

REGULAR CITY COUNCIL MEETING MINUTES
JUNE 15, 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, Morris, Mullan. Absent: None

At citizen participation Misha Filson inquired about having fireworks if citizens helped by donating. Mayor Allen indicated that we would cover it in New Business.

Moved by Hansen, seconded by Juilus, to approve consent agenda items 2 – 5. Mayor Allen made a decision to pull Agenda item 5 for further discussion.

2. Approve June 1, 2009 Regular City Council Meeting Minutes.
3. Approve Class E Liquor License, Carryout Beer, Carryout Wine, Sunday Sales, Wal-Mart #748, 300 Iowa Speedway Drive; Class B Beer Permit, Okoboji Grill For The Indy Pit Stop Event June 19, 2009, 7:00 p.m. – 12:00 a.m. At The Iowa Speedway; New Class C Beer Permit, Carryout Wine, Sunday Sales, Walgreen's # 5942, 1204 1st Avenue East.
4. Approve Cigarette Permits submitted from Murphy Oil USA #6513, 200 Iowa Speedway Drive; Petro Stop, 404 South 11th Avenue West; West End, 1325 First Avenue West; Newton 66, 1806 South 12th Avenue West; Hy-Vee Gas, 1421 First Avenue East; Wal-Mart #748, 300 Iowa Speedway Drive.

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

Moved by Hansen, seconded by Juilus, to Introduce consent agenda item #5; a Resolution Appointing Dennis Combs, Dan Kelly, Kelly Koenen, Bruce Showalter and Adam Vandall to Serve On The Board of Park Commissioners. Forman stated he felt 1 person from each Ward should be represented. Forman asked how individuals were to apply for the board. Mayor Allen indicated that it was mentioned at several city council meetings, individuals could pick up applications in City Hall, it was published in the paper, and a downloadable copy was on the city website. Hansen stated that he had no objections to the resolution. Forman questioned whether guidelines had been set as far as wages and benefits. Darrin Hamilton, City Attorney/Acting City Administrator, clarified, it had been determined, that the new Park Board would strictly be voluntary with no pay or free golf. Mayor Allen noted he only received 2 applications. Morris questioned the gender balance. Mayor Allen stated, Newton is very balanced across our boards. We have been used as a basis for appointing balanced boards. Discussion ensued by Council Members. AYES: Five. NAYS: Plumb. Resolution No. 2009 – 066 adopted.

Mayor Allen stated this was the time and the place for a Public Hearing on Ordinance Vacating And Disposing Of Certain Real Estate Consisting Of 225 Feet By 16.5 Feet Of North / South Alley Right Of Way In Stone's Addition And In Block D Of Coe's Addition, Located In The 700 Block Between 1st Street South And West 2nd Street South, City of Newton, Jasper County, Iowa. There had been no written comments and no public comments. Moved by Plumb, seconded by Mullan to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Foreman, seconded by Plumb to approve the first consideration of the above ordinance. AYES: Six. NAYS: None. First consideration of the ordinance passed. Moved by Foreman, seconded by Hansen to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Six. NAYS: None. Second and third considerations passed. Moved by Morris, seconded by Mullan to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2136 adopted.

Moved by Hansen, seconded by Julius, to Introduce a Resolution Approving Engineering Services Agreement For Inflow & Infiltration Investigation. Stewart indicated that they presented the complete proposal from Fox Engineering in order to get an idea of the extent Council wants to proceed. Keith Hobson from Fox Engineering suggested doing items 1, updating ordinances to allow inspection of resident property; 2, conduct house inspections; and 8, smoke test Callison Park Area collection system. The maximum cost Fox would incur is \$32250 starting with 100 homes in the 1st phase. Hobson indicated that item 5, televise Callison Park Area, could be done in house with the current equipment. Council will further discuss the process if problems are located. Moved by Hansen, seconded by Juilus to amend the resolution indicating services 1, 2 and 8 related to reducing Inflow and Infiltration in the Callison Park area as outlined in the Engineering Services Agreement; and direct staff to perform service number 5 in-house. AYES: Five. NAYS: Plumb. Amendment was passed. Resolution as amended was voted on. AYES: Five. NAYS: Plumb. Resolution No. 2009 – 067 adopted.

Moved by Plumb, seconded by Foreman, to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Streets. AYES: Six. NAYS: None. Resolution No. 2009 – 068 adopted.

