinger To Serve On The Civil Service Commission For A Term Ending April 1, 2013. Resolution No. 2009 – 032 adopted.

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

Moved by Hansen, seconded by Julius to Introduce a Resolution Accepting Agreement With Wellmark Blue Cross Blue Shield. It was noted broker services should be bid out in the near future. AYES: Five. NAYS: None. Resolution No. 2009 – 033 adopted.

Moved by Julius, seconded by Hansen to Introduce a Resolution Approving The Purchase Of A Commercial Walk-Behind Mower For The Golf Division Of The Parks Department. Denny Slings, Park Director stated the golf division is in need of replacing an existing 36" walk behind mower. The mower proposed for replacement was purchased in 1986 and is used weekly for mowing green surrounds and bunker faces. AYES: Five. NAYS: None. Resolution No. 2009 – 034 adopted.

Moved by Hansen, seconded by Mullan to Introduce a Resolution Approving Purchase Of Right Of Way And Public Utility Easements From Property Located In Section 6, Township 79 North, Range 18 West Of The 5th PM. This piece of property is located directly south of AmericInn, it was also noted there is one final acquisition to acquire. AYES: Five. NAYS: None. Resolution No. 2009 – 035 adopted.

Moved by Mullan, 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 5th PM (Birkenholz). This 870 square foot parcel was needed for the East 8th Street North road right-of-way. AYES: Five. NAYS: None. Resolution No. 2009 – 036 adopted.

Moved by Plumb, seconded by Foreman to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Police Department Lieutenants. AYES: Five. NAYS: None. Resolution No. 2009 – 037 adopted.

Moved by Foreman, seconded by Plumb to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Engineering Division. Bob Bringolf, 1321 North 4th Avenue West visited with Council about the history of the City Engineer and Public Works Director. In 1995, they reduced it by one department head and created the position of Engineering Supervisor. Mayor Allen thanked Bob for his many years of dedicated service to the City. Hansen noted the Interim City Administrator was charged with analyzing the engineering division and was recommending abolishing the supervisor's position. Moved by Hansen, seconded by Mullan to table the resolution. AYES: Three. NAYS: Foreman, Plumb. Motion to table the resolution failed. Discussions ensued. Moved by Foreman, seconded by Julius to table the resolution to further analyze the position. AYES: Four. NAYS: Plumb. Resolution was tabled.

Moved by Julius, seconded by Mullan to Introduce a Resolution To Continue Utilizing Public Resources To Remove Snow From Sidewalks Abutting Private Property. Julius noted he could understand the frustration of property owners, there are other areas in town that are not being done, essence of fairness, do all or none. Hansen and Foreman both agreed if you do it for one you should do it for all. AYES: None. NAYS: Five. Resolution Fails.

The next agenda item was a discussion on trees in the Central Business District. Darrin Hamilton, City Attorney/Acting City Administrator stated there had been some complaints on some of the trees were too tall and too big. In 1997, the Central Business District cooperated with the City of Newton to develop a phased plan for beautifying and enhancing the downtown area with the addition of tree plantings. The plan was developed and adopted which provided

for street tree plantings on eight blocks within the downtown area over a three-year period. At the time of implementation, it was intended that CBD maintenance funds would be utilized in the annual pruning and replacement of these plantings. This maintenance did take place until 2004 when the CBD Maintenance Committee was disbanded. Since 2004, the trees in this area have been maintained only on a reactive basis with no scheduled preventative maintenance program. Hansen stated a new funding source is necessary. It was also noted we need input from the business owners.

The next agenda item was a discussion on the awnings downtown. Darrin Hamilton, City Attorney / Acting City Administrator stated the removal of the awnings is one of Council's goals, noting that Council could declare removal of the rest of the awnings. Discussions ensued. It was noted the storeowners bought the awnings and it should be left up to them if they want them removed.

There was no new business come before the Council.

Under old business Council member, Mullan noted the recyclable bag project is going well. Darrin Hamilton noted the vendor fee program ordinance should be reviewed for updates. Council member Foreman reported a nuisance on 2nd Avenue. Hamilton also reminded Council about the Community Service Project Day on April 23rd put on by the high school students.

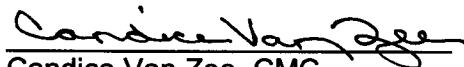
Moved by Foreman, seconded by Mullan to go into closed session to discuss strategy with Counsel on matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, which discussions are exempt from the open meetings law pursuant to the provisions of Section 21.5(1) (C) , Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed.

Upon return to open session at 7:31 p.m. it was moved by Hansen, seconded by Plumb to go into closed session to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual request a closed session. Pursuant to the provisions of Section 21.5(1)(i), Code of Iowa 2008. AYES: Five. NAYS: None. Motion passed

Upon return to open session at 8:04 p.m. the resolution amending the employment contract agreement with the City Attorney was pulled from the agenda. Moved by Plumb, seconded by Foreman to adjourn the meeting at 8:05 p.m. Motion unanimously carried by voice vote.



Charles Allen, Mayor



Candice Van Zee, CMC
City Clerk