

NEWTON CITY COUNCIL MEETING MINUTES
DECEMBER 4, 2023, 6:00 PM

Pledge

Pledge of Allegiance

Mayor Hansen asked everyone present to join in saying the Pledge of Allegiance.

Call to Order

1. Roll Call

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. Absent: Wade.

Citizen Participation

2. Jerry Chandler, 1011 W 8th St N, spoke regarding the process for appointing the soon-to-be vacant council seat as of January 2, 2024.

Motion

It was moved by Trotter, and seconded by George to add agenda items 30 and 31 to discuss strategy with council 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 2023. AYES: Five. NAYS: None. Motion carried.

Consent Agenda

Moved by Ervin, seconded by Dalton to approve consent agenda items 3-16. AYES: Five. NAYS: None. Consent Agenda was adopted.

3. November 20, 2023, Regular City Council Meeting Minutes
4. November 20, 2023 Workshop Minutes
5. Resolution approving performance agreements for the 2024 Summer Concert Series at the Maytag Bowl and July 4th activities at Agnes Patterson Park
Resolution 2023-355 adopted.
6. Resolution accepting completion of the 2023-01 PCC Patching Project
Resolution 2023-356 adopted.
7. Resolution for the City of Newton to take part in the Iowa Tourism Offices' Arrivalist Visitation Dashboard Co-op
Resolution 2023-357 adopted.
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 23-10)
Resolution 2023-358 adopted.
9. Resolution approving a Telecommunications Licensing Agreement with Unite Private Networks – UPN 6282
Resolution 2023-359 adopted.
10. Resolution accepting completion of the Newton SLF Convenience Drop-off Expansion Project
Resolution 2023-360 adopted.
11. Resolution accepting completion of the 2023 Highway and Symbol Painting Project
Resolution 2023-361 adopted.
12. Resolution approving change order #1 for the 2023 Water Service project
Resolution 2023-362 adopted.
13. Resolution Approving a Property Tax Rebate for the McCann Housing Associates, LP Property Located Within the McCann Urban Renewal Area
Resolution 2023-363 adopted.
14. Resolution appointing Kelly Bennett to serve on the Historic Preservation Commission for an unexpired term ending December 31, 2025
Resolution 2023-364 adopted.
15. Resolution approving a two-year contract with Governmentjobs.com, Inc. (dba "NEOGOV") for online learning management software that promotes employee training
Resolution 2023-365 adopted.
16. Approve Bills

Public Hearing

17. Public Hearing on Proposed Development Agreement with Ex Nihilo LLC
Mayor Hansen stated that this is the time and place for a Public Hearing on the above Resolution. There were no written comments. Moved by Trotter, seconded by Hallam to close the public hearing. AYES: Five. NAYS: None. The public hearing was closed.
18. Resolution Approving Development Agreement with Ex Nihilo LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement
Moved by Ervin, seconded by Dalton to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-366 adopted.

Ordinance

19. First 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 the Speed Limit on West Fourth Street North and Union Drive
Moved by Trotter, seconded by George to approve the first consideration of the Ordinance. Donna Stumme, 401 E 10th St S. complimented the staff and council for considering safety. Council discussion ensued. AYES: Three. NAYS: Dalton, Ervin. First Consideration of the Ordinance failed.

Resolution

20. Resolution Amending the City of Newton Airport Fee Schedule
Moved by Dalton, seconded by George to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-367 adopted.
21. Resolution approving an amendment to the real estate development agreement with Newton Housing Development Corporation (NHDC) for Arbor Estates
Moved by George, seconded by Ervin to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-368 adopted.
22. Resolution approving the purchase of a Roll-Off transport truck for the Newton Sanitary Landfill
Moved by Trotter, seconded by George to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-369 adopted.
23. Resolution approving the purchase of real estate located at 1015 North 3rd Avenue East in Newton from Newton Housing Development Corporation
Moved by George, seconded by Dalton to adopt the Resolution. AYES: Four. NAYS: Ervin. Resolution 2023-370 adopted.
24. Resolution awarding the purchase of Knox Box upgrade equipment
Moved by Hallam, seconded by Dalton to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-371 adopted.

Mayor/Council Comments

25. Mayor and Council Comments
During the Mayor and Council comments, George stated that it was an exciting kickoff to the Holidays with the lighting of the courthouse and the light tour at Maytag park. Everyone involved has done an exceptional job. Mayor Hansen asked the city attorney to address the council appointment comment during citizen participation. Brick indicated that Iowa Code 372.13(2) addresses a vacancy for a council seat. There are two options: a special election or an appointment. Ervin asked for clarification on the timeline. Brick stated that once the seat is vacated on January 2, 2024, council can vote to appoint and then publish the notice setting parameters for applying. The actual appointment could not be earlier than the second meeting in January.

Closed Session

26. To Evaluate The Professional Competency Of Individuals Whose Appointment, Hiring, Performance Or Discharge Is Being Considered When Necessary To Prevent Needless And Irreparable Injury To That Individual's Reputation And That Individual Request A Closed Session. Pursuant To The Provisions Of Section 21.5(1)(i), Code of Iowa 2023
At 6:30 p.m. it was moved by George, seconded by Hallam to go into closed session. AYES: Five. NAYS: None. Mayor Hansen indicated that we will take a brief moment to clear the chambers.

Return to Open Session

27. Return to Open Session
At 7:04 p.m. council returned to open session with the initial five members present.

Closed Session

28. 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 2023

At 7:04 p.m. it was moved by Trotter, seconded by Ervin to go into closed session.
AYES: Five. NAYS: None

Return to Open Session

29. Return to Open Session

At 7:10 p.m. council returned to open session with the initial five members present.

Closed Session

30. 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 2023

At 7:11 p.m. it was moved by Trotter, seconded by Ervin to go into closed session.
AYES: Five. NAYS: None

Return to Open Session

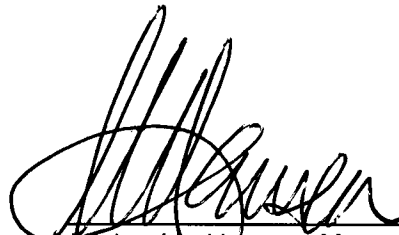
31. Return to Open Session

At 7:19 p.m. council returned to open session with the initial five members present.

Adjourn

Moved by Trotter, seconded by Ervin to adjourn the meeting at 7:19 P.M. Motion unanimously carried by voice vote.


Katrina Davis, City Clerk


Michael L. Hansen, Mayor