Moved by Plumb, seconded by Hansen, to Introduce a Resolution Approving A Request For Quotes For Engineering Services AYES: Six. NAYS: None. Resolution No. 2009 – 069 adopted.

Moved by Plumb, seconded by Mullan, to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Parks Department Employee Furlough Plan For Fiscal Year 2009 – 2010 AYES: Six. NAYS: None. Resolution No. 2009 – 070 adopted.

Moved by Plumb, seconded by Foreman, to Introduce a Resolution Making Adjustments In The Number Of Authorized City Positions – Police Department Parking Enforcement Attendants. AYES: Six. NAYS: None. Resolution No. 2009 – 071 adopted.

Moved by Foreman, seconded by Plumb, to Introduce a Resolution Authorizing The Newton Fire Department To Purchase 3 Mobile Generators From Total Tool Supply Co. And Electrical Support Equipment Funded By The State Of Iowa Community Disaster Grant. AYES: Six. NAYS: None. Resolution No. 2009 – 072 adopted.

Moved by Morris, seconded by Mullan, to Introduce a Resolution Declaring An Official Intent Under Treasury Regulation 1.150-2 To Issue Debt To Reimburse The City For Certain Original Expenditures Paid In connection With The East Eighth Street North Relocation Project. AYES: Six. NAYS: None. Resolution No. 2009 – 073 adopted.

For the next agenda item Mayor Allen recused himself and handed the gavel to Mayor Pro-Tem Hansen. Moved by Mullen, seconded by Plumb to Introduce a Resolution Setting A Public Hearing For July 6, 2009 On A Proposal To Re-State The Planned End Result Of A Community Development Block Grant Project For The Maytag Downtown Campus Demolition Activity. AYES: Six. NAYS: None. Resolution No. 2009 – 074 adopted.

Moved by Mullen, seconded by Plumb to Introduce a Resolution Accepting Work On The Former Maytag Demolition Phase 1 – Asbestos Abatement Project. AYES: Six. NAYS: None. Resolution No. 2009 – 075 adopted.

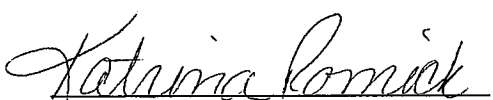
Moved by Mullen, seconded by Plumb to Introduce a Resolution Approving Modification To Maytag Demolition Project Phase 3. Hansen inquired if the change orders had been signed. Darrin Hamilton, City Attorney/Acting City Administrator, confirmed that both change orders had been signed. AYES: Six. NAYS: None. Resolution No. 2009 – 076 adopted.

Mayor Pro-Tem Hansen handed the gavel back to Mayor Allen.

Under new business, Foreman received a letter inquiring about adding a Mayor's vote. Foreman stated that he was opposed. Under the current format a three/three vote is beneficial in that the resolution fails and allows for additional consideration. Hansen concurred. Hansen stated that the Nuisance grass is a problem. Hansen contacted Public Works and was assured that the process is happening. Darrin Hamilton, City Attorney, indicated that the city is trying to find the mortgage companies that own these properties. The problem with serving the owners to recoup the cost of mowing is that the time frame starts over each time there is a new owner. The mortgage company may own the property for awhile, then the property goes to a sheriff's sale, and finally a new owner purchases the property. Plumb asked if a lien could be placed on the property. Hamilton advised that in court cases pertaining to this situation, we are required to serve the owners. Hamilton will confirm and report. Hansen suggested that the Mayor appoint a committee under the new Parks Commission charged with fireworks fundraising for future years. It was agreed upon by Council to commit \$7500 of Hotel/Motel Tax dollars for 2009 fireworks while collecting donations to offset the amount.

Under old business, Denny Sling, Parks Director, requested confirmation on the Council's expectations regarding the Children's Shelter/Restroom @ Maytag Park Project. Slings proposed having detailed plans and specs by mid July, bidding July to August, start building in Sept, and completion in Spring of 10. David Stewart, Public Works Director, indicated that Engineering could assist with the competitive quote package, but building component design would have to be completed by an outside source. Stewart informed Council regarding West 9th Street South and the East 17th Street North Projects. He stated that the design can be done in house but a spring construction date is most realistic and bids are better in the winter months. Council agreed to these time frames. Foreman wished Stewart best of luck in the future and thanked him for his years of service.

Moved by Foreman, seconded by Plumb, to adjourn the meeting at 7:07 p.m. Motion unanimously carried by voice vote.


Katrina Romick
Deputy City Clerk


Charles Allen, Mayor