

**REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 17, 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, Heaberlin, Morris, Mullan. Absent: None

Mayor Allen swore in Jeremy Heaberlin as Council Member At Large.

At citizen participation Pete Koppin, 1120 West 18th Street South visited with Council about working on getting businesses in the downtown, too many empty buildings, noting that other City's keep their downtown vibrant. Lastly, Koppin stated he had been sited with a citation for tall grass on one of his properties, noting there were no weeds there and he is prepared to go to court.

Hansen asked that the two five day out door service area requests be pulled for discussion on agenda item number four. Moved by Hansen, seconded by Plumb, to approve consent agenda items 3 and 4 with the exception of the above.

3. Approve August 3, 2009 Regular City Council Meeting Minutes

4. Approve Class C Liquor License, Catering Privilege, Sunday Sales, Outdoor Service Area for Okoboji Bar & Grill, 1425 West 19th Street South. Approve Class C Beer Permit, Sunday Sales, Casey's # 1911, 1018 1st Avenue East. Approve Class C Beer Permit, Sunday Sales, Carryout Wine, Kum & Go. # 47, 1708 South 8th Avenue East. Approve Class B Beer Permit, Includes Wine Coolers, Sunday Sales, Panda Garden, 106 1st Street North. Approve Special Class C Liquor License, Living Quarters, Sunday Sales, La Corsette Maison Inn, 629 First Avenue East. Approve Five Day Outdoor Service Area On class A Liquor License, Newton Lodge # 1270 BPO Elks, For September 3, 2009 NASCAR Truck Race Event. Approve Outdoor Service Area, Class C Liquor License, Manhattan, Ltd. For September 3, 2009 NASCAR Truck Race Event.

AYES: Six. NAYS: None. Consent agenda approved. Discussion ensued on the out door service area requests. Hansen wanted to know the location of the area being requested. It was noted the area was in the City parking lot adjacent to the establishments. Hansen moved for approval, seconded by Plumb. AYES: Six. NAYS: None. Out door service area requests approved.

Mayor Allen stated this was the time and the place for a Public Hearing on the Resolution Accepting Purchase Proposal For Property At 2009 1st avenue East in Newton. There had been no written comments and no public input. Bryan Friedman, Community Development Director, stated that unfortunately we did not receive any bids on the property. Moved by Mullan, seconded by Julius, to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. It was noted since no bids were received City Council would not be voting on the resolution accepting proposal for property.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Approving The Department of Transportation Federal Aviation Administration (FAA) Memorandum of Agreement For Improvements For FAA Owned Navigation Communication And Weather Aids At The Newton Municipal Airport. There had been no written comments and no public input. Moved by Morris, seconded by Mullan, to close the public hearing. AYES: Six. NAYS: None. Public hearing closed. Moved by Plumb, seconded by Mullan, to Introduce the above resolution. AYES: Six. NAYS: None. Resolution No. 2009 – 109 adopted.

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 6, Other Traffic Offenses – Speed, By Adding Section 11.0623.12. AYES: Six. NAYS: None. First consideration of the ordinance was approved. Moved by Mullan, seconded by Hansen, to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Plumb, seconded by Morris, to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2140 adopted.

Moved by Julius, 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 6, Other Traffic Offenses – Speed, By Deleting And Adding In Section 11.0623.3. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Hansen, seconded by Plumb, to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Morris, seconded by Julius, to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2141 adopted.

Moved by Morris, seconded by Morris, to Introduce an on first consideration an Ordinance Amending The Code Of Ordinance, City of Newton, Iowa, 1993, Title 2, Chapter 11, Article 6, Other Traffic Offenses – Speed, By Adding Sections 11.0623.13. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Julius, seconded by Mullan, to suspend the rules and waive the second and third consideration of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Hansen, seconded Plumb, to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2142 adopted.

Moved by Morris, seconded by Plumb, to Introduce on first consideration an Ordinance Amending The Code of Ordinances, City of Newton, Iowa, 1993, Title 2, Chapter 11, Article 8, Other Traffic Offenses – Stops, By Deleting Sections 11.0802.413 And 11.0802.413(A). AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Mullan, seconded by Hansen, to suspend the rules and waive the second and third considerations of the above ordinance. AYES: Six. NAYS: None. Ordinance passed second and third considerations. Moved by Morris, seconded by Plumb, to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2143 adopted.

Moved by Plumb, seconded by Hansen, to Introduce a Resolution Approving The Iowa Department OF Transportation (IDOT) Grant For The Replacement Of The Wind Indicator At The Newton Municipal Airport. AYES: Six. NAYS: None. Resolution no. 2008 – 110 adopted.

