

REGULAR CITY COUNCIL MEETING MINUTES  
DECEMBER 7, 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 Pro-Tem Hansen presided. Present: Council members Plumb, Julius, Heaberlin, Mullan. Absent: Morris.

There was no citizen participation.

Moved by Mullan, seconded by Julius, to approve consent agenda items 2 – 4.

2. Approve November 16, 2009 Regular City Council Meeting Minutes
3. Resolution Appointing Dr. Tom Hoover To Serve On The Historic Preservation Commission For The Unexpired Term Ending December 31, 2010.
4. Authorize Mayor Allen To Sign Acknowledgement Murphy USA

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

Mayor Pro-Tem Hansen stated this was the time and the place for a Public Hearing On the Resolution Awarding Contract For The Aeration Replacement Project At The Newton Water Pollution Control Plant To Grundman-Hicks Construction Of Cherokee, Iowa. There had been no written comments and there was no citizen input. Moved by Plumb, seconded by Heaberlin, to close the Public Hearing. AYES: Five. NAYS: None. Public Hearing closed. Moved by Julius, seconded by Mullan to Introduce the Resolution Awarding Contract For The Aeration Replacement Project At The Newton Water Pollution Control Plant To Grundman – Hicks Construction Of Cherokee, Iowa. AYES: Five. NAYS: None. Resolution No. 2009 – 152 adopted.

Moved by Mullan, seconded by Julius to Introduce An Ordinance Amending The Code Of Ordinances, City of Newton, 1993, Title 3, Chapter 25, Article 1, "General Provisions" – Barbeque Pits, Fireplaces And Stoves" by Adding In Section 25.100511. Plumb stated he believed we have laws on the books to cover this amendment. He noted it was too restrictive. Council discussion ensued. Ed Clement, Fire Chief stated recently the fire department has received burning complaints from Newton school officials. An investigation found that smoke produced from a wood-burning stove used to heat a garage of an adjoining property owner was entering the school air intake unit. The situation created a smoke nuisance with faculty and students. The owner was made aware of the situation and asked to cease using the wood burner during school hours. Plumb moved to table the above Ordinance so the City Attorney could check the rules and regulations with the EDA and OSHA, Heaberlin seconded the motion to table the Ordinance. AYES: Four. NAYS: Mullan. The Ordinance was tabled.

Council Member Mullan moved that the form of Tax Exemption Certificate and Loan Disbursement Agreements be placed on file and approved. Council Member Heaberlin seconded the motion and the roll being called, the vote was as follows: AYES: Five. NAYS: None. Motion passed. Moved by Julius, seconded by Plumb to Introduce a Resolution Approving And Authorizing The Form Of Loan And Disbursement Agreements By And Between The City of Newton And The Iowa Finance Authority, And Authorizing And Providing For The Issuance And Securing The Payment Of \$684,000 Sewer Revenue Capital Loan Notes, Series 2009, Of The City of Newton, Iowa, And Providing For A Method Of Payment Of Said Notes. AYES: Five. NAYS: None. Resolution No. 2009 – 153 adopted.

Moved by Heaberlin, seconded by Plumb, to Introduce a Resolution Authorizing The Mayor To Sign Airport Capital Improvement Program Submittals For The Federal Aviation Administration (FAA). Thomas Wardlow, City Administrator noted the City is not obligated to complete the projects described, however, this submittal places the projects into the funding stream from the FAA. AYES: Five. NAYS: None. Resolution No. 2009 – 154 adopted.

The next agenda item was a discussion on staffing process. Thomas Wardlow, City Administrator stated he appreciated the opportunity to visit with Council about the staffing process, he went on to note when the City has retirements and resignations, I am seeking consensus of what is expected of me. Budgets are passed and when there is an opening, I contact Council. Plumb stated when there are openings and even though we have budgeted for that position, Council needs to revisit that position.

