

Agenda: Newton City Council

City Council Meeting

Council Chambers, 101 W 4th St S. or via Zoom
(<https://us02web.zoom.us/j/83564044015>), Join zoom via
phone: (call 312-626-6799 & enter ID # 83564044015),
Mediacom Channels: 12/85/121.12, Website Streaming:
Newtongov.org / I want to “view” Livestream of City
Council Meetings.

December 20, 2021 6:00 p.m.
Newton, Iowa 50208

You can participate in the meeting or you can comment on an agenda item by joining the Zoom meeting and raising your hand to be recognized (must remain on mute until recognized/via phone dial *9 (star 9), this will notify City staff that you have “raised your hand” for public comment), submitting via email to cityofnewton@newtongov.org before 4:30 PM the day of the meeting.

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|------------------------------|---|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentation | 2. 2022 Park Bond Referendum – Community Services Director Brian Laube and representatives from the Newton Park Board and the Friends of Newton Parks |
| Citizen Participation | 3. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 4. December 6, 2021 Regular City Council Meeting Minutes
5. December 6, 2021 Budget Workshop Minutes
6. Approve Liquor Licenses for the following: Muse Wine Bar, 109 N 2 nd Ave E, Special Class C Liquor License (BW) (Beer/Wine), Class B Wine Permit (Carryout Wine - Includes Native Wine), Outdoor Service pending completion of staff inspections; Los Amigos Mexican Bar and Grill, Inc, 1337 1st Ave E, Class C Liquor License, Sunday Sales, pending completion of staff inspections.
7. Resolution appointing Antonia Sicilia to serve on the Building Trades Board for an unexpired term ending December 31, 2022. (No Council Report)
8. Resolution Re-Appointing Rebecca Decker to serve on the Newton Building Trades Board for a term ending December 31, 2024. (No Council Report)
9. Resolution Re-Appointing Carroll Depenning to serve on the Newton Building Trades Board for a term ending December 31, 2024. (No Council Report) |

10. Resolution Re-Appointing Tanya Michener to Serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. (No Council Report)
11. Resolution Re-Appointing Mary Jo Niskin to serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. (No Council Report)
12. Resolution Re-Appointing Larry Hurto to serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. (No Council Report)
13. Resolution Re-Appointing Dana Woody to serve on the Newton Planning and Zoning Commission for a term ending December 31, 2026. (No Council Report)
14. Resolution fixing the Amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-10). (Council Report 21-322)
15. Resolution awarding contract for the Demolition 2021-04 Project. (Council Report 21-323)
16. Resolution to provide five free season pool passes to the Jasper County Conservation Board for their Environmental Education Center fundraising event. (Council Report 21-324)
17. Resolution accepting completion of the 2021 City of Newton Woodland Park Tree & Stump Removal Project. (Council Report 21-325)
18. Resolution accepting completion of the Downtown Newton Lighting Improvements Phase 2 Project. (Council Report 21-326)
19. Resolution Accepting completion of the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project. (Council Report 21-327)
20. Resolution Approving a Payment of \$13,668 to Newton Community Events, Inc for Funds held by the City for the 2022 Pyrotechnics Guild International Event. (Council Report 21-328)
21. Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment for the 1st Avenue East Economic Development Area. (Council Report 21-329)
22. Approve Bills
23. Public hearing to consider an ordinance revising the boundaries of the election precincts of the City of Newton, Iowa, by amending Title 1, Section 11.03 “Voting Precincts” of the Municipal Code of the City of Newton, Iowa. (Council Report 21-330)

Public Hearing

- Every 10 years, the City of Newton must review and adopt new ward/precinct maps based on the new census information.
- Changes are not proposed for the ward boundaries. Changes are necessary for the precinct boundaries, to more evenly distribute the population within each ward.
- The Secretary of State has requested that City Council consider waiving the 2nd and 3rd consideration in order to meet their January 15th mandated deadline for the effective date.

