

REGULAR CITY COUNCIL MEETING MINUTES
MAY 4, 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 via telephone, Julius, Foreman, Morris, Mullan. Absent: None

At citizen participation Annette West, Director of Chamber of Commerce, reported a successful Community Service Day on April 23, 2009; over 900 students participated along with other volunteers throughout the community.

Beverly Morris, 415 North 3rd Avenue East stated the following:

I would like to speak on the restoration of the Maytag Bowl and surrounding area being proposed by the Restore the Pride group in conjunction with the Newton development Corporation. In my commentary in the Newton Daily News I covered many of the questions we have regarding this renovation. Following further comments on this \$2.5 million dollar proposed renovation:

One of the main questions is "why did the City pay \$1,500 to Advanced Development Services – Parks for "Bowl Restoration" when the City has not discussed or approved anything in connection with the restoration of the Maytag Bowl? Also, why did the City submit the Restoration of the Bowl to the State of Iowa I-Jobs program as a "shovel ready" project when the City Council has never discussed it at a council meeting? I was informed that it was submitted in the amount of 2 million dollars, but Restore the Pride is asking of 2 and one half million dollars. This was submitted in January and Governor Culver did not publicly announce the program until April.

We are circulating a petition for the City of Newton to keep Maytag Park's historical character when making the necessary repairs to the bowl, playground area and other existing structures, but as of this date, the City has only stated that it does not have the money to donate to Restore the Pride. Who do we submit our petition to when we do not know who is actually going to be responsible? The City of Newton? Park Board? Newton Development Corporation? Who?

We have been informed and seen the deterioration of the Maytag Bowl, but the pool, playground and restroom facilities need repairs. Fred L. Maytag gifted the Maytag Park to the City of Newton, along with a \$200,000 endowment. The park has income from rental of the shelter house, log cabin, bowl and swimming pool, etc. The park was under the control of the Park Board, which now has been disbanded, and the City Council will be responsible for the parks in Newton.

I have asked the City for a copy of the endowment, but have been told that it cannot be located at this time. Following is a quote from the book "Fred L. Maytag A Biography by A. B. Funk". I have secured the consent of some of our most public-spirited citizens to act as a board of managers. They have been formed into a permanent organization by incorporation under our state laws. The operation of the park is to be always a non-profit basis. When any charges are made, the income must go to some worthy charitable or patriotic purpose. This assures the permanent maintenance of the area as a free public park.

Somewhere there are copies of the original papers on the incorporation of the board and the \$200,000 endowment, which would spell out just how the money for the upkeep and maintenance of Maytag Park was to be spent. It is just a matter of someone taking the time to locate this information.

I am addressing my last question, which I believe could be answered tonight, to Mayor Allen. Question: Since it is rumored that the work is scheduled to begin by July, what is the position the city is taking on the renovation of the Maytag Bowl and the surrounding area as proposed in the leaflet titled "Restore the Pride" that requests donations for the restoration be addressed to the Fred Maytag Bowl and mailed to P.O. Box 1244, Newton, Iowa? Thank you.

Mayor Allen directed staff to arrange a Special City Council meeting before the next regular meeting to discuss and here the varying opinions of what needs to be done at Maytag Park as a whole.

Mayor Allen proclaimed May 11 – 16 as Police Week.

Moved by Morris, seconded by Foreman, to approve consent agenda items 3 - 4.

3. Approve April 20, 2009 Regular City Council Meeting Minutes.
4. Approve Class B Beer Permit, Sunday Sales, Pizza Hut, 1337 First Avenue East

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

The next agenda item was a discussion on the Callison Park Area. Julius stated that he and Council Member Mullan had attended a meeting with the neighbors from the Callison Park Area; they discussed options on what they could do to prevent sewer backups. Mullan stated at this meeting it was expressed the City could not afford the \$3.4 million dollar project that includes installing a new or parallel sewer and lift station that is in the facility plan update for this area. David Stewart, Public Works Director stated other options include installation of check valves or attempting to reduce the amount of I and I (Inflow and Infiltration) of rainwater. Check valves are most likely to have a direct and immediate positive impact. Two of the residents of Callison Park spoke about the problem. Discussion ensued. Darrin Hamilton, City Attorney / Acting City Administrator stated what

he took form Council is to work with the neighbors, and for the Engineering Dept. further review and investigate the I and I.