Mullan expressed the utmost confidence in the City Administrator, and noted that he has been reviewing open position judicially and has been contacting Council; I do not believe this is considered micromanaging. Heaberlin stated it is our responsibility as well as the City Administrator's to look at every position as it becomes vacant. Julius noted things do change; there are lots of problems at the State level. Wardlow stated there has been open communication on this topic between Council Members and myself; we need to access positions as they come up. Mullan reiterated we need to let Tom do his job and then bring it to Council. Hansen stated we have by Ordinance the City's Administrator's job duties, and budgets do change midstream, I would ask Tom to continue the process he has been using but just include a little more detailed justification to Council, when vacancies do occur Tom has let us know. Wardlow wanted consensus by Council as follows: continue the same process he has been using, but to include more detailed justification. There was consensus by Council. Wardlow stated Police Chief Hoebelheinrich was on hand to do a presentation for the Police Department, as there was an open position in that department. Jeff Hoebelheinrich, Police Chief presented information on staffing levels in the Police Department since 2000, along with calls for service since 2000.

Moved by Julius, seconded by Mullan, to Introduce a Resolution Authorizing The Newton Fire Department To Submit A Staffing For Adequate Fire And Emergency Response (FY 2009 SAFER) Grant, This Grant Is Administered By The Federal Emergency Management Agency (FEMA). It was noted this resolution only authorizes the Fire Department to apply for the grant. If awarded the fire department will seek Council approval to accept the FY 2009 SAFER grant in a future council report and resolution. AYES: Five. NAYS: None. Resolution No. 2009 – 155 adopted.

Moved by Mullan, seconded by Heaberlin to Introduce a Resolution Releasing A Portion Of Property At 2007 1<sup>st</sup> Avenue East From City Of Newton Deed Restriction. AYES: Five. NAYS: None. Resolution No. 2009 – 156 adopted.

Denny Slings, Park Director presented an overview of the proposed Dog Park Information as follows:

Location: Westwood Park, 3387 Highway F48 West  
 East side of Entrance Drive leading to Golf Course  
 Area: Approximately 1.5 acres  
 Topography: Gently sloping well-drained soils, combination of mature and young trees.  
 Good quality turf grass throughout  
 Utilities: Area security lighting already in place, water service nearby  
 Other features: - Proposed site contains 5' high chain link fencing on two sides  
 - Small open shelter facility will remain outside the fenced area to serve as information center and rain protection if needed  
 - Low-density residential area located east of proposed park  
 Parking to be designated outside west fence of the facility adjacent to Golf Course entrance drive

<b>Cost Estimates:</b>	Fencing and Gating	\$6,800
	Water pit/tap/trenching	\$3,200
	Fountain & hydrant	\$3,150
	Concrete & labor	\$ 750
	Signage	\$ 500
	Waste disposal stations	\$ 650
	Benches	\$1,000
	Parking Stops	\$ 600
	Total	\$16,650

**Funding Sources:** All private fundraising and associated grants

**Fundraising Campaign:** Newton Dog Park Committee members

**Grant Preparation:** Newton Dog Park Committee members

**Recording/Administering/Expending Collected Funds:** City of Newton and City of Newton Parks Department

**Maintenance:** Westwood Golf Grounds crew will continue to mow the site

Parks General Grounds crew will conduct daily/weekly maintenance including disposal of waste bags, patrolling area for repairs, aerification etc.

**Fixed Monthly Costs:**

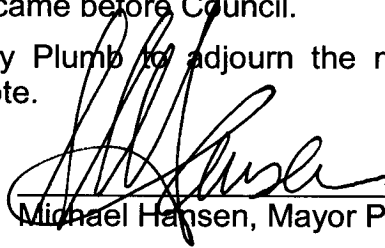
Water meter & usage	\$15
Disposal bags	\$20

**Scheduling:** Following approval, Fundraising to begin immediately, Project Completion by July 1, 2010. Discussion ensued by Council Members. Staff was tasked to research the cost of gravel in the proposed parking spaces. Thomas Wardlow, City Administrator stated staff would prepare the requested information for Council and a Resolution would be on the December 21, 2009 agenda.

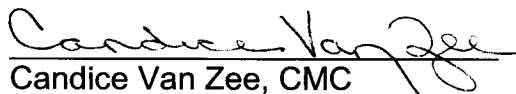
Under new business Thomas Wardlow, City Administrator recognized the new Public Works Director, Keith Laube. Wardlow stated he would begin his duties tomorrow, December 8<sup>th</sup>; Wardlow welcomed Keith to the community. Jody Rhone, Street Superintendent presented an update on snow removal in the City.

There was no old business that came before Council.

Moved by Mullan, seconded by Plumb to adjourn the meeting at 7:30 p.m. Motion unanimously carried by voice vote.



Michael Hansen, Mayor Pro-Tem



Candice Van Zee, CMC  
City Clerk