



Newton City Council Agenda

March 4, 2024 - 6:00 PM

View the City Council Meeting:

In Person

City Hall - Council Chambers
101 W 4th St S, Newton, IA 50208

Television

Mediacom Channel
12/85/121.12

Online

newtongov.org/cablecast

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Proclamation

2. Women in Construction Week; March 3 - 9, 2024

Presentation

3. Update on Gray Moon Public Market Development Project, Jerry Schwaller, Ex Nihilo LLC

Citizen Participation

4. This is the time of the meeting that a citizen may address the Council. After being recognized by the presiding officer, each person will be given three (3) minutes to speak. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions or debate a citizen during the *Citizen Participation* portion of the meeting

Consent Agenda

5. February 19, 2024 Regular City Council Meeting Minutes
6. Approve Liquor License for the following: Ownership change for Kwik Star #1001- LG0000900, 1910 1st Ave E, Class B Retail Alcohol License; Casey's General Store #2341- LE0003013, 3104 1ST AVE E, Class E Retail Alcohol License
7. Certify Police Officer Candidate List
8. Resolution appointing Colby Lawson to the Downtown Grant Review Board for an unexpired term ending December 31, 2026
9. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-02)
10. Resolution approving field use agreement with Newton Little League Baseball.
11. Resolution approving field use agreement with Newton Area Soccer Association.

12. Resolution approving the Field and Ride-Along Agreement with Mercy College of Health Sciences
13. Resolution approving a contract from Midwest Inflatables, LLC for Newton Fest activities.
14. Resolution Approving an Engagement Letter with Dorsey & Whitney for Services Related to the 2024 General Obligation Bonds
15. Resolution Approving an Engagement Letter with Dorsey & Whitney for Services Related to the 2024 Road Use Tax Revenue Bonds
16. Resolution amending the construction commencement date for the required improvements stipulated by the Purchase and Redevelopment Agreement for 1024 North 11th Avenue East
17. Resolution correcting the eligibility boundary for the Newton Downtown Housing Grant Program
18. Resolution approving the private sale and transfer of ownership of 1404 East 6th Street South
19. Resolution approving the Newton Sanitary Landfill fee schedule
20. Resolution Approving the Payment of Contract Billing Fees for Ambulance Billing
21. Resolution setting a public hearing for the sale of City-owned property at 315, 319, and 321 East 8th Street South in Newton, Jasper County, Iowa
22. Resolution Setting a Date For a Public Hearing on the Proposed Property Tax Levy for Fiscal Year July 1, 2024 - June 30, 2025
23. Approve Bills

Public Hearing

24. Public Hearing on Proposal to Enter Into an Essential Purpose Loan Agreement
 - The City has proposed to enter into an Essential Purpose Loan Agreement and to borrow money in a principal amount not to exceed \$3,100,000 pursuant to Section 384.24A of the Code of Iowa for the purpose of (1) constructing street, water system, storm water drainage, sanitary sewer system, and sidewalk improvements; (2) acquiring and installing street lighting, signage and signalization improvements; (3) acquiring equipment for the municipal police and fire departments; (4) undertaking improvements to municipal parks; (5) acquiring and installing public safety warning sirens; and (6) undertaking improvements to the municipal airport.
25. Public Hearing on Proposal to Enter Into a Golf Course Clubhouse Loan Agreement
 - The City proposes to enter into a General Purpose Loan Agreement #1 to borrow money in a principal amount not to exceed \$535,000 pursuant to Section 384.24A of the Code of Iowa for the purpose of phase 2 of the Westwood Clubhouse project, and in lieu of calling an election, has published notice of the proposed action and held a hearing, and as of March 4, 2024, no petition has been filed asking that the question of entering into

the General Purpose Loan Agreement #1 be submitted to the registered voters.