Ordinances

24. First Consideration of an ordinance revising the boundaries of the election precincts of the City of Newton, Iowa, by amending Title 1, Section 11.03 "Voting Precincts" of the Municipal Code of the City of Newton, Iowa. (Council Report 21-330)
25. Second Consideration of an Ordinance, amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 72, Section 72.12, "Parking Rules," to make changes to parking in the free municipal lots. (Council Report 21-313)
 - The City received a request to review the head-in only parking designation in free municipal lots.
 - The Traffic Safety Committee completed a review and recommends removing the head-in only parking designation and restricting trailer parking.
26. 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 300-400 blocks of East Four and One-Half Street South. (Council Report 21-314)
 - The City received safety concerns regarding parking in the 300-400 blocks of E. 4 ½ St. S. The section of roadway is 25-feet wide, which is not wide enough to safely accommodate parking on both sides as well as free passage of emergency vehicles. The Traffic Safety Committee completed a review and recommends restricting parking on the west side of E. 4 ½ St. S. in the 300-400 blocks.
 - Surveys were sent to adjoining properties with two residents in favor of the proposed changes and one resident in favor of parking restrictions on the east side instead of the proposed west side.
27. Second Consideration of an ordinance amending the City of Newton Official Zoning Map for property located at 1404 1st Avenue West (Parcel 0833126048) from C-A: Arterial Commercial to R-2: One- and Two-Family Residential. (Council Report 21-309)
 - 2B Constructed Inc. has requested a rezoning of the property that they own at 1404 1st Ave. W. to accommodate future development of single-family residential dwellings.
 - At their meeting on November 2, 2021, the Planning and Zoning Commission recommended approval of the rezoning.
28. Second Consideration of an Ordinance amending and updating the Code of Ordinances, City of Newton, Iowa, Title XI: Business Regulations, Chapter 111, "Peddlers, Solicitors and Transient Merchants." (Council Report 21-331)
 - At the December 6, 2021 City Council meeting, a motion to reconsider the Mobile Food Unit requirements was approved. Councilperson Trotter proposed a series of amendments to the previously presented ordinance. The first reading of the amended ordinance was approved by the Council.
 - The amended Mobile Food Unit ordinance establishes a Mobile Food Unit License and a Premise Permit for property owners who will host

Mobile Food Units on their property and also provides flexibility for the Fire Department to accept qualified fire inspections from other jurisdictions.

Resolutions

29. Resolution to reorganize staff in the Public Works Department, Community Services Department, Fire Department, and Administration Department. (Council Report 21-332)
 - The Employee Relations Committee considered the 2021 City Reorganization proposal on December 6, 2021 and voted to recommend approval by the full City Council.
30. Resolution establishing criteria to define Defective Sidewalk as listed in the City Code of Ordinances. (Council Report 21-333)
 - Section 154.016 - DEFINITIONS of the City Code of Ordinances defines defective sidewalk as “Any public sidewalk in violation of the criteria established by resolution of the Council.” To allow for uniform code enforcement on public sidewalk complaints, along with establishing criteria that could be used for potential future City-wide sidewalk improvement programs, the criteria defining what constitutes a sidewalk defect is needed.
 - Staff researched what numerous other cities in Iowa have established as their own defective sidewalk criteria, and have prepared a proposed defective sidewalk criteria or definition.
31. Resolution approving the provision of police, fire and traffic control services for the 2022 PGI Convention. (Council Report 21-334)
 - The PGI Steering Committee approached the City Council during the December 6, 2021 City Council Meeting with a request to provide services for the 2022 PGI Convention. The resolution approves the provision of Newton Police Department, Newton Fire Department and traffic control services for the 2022 PGI Convention estimated to cost \$20,059.10.
 - The PGI Steering Committee has agreed to reimburse the City for these costs in the event that the proceeds for the event exceed the cost, before the distribution of any donations were to be made to local charitable organizations.
32. Resolution Authorizing an Interlocal Contract for Cooperative Purchasing with HGACBuy. (Council Report 21-335)
 - The Houston-Galveston Area Council (H-GAC) is the largest of 24 Councils of Government (COG) in Texas, and is a political subdivision of the State of Texas. It has been serving local governments for more than 40 years.
 - H-GAC's Cooperative Purchasing Program, known as HGACBuy, allows local governments and certain non-profits to contract or agree under the terms of the Act to make purchases or provide purchasing services and other administrative functions appropriately established by another government entity. This resolution would authorize the completion and execution of an Interlocal Contract on behalf of the City of Newton.

33. Resolution approving a memorandum of understanding with Jasper County regarding a joint voting precinct. (Council Report 21-336)
- In order to meet state code requirements, inclusion of the census blocks which reside in the western ½ of the I-80 interchange at Exit 168 into Ward 3, Precinct 2 is necessary. This area is part of unincorporated Jasper County. There are no residents, nor could there ever be any residents, in this area.

Mayor/Council Comments 34.

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.

www.NewtonGov.org

REGULAR CITY COUNCIL MEETING MINUTES
DECEMBER 06, 2021, 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 and via an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Hansen presided. Present Council Members: Hallam, Stonner, George, Ervin, Trotter, Mullan. Absent: None.

