

REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 24, 2022, 6:00 P.M.
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in regular session at 6:00 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor Hansen presided. Present Council Members: Hallam, Dalton, George, Ervin, Trotter, Wade. Absent: None.

Mayor Hansen asked everyone present to join in saying the Pledge of Allegiance. A moment of silence was observed for former council member Jeremy Biondi.

Bruce Showalter, NHDC Director provided the NHDC annual update. The goal is to increase the quantity and quality of housing in the city. 26 different builders have built new construction homes in Newton since July 1, 2014.

Prior to citizen participation, the city attorney read a statement which included the following: "The United States Supreme Court has repeatedly affirmed that the freedom of speech right under the First Amendment is not absolute. Specifically, the Court has held that "[t]he First Amendment does not guarantee the right to communicate one's view at all times and places or in any manner that may be desired." *Heffron v. Int'l Soc'y for Krishna Consciousness*, 452 U.S. 640, 647 (1981). Cities have the ability to implement and enforce rules regarding reasonable time, place, and manner restrictions during public meetings. See *Sessler v. City of Davenport*, 990 F.3d 1150, 1155 (8th Cir. 2021)..... In accordance with the Council rules, each meeting agenda states that citizen comments shall not include derogatory statements or comments about individuals.....

During citizen participation Allen Neubauer, 503 E 16th St N, spoke regarding parking on 16th St. He would like to know the status since there is currently parking on both sides and it's a safety concern that has been brought up to the city. Frank Liebl, 1121 Woodland Dr., provided council with a book on Economic Development from Jay Garner purchased by Alliant Energy. Noah Petersen, 404 S 11th Ave W, spoke regarding funding.

Mayor Hansen momentarily suspended the council meeting at 6:25 pm. The meeting resumed with all members present.

Moved by Ervin, seconded by Trotter to approve consent agenda items 4-11.

4. October 03, 2022 Regular City Council Meeting Minutes
5. October 10, 2022 Goal Setting Workshop Minutes
6. Approve Liquor License for the following: AmericInn Lodge & Suites of Newton, IA.- BW0093079, 4401 South 22nd Avenue East, Special Class C Liquor License, Class B Wine Permit, Sunday Sales; Veterans Of Foreign Wars Post No 1655- LC0026734, 315 1st Avenue W, Class C Liquor License, Outdoor Service, Sunday Sales; Raceway80- LE0003804, 4300 South 22nd Avenue East, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Pit Stop Liquors- LE0002050, 1324 1st Avenue E, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales.
7. Certify Firefighter Candidate List
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-10). Resolution 2022-282 adopted
9. Resolution Approving a Property Tax Rebate for the Van Maanen Electric, Inc Property Located Within the East Mart Urban Renewal Area. Resolution 2022-283 adopted
10. Resolution to promote retail through a Shop Local marketing campaign using local & regional radio, targeted streaming radio and digital video. Resolution 2022-284 adopted
11. Approve Bills

AYES: Six. NAYS: None. Consent Agenda was adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on an Ordinance vacating and disposing of the full width of the east-to-west South 10th Avenue West right-of-way located in the 1000 block of West 2nd Street South, City of Newton, Jasper County, Iowa. Moved by Wade, seconded by George, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Wade, seconded by Trotter to approve the First consideration of the ordinance. AYES: Six. NAYS: None. First Consideration of the Ordinance was approved.

Agenda items 14 & 15: Public Hearing on an Ordinance conveying a small portion of an east-west alley right-of-way located in the 600 block of East 4 ½ Street South to the abutting property directly to the south in block four of Leonard's Addition to the City of Newton, Jasper County, Iowa was pulled from the agenda as there was no need for action on this item; it was previously resolved.

Mayor Hansen stated that this is the time and place for a Public Hearing on Resolution awarding contract for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project. Moved by Hallam, seconded by Dalton, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Trotter, seconded by Ervin to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2022-285 adopted.

Moved by George, seconded by Trotter to approve the Third consideration of an Ordinance amending the City of Newton Official Zoning Map for property located at 1500 1st AVE E. and 201 E. 15th St. N. from R-2: One- and Two-Family Residential to C-A: Arterial Commercial. AYES: Six. NAYS: None. Third Consideration of the Ordinance was approved. Moved by Dalton, seconded by George to adopt the ordinance. AYES: Six. NAYS: None. Ordinance 2419 was adopted.

Moved by Ervin, seconded by Trotter to approve the Second consideration of an Ordinance amending the City Code of Newton, Iowa, by adding Chapter 75: All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Carts, and Snowmobiles. It was clarified that this would not allow golf carts, just ATVs and UTVs. AYES: Five. NAYS: George. Second Consideration of the Ordinance was approved.

Moved by Hallam, seconded by George to approve the Second consideration of an Ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title III Administration, Chapter 32, Section 32.060 – 32.071, "Water Board of Trustees", to dissolve the Water Board of Trustees and adding waterworks code reference to Title V Public Works, Chapter 54 Waterworks. AYES: Six. NAYS: None. Second Consideration of the Ordinance was approved.

Moved by Trotter, seconded by Ervin to approve the Second consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" to make changes to street parking in the downtown. Rhone, Public Works Director clarified that no parking was lost except for a couple spots on E 3rd ST S by the Elks Lodge. AYES: Six. NAYS: None. Second Consideration of the Ordinance was approved.

Moved by Dalton, seconded by George to adopt the Resolution approving an amendment to the Real Estate Development Agreement with Newton Housing Development Corporation (NHDC) for Arbor Estates. AYES: Six. NAYS: None. Resolution 2022-286 adopted.

Moved by Trotter, seconded by Wade to adopt the Resolution approving the granting of Downtown Micro Grant Funds in the painting program to Gary Forbes for 102 North 2nd Avenue East. AYES: Six. NAYS: None. Resolution 2022-287 adopted.

Item 24: Resolution to reorganize Newton WaterWorks staff into the Public Works and Administration Departments was pulled for further consideration.

Moved by Hallam, seconded by Dalton to adopt the Resolution adopting the 2022 - 2024 Council Goals for the City of Newton. AYES: Six. NAYS: None. Resolution 2022-288 adopted.

Moved by Wade, seconded by Trotter to approve an FY24 annual budget target for the Newton Public Library of \$686,039 for general fund expenditures, not including donations, and encouraging the Library Board of Trustees to continue implementing more sustainable budget practices moving forward. AYES: Six. NAYS: None. Motion passed.

Brian Laube, Community Services Director provided a Community Services Department Update.

During Mayor/Council Comments Hallam attended the Greater Des Moines Partnership reception and it was wonderful. The slogan next year is going to be "March to a million" because their goal is to get the communities and counties involved up to a million in population. Mayor Hansen attended the Salute to Business Lunch recognizing Hy-Vee as well as Clint and Yvette Webster, owners of the Thunderdome, for all their entrepreneurial investment to the community.

At 7:27 it was moved by Wade, seconded by George 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 2022. AYES: Six. NAYS: None. Motion passed.

Upon return to open session it was moved by Dalton, seconded by Trotter to adjourn the meeting at 7.43 P.M. Motion unanimously carried by voice vote.


Katrina Davis, City Clerk


Michael L. Hansen, Mayor