Moved by Foreman, seconded by Mullan, to Introduce a Resolution Approving The 2009 – 2010 Non-Union Compensation Plan. AYES: Six. NAYS: None. Resolution No. 2009 – 046 adopted.

Moved by Morris, seconded by Hansen, to Introduce a Resolution Approving Teamsters Local 120 Collective Bargaining Agreement. AYES: Six. NAYS: None. AYES: Six. NAYS: None. Resolution No. 2009 – 047 adopted.

Moved by Foreman, seconded by Mullan, to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Fire Department. AYES: Six. NAYS: None. Resolution No. 2009 – 048 adopted.

Moved by Hansen, seconded by Julius, to Introduce a Resolution Approving Project For Stimulus Funding – Green Initiative. Darrin Hamilton, City Attorney / Acting City Administrator stated this resolution was only approving the application process. AYES: Six. NAYS: None. Resolution No. 2009 – 049 adopted.

Moved by Plumb, seconded by Julius, to Introduce a Resolution Approving Engineering Services Agreement For The Leachate Control Project At The Newton Sanitary Landfill. AYES: Six. NAYS: None. Resolution No. 2009 – 050 adopted.

Moved by Hansen, seconded by Mullan, to remove from the table a Resolution Approving Purchase Of New Copier For The Administration Department. AYES: Six. NAYS: None. Resolution removed from the table. Moved by Plumb, seconded by Morris, to Introduce the Resolution Approving Purchase Of New Copier For The Administration Department. Plumb stated we have a bidding process and we should go with the low bid or just stop getting bids from out of town vendors. Foreman noted he can see both sides, but I am leaning on staff's decision, which is the out of town vendor. We do a lot of other business with Forbes. Discussion ensued by council members. Each vendor from Forbes and Premier Office Equipment of Marshalltown, Iowa both addressed the Council. It was noted the resolution approved the quoted Sharp AR-M550N from Premier Office Equipment. AYES: Five. NAYS: Hansen. Resolution No. 2009 – 051 adopted.

Mayor Allen stated the next agenda item was a discussion on the electric rates. Mayor Allen wanted everyone to know the Iowa Utility Board was holding public hearing meetings about the electric rate increases on May 12th in Fort Madison and May 14th in Nevada.

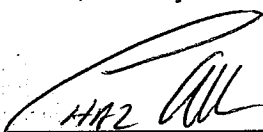
Under new business Council Member Morris requested staff to look into the turning lane on First Avenue by Hy-Vee gas station, noting there had been near accidents because of the markings and poor signage. Julius wondered if the rules for the I-Jobs that was discussed by Lt Governor Patty Judge were available. Hansen reiterated the merit of the special city council meeting on the Maytag Bowl that had been previously discussed. Several questions need answered.

Under old business Mullan stated we should be vigilant on making sure the grass is being taken care of on the homes that are for sale and a reminder that the grass should not be blown in the streets. Darrin Hamilton, City Attorney / Acting City Administrator stated the nuisance issue of tall grass is not going away and the homes that are for sale will be handled the same as other homes. Plumb requested an update on the Hatchery property.

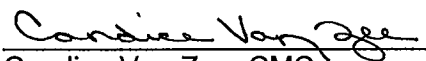
Moved by Hansen, seconded by Mullan, to go into closed session to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual request a closed session. Pursuant to the provisions of Section 21.5(1)(i), Code of Iowa 2008. AYES: Six. NAYS: None. Motion passed

Upon return to open session at 7:54 p.m. it was moved by Mullan, seconded by Morris, to Introduce the Resolution Amending Employment Agreement With City Attorney as follows: receive a 5% increase to salary effective retroactively to April 15, 2009 and to add one additional month to severance package and in a letter of agreement pay Hamilton an additional amount of \$100 per calendar day as Acting City Administrator retroactively to March 13, 2009 and continuing until City Administrator Wardlow resumes his duties in full. AYES: Five. NAYS: None. ABSTAIN: Hansen. Resolution No. 2009 – 052 adopted.

Moved by Julius, seconded by Hansen, to adjourn the meeting at 7:56 p.m. Motion unanimously carried by voice vote.



Charles Allen, Mayor



Candice Van Zee, CMC
City Clerk