

REGULAR CITY COUNCIL MEETING MINUTES  
SEPTEMBER 21, 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, Heaberlin, Morris, Mullan. Absent: None

There was no public input at citizen participation.

Sue Padilla, Library Director presented her annual report to Council. Padilla highlighted the following: Maintenance issues of the building, utilization of the various services of the library, extra support given to the library for materials, activities and programs from the community, Friends of the Library organizational support and support from the Library foundation.

Dennis Combs, Park Board member stated the board was meeting twice a month, the members have been touring all the park facilities and he encouraged input from the Council and the community, as well as stating the Board would like to be of value to the City Council. Combs went on to note they had created a Community of Citizens to study the Maytag Bowl with a very diverse group of members, they have been charged with five things to accomplish. Layout, budget – private, public, timeline, an impact statement and long term sustainability. He also asked the Council if the board was being charged with the overall fundraising for the fireworks. It was decided at the next council meeting there would be a resolution for the fundraising on the agenda.

Moved by Plumb, seconded by Morris, to approve consent agenda items 4 - 6.

4. Approve September 8, 2009 Regular City Council Meeting Minutes

5. Approve Class C Liquor License, Sunday Sales, Outdoor Service Area, LaCabana Mexican Restaurant, 2617 First Avenue East, Suites 5 & 6; Class C Liquor License, Outdoor Service Area, Sunday Sales, Senor Tequila, 1820 South 12<sup>th</sup> Avenue West; Class C Liquor License, Sunday Sales, Outdoor Service Area, Raceway Motor Sports Café, 2331 First avenue East

6. Approve Change In Ownership Effective 11-01-09, And Renewal Of Class C Liquor License, Sunday Sales, The Manhattan, 113 First Avenue East;

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

Moved by Plumb, seconded by Mullan, to Introduce a Resolution Approving Acceptance Of Deed For Real Estate From Property Located In Section 27, Township 80 North, Range 19 West Of The 5<sup>th</sup> PM In Jasper County, Iowa. It was stated the EDA requires public ownership of the storage yard, with the area then being leased to the company. The donated deed contains a reversionary provision that would allow the current property owner (AG/IRG WPM Newton LLC) to reclaim ownership of the land from the City should Trinity ever end its lease of the property, in turn ending the EDA's requirement for public ownership. AYES: Six. NAYS: None. Resolution No. 2009 – 126 adopted.

Mayor Allen stated this was the time and the place for Pubic Hearing on the Resolution Approving Contract And Bond Making Award Of Contract For The Open Air Storage Facility Project (EDA # 05-79-04645). There had been no written comments and there was no public input. Moved by Plumb, seconded by Mullan, to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morris, seconded by Plumb, to Introduce the Resolution Approving Contract And Bond And Making Award Of Contract For The Open Air Storage Facility Project (EDA # 05-79-04645). AYES: Six. NAYS: None. Resolution No. 2009 – 127 adopted.

Mayor Allen stated this was the time and the place for a public hearing on the Resolution Approving Real Estate Lease With Trinity Structural Towers For Property Located in The Plant Two Urban Renewal Area In Newton. There had been no written comments and no public input. Moved by Mullan, seconded by Hearberlin, to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morris, seconded by Plumb, to Introduce the Resolution Approving Real Estate Lease With Trinity Structural Towers For Property Located In The Plant Two Urban Renewal Area In Newton. It was noted the rent is \$100 per acre per month (amounting to \$2,330 per month), though this is anticipated to be offset by investments the tenant is anticipating in improving the site. Since the City did not pay to acquire the land and only owns the land as part of an incentive package for Trinity, receiving rent in the form of tenant improvements is consistent with the intent of the project. Resolution No. 2009 – 128 adopted.