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

Tyler Clement, Director of Operations, Iowa Speedway and Member of the PGI Steering Committee presented on the Pyrotechnics Guild International (PGI) 2022 Convention and the economic impact the convention will have on the city. Also with a request to provide services for the 2022 PGI Convention.

Erin Yeager, Newton Main Street Executive Director, presented on the Newton Main Street District Boundary amendment.

There was no citizen participation.

Moved by Stonner, seconded by Mullan to approve consent agenda items 5-17.

5. November 15, 2021 Regular City Council Meeting Minutes
6. November 15, 2021 Budget Workshop Minutes
7. Approve Liquor Licenses for the following: Sombrero, 1130 1st Ave. E., Class C Liquor License, Outdoor Service, Sunday Sales; Hy-Vee, Inc., 1501 1st Ave. E., Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales
8. Approve FY21 Annual Financial Report
9. Resolution Appointing Jeffery Holschuh to the City of Newton Planning and Zoning Commission for a term ending December 31, 2023. Resolution 2021-296 adopted
10. Resolution Appointing Dana VanGilder to the City of Newton Planning and Zoning Commission for an unexpired term ending December 31, 2024. Resolution 2021-297 adopted
11. Resolution Appointing Noreen Otto to the Newton Zoning Board of Adjustment for a term ending December 31, 2026. Resolution 2021-298 adopted
12. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-09). Resolution 2021-299 adopted
13. Resolution revising the purchase of a parks mower for the Community Services Department. Resolution 2021-300 adopted
14. Resolution approving a pre-season sale on 2022 season pool passes. Resolution 2021-301 adopted
15. Resolution setting a public hearing and inviting proposals for the sale of property at 410 S. 6th Ave. W. in Newton. Resolution 2021-302 adopted
16. Resolution setting a public hearing to consider an ordinance adopting changes in the Ward and Precinct boundaries based on the 2020 Census information. Resolution 2021-303 adopted
17. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a an ordinance amending the City of Newton Official Zoning Map for property located at 1404 1st Avenue West (Parcel 0833126048) from C-A: Arterial Commercial to R-2: One- and Two-Family Residential. There were no written comments. Craig Decker, 303 W 16th St N, spoke in opposition. Moved by Mullan, seconded by Hallam, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Trotter, seconded by Ervin to approve the first consideration of the ordinance. AYES: Six. NAYS: None. First consideration of the ordinance was approved.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution amending the East Mart Urban Renewal Area. There were no written comments. Moved by Trotter, seconded by Mullan, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Stonner, seconded by Hallam to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-304 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution approving Development Agreement with Theisen Real Estate L.L.C., authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the Agreement. There were no written comments. Moved by Hallam, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Trotter, seconded by George to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-305 adopted.

Moved by Ervin, seconded by Mullan to reconsider the First Consideration of an Ordinance amending and updating the Code of Ordinances, City of Newton, Iowa, Title XI: Business Regulations, Chapter 111, "Peddlers, Solicitors and Transient Merchants." Ordinance amending and updating the Code of Ordinances, City of Newton, Iowa, Title XI: Business Regulations, Chapter 111, "Peddlers, Solicitors and Transient Merchants." AYES: Six. NAYS: None. Motion to reconsider was approved. Moved by Trotter, seconded by Mullan to approve the First consideration of the ordinance. Kim Didier Executive Director DMACC Business Resources and Julia Prendergast, Destination Downtown, spoke again on the importance of supporting small business owners which includes the food truck vendors and consider the possible barriers this might create. They also asked to consider no fee. Also, how this would affect the businesses in Legacy Plaza that rely on the food trucks. Hal Snedaker, Owner of Sned's spoke in support of the brick and mortar businesses asking that food trucks pay a fee and not be across the street from his business. Discussion ensued. Moved by Trotter, seconded by George to amend the ordinance to include the provided amendments in the council packet. AYES: Six. NAYS: None. Amendment was approved. AYES: Five. NAYS: Hallam. First consideration of the Ordinance approved as amended.

Moved by Hallam, seconded by Stonner to approve the Third 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 1200-1400 blk. of S 6th Ave E. AYES: Six. NAYS: None. Third consideration was approved. Moved by Mullan, seconded by Hallam to adopt the ordinance. AYES: Six. NAYS: None. Ordinance 2402 adopted.

Moved by Stonner, seconded by Ervin to approve the First Consideration of an Ordinance, amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 72, Section 72.12, "Parking Rules," to make changes to parking in the free municipal lots. AYES: Six. NAYS: None. First consideration was approved.