Moved by Mullan, seconded by Morris to Introduce a Resolution Approving A Master Engineering Services Agreement With Fox Engineering. Thomas Wardlow, City Administrator noted the contract is based on a flat fee of \$1,800.00 per month for general services and an hourly fee schedule has also been provided for specific project related costs. This fee arrangement will be in place for a six-month period if needed that long. AYES: Six. NAYS: None. Resolution No. 2008 – 111 adopted.

Moved by Hansen, seconded by Mullan, to Introduce a Resolution Accepting A Proposal And Authorizing A Contract For The Consulting Services Of AKAY Consulting For The Completion Of The Planning For Preservation Grant. Julius wanted to know what the City's benefit would be. Bryan Freidman, Community Development Director stated the planning for preservation grant is typically the first grant that a new CLG (certified local government) applies for. The Newton Historic Preservation Commission received CLG status in July 2008. There is no dollar matching requirement for this grant for the City of Newton. Newton's matching requirement is met through volunteer hours and staff time spent on the project. AYES: Six. NAYS: None. Resolution No. 2008 – 112 adopted.

Moved by Hansen, seconded by Plumb, to Introduce a Resolution Approving Purchase Of Right Of Way And Public Utility Easements From Property Located In Section 1, Township 79 North, Range 19 West Of The 5th PM In Jasper County, Iowa. There was some discussion on the property owners of the above. AYES: Six. NAYS: None. Resolution No. 2009 – 113 adopted.

Moved by Julius, seconded by Mullan to Introduce a Resolution Setting Public Hearing And Inviting Lease Proposals For Property In The Plant Two Urban Renewal Area in Newton. Bryan Freidman, Community Development Director stated the City is in the process of acquiring the title to the land directly west of former Maytag Plant 2, in the 1500 through 1800 blocks of the newly opened East 5th Street North. The City is acquiring this land for the purposes of leasing it to Trinity Structural Towers, due to a grant requirement. The U.S. Department of Commerce's Economic Development Administration, which has pledged \$580,000 to the project, requires its grants to be spent on publicly owned property, even if the grants are to benefit a private company. The City is negotiating a proposed lease with Trinity for this storage facility land.

The property is located in the Plant Two Urban Renewal Area, which was established in conjunction with the Trinity project in 2008. In an Urban Renewal Area, thirty days notice must be given before any property is sold or leased, and the opportunity to make competing offers must be given. The resolution starts that thirty-day clock by setting September 21st as the date for competing proposals to be received and as the date for a public hearing. AYES: Six. NAYS: None. Resolution No. 2009 – 114 adopted.

Moved by Morris, seconded by Julius, to Introduce a Resolution Approving An Iowa Department Of Transportation Railroad Revolving Loan And Grant Program Agreement. It was noted the DOT is formalizing the funding process. The City is requested to sign the standard contract and funding agreement documents. The Trinity rail assistance consists of a \$165,795 grant, a \$165,796 ten-year no-interest loan, and a required 20% match (\$82,898) provided by the City. The redevelopment agreement with IRG, Trinity's landlord, provides adequate increment in the Plant 2 TIF to fund this local match as part of the recently-completed bond issuance. AYES: Six. NAYS: None. Resolution no. 2009 – 115 adopted.

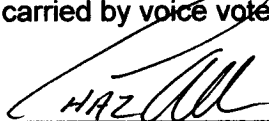
Moved by Morris, seconded by Plumb, to Introduce a Resolution Ordering Bids, Approving Plans, Specifications And Form of Contract and Notice TO Bidder, And Ordering The Clerk To Publish Notice And Fixing A Date For Receiving Same, And For A Public Hearing On Plans, Specifications, Form Of Contract And Estimate Of Costs For The Open Air Storage Facility Project (EDA Project # 05-79-04645). AYES: Six. NAYS: None. Resolution No. 2009 – 116 adopted.

With no objections from Council, Mayor Allen moved agenda items 19 and 20 old and new business ahead of the closed session. Under new business, Mayor Allen directed the City Attorney to get a clarification on finances from the hospital, we need to encourage transparency. Hansen thanked the Mayor for directing the City Attorney to look into this matter. Morris also suggested having someone from the hospital board attend our next regular city council meeting.

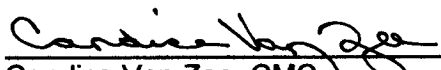
Under old business Plumb stated the railroad crossing at 19th street was in poor condition.

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 2009. AYES: Six. NAYS: None. Motion passed. Mayor Allen declared a five-minute recess to clear the council chambers.

Upon return to open session, it was moved by Mullan, seconded by Julius, to adjourn the meeting at 7:00 p.m. Motion unanimously carried by voice vote.



Charles Allen, Mayor



Candice Van Zee, CMC
City Clerk