Mayor Allen stated this was the time and the place for public hearing on the Resolution Approving Sale Of Property Located At 815 West Sixth Street South Through The City Of Newton Dangerous And Dilapidated Building Program. There had been no written comments received by the Clerk. There was no public input. Bryan Friedman, Community Development Director stated he had received another bid from Plumb Construction for \$6,000. This is \$1,000 more than the original offer. Moved by Plumb, seconded by Heaberlin, to close the public hearing. AYES: Six. NAYS: None. Public Hearing closed. Moved by Morris, seconded by Plumb to Introduce a Resolution Approving Sale Of Property Located At 815 West Sixth Street South Through The City Of Newton Dangerous

And Dilapidated Building Program. It was noted the sale would go to Plumb Construction. AYES: Six. NAYS: None. Resolution No. 2009 – 129 adopted.

Moved by Hansen, 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 10, Parking Offenses – No Parking Zones, By Adding In Section 11.1008.1(B)(2). AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Mullan, 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 consideration. Moved by Plumb, seconded by Hansen, to adopt the above Ordinance. AYES: Six. NAYS: None. Ordinance No. 2144 adopted.

Moved by Plumb, seconded by Julius, to Introduce on first consideration an Ordinance amending The Code of Ordinances, City of Newton, Iowa, 1993, Title 2, Chapter 11, Article 10, Parking Offenses – Handicapped Parking, By Adding Section 11.1007.2(A)(23), North Second Avenue West, 100 Block, North Side. Hansen asked if the Traffic Safety Committee contacted the property owners about this request. Police Chief Hoebelheinrich noted they did not notify property owners given this was best fit ADA guideline. AYES: Six. NAYS: None. Ordinance passed first consideration. Moved by Julius, 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 consideration. Moved by Mullan, seconded by Plumb, to adopt the above ordinance. AYES: Six. NAYS: None. Ordinance No. 2145 adopted.

Moved by Julius, seconded by Hansen to Introduce a Resolution Approving Ambulance Transportation Agreement With Skiff Medical Center. It was noted currently the Newton Fire Department has no ambulance transportation agreement with Skiff Medical Center while Skiff has agreements with other private ambulance services. While not having an agreement, the fire department is doing the billing for these transports, with some patients having no means of payment. Discussion ensued. AYES: Six. NAYS: None. Resolution No. 2009 – 130 adopted.

Moved by Morris, seconded by Julius, to Introduce a Resolution Ordering Bids, Approving Plans, Specifications And Form Of Contract And Notice To Bidder, And Ordering Clerk To Publish Notice, And For A Public Hearing On Plans, Specifications, Form Of Contract And Estimate Of Costs For The Westwood Municipal Golf Course Flood Damage Repair Project. AYES: Six. NAYS: None. Resolution No. 2009 – 131 adopted.

Moved by Hansen, seconded by Plumb, to Introduce a Resolution Approving A Task Order Authorizing Fox Engineering To Perform Engineering Work On The Westwood Bridge Repair Project. AYES: Six. NAYS: None. Resolution No. 2009 – 132 adopted.

Mayor Allen turned the gavel over to Mayor Pro-Tem Hansen for the rest of the City Council Meeting. Mayor Allen left the Council Chambers. Moved by Plumb, seconded by Mullan to Introduce a Resolution Approving Work On The Former Maytag Demolition – Phase 3 – Project To Be Substantially Complete And Authorize Pay Request To D.W. Zinser Company, Inc. AYES: Six. NAYS: None. Resolution No. 2009 – 133 adopted.

Under new business, Beverly Morris invited the Council to attend a tour of the Maytag Bowl on Sept. 30<sup>th</sup> at 6:15 p.m.

Under old business, Morris asked if it was possible to have the Speedway attend a Council meeting to give a financial overview of their racing season. Plumb requested an update on Skiff's agreements with private ambulance services.

Moved by Plumb, 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 Pro-Tem Hansen declared a five-minute recess to clear the council chambers.

Upon return to open session at 7:50, it was moved by Morris, seconded by Plumb, to adjourn the meeting at 7:50 p.m. Motion unanimously carried by voice vote.

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Charles Allen, Mayor

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Candice Van Zee, CMC  
City Clerk