26. Public Hearing on Proposal to Enter Into a General Purpose Loan Agreement
 - The City proposes to enter into a General Purpose Loan Agreement #2 and to borrow money in a principal amount not to exceed \$600,000 pursuant to Section 384.24A of the Code of Iowa for the purpose of paying the costs of (1) improving municipal tennis courts; (2) replacing the furnace at the municipal library; (3) acquiring a scanner for the municipal engineering department; and (4) acquiring a vehicle for the municipal parks and recreation department, and in lieu of calling an election, has published notice of the proposed action and has held a hearing, and as of March 4, 2024, no petition had been filed asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters.
27. Resolution taking additional action on proposal to enter into General Obligation Loan Agreements, combining Loan Agreements, authorizing the use of a Preliminary Official Statement, and Providing for the Levy of Taxes to Pay General Obligation Corporate Purpose Bonds, Series 2024A
28. Public Hearing on proposal to enter into a Road Use Tax Revenue Loan Agreement
 - The proposed Road Use Tax Revenue bond will pay for street projects that are needed throughout the community. This bond would be paid back solely with Road Use Tax revenues and the projects included are PCC Patching of various streets, South 8th Avenue Mill & Overlay, and the West 8th Street North Bridge approach.
29. Resolution on Taking Additional Action on Proposal to Enter into a Road Use Tax Revenue Loan Agreement and Authorizing the Use of a Preliminary Official Statement in Connection Therewith
30. Public Hearing on a resolution awarding contract for the W 6th St S (800-1000 Block) Widening and Resurfacing Project.
 - W 6th St S between S 9th Ave W and S 11th Ave W is currently 20 feet wide, in poor condition, has no curb and gutters, and has poor drainage. The narrow width creates a traffic hazard, while the poor drainage increases flooding in the area.
 - The project will include the construction of a new curb and gutter in the 900 and 1000 blocks, which will widen the street to 25 feet wide, matching the roadway width to the north and south. The existing asphalt surface in the 800 block will be milled, and then all three blocks will receive a new 2-inch asphalt overlay.
 - Three bids were received and opened on February 22, 2024. The lowest responsive, responsible bidder is Manatt's Inc. of

Brooklyn, IA, with a bid of \$217,409.26, which is \$78,980.74 less than the engineer's estimate of \$296,390.00. The project must be substantially completed on or before July 31, 2024.

Ordinance

31. Resolution awarding contract for the W 6th St S (800-1000 Block) Widening and Resurfacing Project
32. First Consideration of an Ordinance eliminating Code of Ordinances, City of Newton, Iowa, 2016, Title III, Chapter 32, Sections 32.130 - 32-140 Non-Bargaining Employee Grievance Commission and addressing the process in the City Council adopted Employee Handbook
 - This ordinance eliminates the Non-Bargaining Employee Grievance Commission, appointed by council, as listed in the City of Newton Code of Ordinances and transitions to a Discipline Review Board process within the Employee Handbook.

Resolution

33. Resolution approving a letter of support for the Newton YMCA Expansion Project
 - The expansion project at the Newton YMCA aims to create a more inclusive and dynamic space to meet the evolving needs of our community. The proposed additions include a basketball court, a weight room, indoor pickleball courts, a new teen center, and additional office space.
 - The upgraded facilities will cater to a diverse demographic, ensuring that individuals of all ages and backgrounds have access to enriching activities and resources.
 - The new teen center will specifically provide a safe and welcoming environment for our youth, fostering personal development and positive social interactions.
 - The expansion project will potentially help stimulate the economy, increase the health and well-being of the community, and expectantly attract new families to live here. The final design and location decisions are reserved for a future date.
34. Resolution approving the award of a Downtown Improvement Grant for the building at 118 North 2nd Avenue East
 - Ex Nihilo, LLC is undertaking a significant historic rehabilitation of 118 North 2nd Avenue East and has made an application for Downtown Improvement Grant Funds.
 - At their meeting on February 21, 2024, the Downtown Grant Review Board recommended approval of a grant.
 - The grant request is \$161,750.00 from Downtwon Improvement Grant Bonded funds.
35. Resolution amending the Grant for Private Demolition Program Area of the D&D 2.0 Program for multi-family and commercial structures

- The D&D 2.0 Grant Program seeks to incentivize private citizens to participate in the removal of dilapidation and blight within Newton's neighborhoods.
- With the ever increasing costs for demolition of buildings, especially larger multi-family or commercial structures, it is desirable to establish a tiered approach to the Grant for Private Demolition program.
- The amendment retains the current reimbursement grant amount of up to \$20,000 for single-family structures and establishes a new maximum grant amount of up to \$40,000 for multi-family or commercial structures.

Motion

36. Motion authorizing the Mayor to accept the second amended joint Chapter 11 Plan of reorganization of Endo International PLC and its affiliated debtors and (II) proxy for voting on scheme of arrangement of Endo International PLC regarding Local Government Opioid Claims. Only holders of class 6(A) state opioid claims that vote in favor of the plan will be able to participate in the public opioid trust

Staff Report

37. Vacant Building Ordinance, Erin Chambers, Community Development Director

Mayor/Council Comments

38. Mayor and Council Comments

Closed Session

39. 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

Return to Open Session

40. Return to Open Session

Adjourn

The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance to be able to participate in the public meeting. Should special accommodations be required, please contact the City Clerk's Office at least 48 hours in advance of the meeting, at 641-792-2787 to arrange for accommodations to be provided.

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