Moved by Trotter, seconded by Mullan to approve the 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 street parking in the 300-400 blocks of East Four and One-Half Street South. AYES: Six. NAYS: None. First consideration was approved.

Moved by Stonner, seconded by Ervin to adopt the Resolution approving the Main Street Iowa Program Agreement for January 1, 2022 through December 31, 2023. AYES: Six. NAYS: None. Resolution 2021-306 adopted.

Moved by Mullan, seconded by Trotter to adopt the Resolution approving performance agreements for the 2022 Summer Concert Series at the Maytag Bowl. AYES: Five. NAYS: None. Abstained: Stonner due to his participation in one of the venues. Resolution 2021-307 adopted.

Moved by Hallam, seconded by Mullan to adopt the Resolution authorizing the submission of a pre-application for federal airport improvement program (AIP) funding and certifying eligibility requirements. AYES: Six. NAYS: None. Resolution 2021-308 adopted.

Moved by Hallam, seconded by Trotter to adopt the Resolution Amending the City of Newton Public Works and Community Services Fee Schedule. AYES: Six. NAYS: None. Resolution 2021-309 adopted.

Moved by Trotter, seconded by George to adopt the Resolution of support for the donor recognition plan for the proposed downtown splash pad. AYES: Six. NAYS: None. Resolution 2021-310 adopted.

Moved by Ervin, seconded by Trotter to adopt the Resolution amending the development agreement with Circle Development, LLC. AYES: Six. NAYS: None. Resolution 2021-311 adopted.

Moved by Trotter, seconded by Stonner to adopt the Resolution Approving a Contract with Regal Clean, LLC for the Janitorial Services at the City Hall and Police Facility. AYES: Six. NAYS: None. Resolution 2021-312 adopted.

Erin Chambers Community Development Director spoke on the Community Redistricting and Comprehensive Plan.

Community Services Director Brian Laube, Fire Chief Jarrod Wellik, and City Administrator Matt Muckler presented the 2021 Reorganization proposal that will go to the Employee Relations Committee following the Budget Workshop.

During Mayor/Council comments Mullan spoke about Firefighter Coen retirement and service to the community. He also mentioned the wonderful lights in Maytag Park. Ervin mentioned the city tours and the benefits of speaking with staff. Hallam encouraged everyone to participate in the bell ringing for the Salvation Army.

It was moved by Stonner, seconded by Trotter to go into closed session at 7:55 P.M. 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 2021 AYES: Six. NAYS: None.

Upon returning to open session it was moved by Stonner, seconded by Trotter to adjourn the meeting at 8:12 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

BUDGET WORKSHOP MEETING MINUTES
DECEMBER 06, 2021, IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING @ 8:15
P.M. CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 8:15 P.M. on the above date in the Council Chambers at 101 West 4th Street South and via an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Hansen presided. Present Council Members: Hallam, Stonner, George, Ervin, Trotter, Mullan. Absent: None.

Katrina Davis, Administrative Services Manager gave an overview of City Goals. Lisa Frasier, Finance Officer and Michele Heisdorffer, Financial Analyst, then presented the FY21 Expenditures, FY21 Revenue Review, Newton Property Tax Distribution, Tax Dollars at Work and the FY23 Budget information.

Moved by Trotter, seconded by Stonner to adjourn the meeting at 8:35 PM.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION APPOINTING ANTONIA SICILIA TO SERVE ON
THE BUILDING TRADES BOARD FOR AN UNEXPIRED TERM
ENDING DECEMBER 31, 2022**

WHEREAS, Antonia Sicilia has expressed interest in serving on the Building Trades Board, for an un-expired term ending on December 31, 2022, previously held by Caitlin Otto; and

WHEREAS, Antonia Sicilia, is employed at Caldwell, Brierly, Chalupa, PLLC, 211 1st Avenue West, Newton, and, thus, meets the membership requirements of 150.001(F)(4) of the Newton City Code; and

WHEREAS, appointing Antonia Sicilia, a woman, onto the Building Trades Board is in compliance with the gender balance requirements under 69.16A of State of Iowa Code;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Antonia Sicilia is hereby appointed to the Building Trades Board for a term ending December 31, 2022.

PASSED this _____ day of December 2021.

APPROVED this _____ day of December 2021

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION RE-APPOINTING REBECCA DECKER TO
SERVE ON THE NEWTON BUILDING TRADES BOARD FOR A
TERM ENDING DECEMBER 31, 2024.**

WHEREAS, Rebecca Decker, 2770 South 12th Avenue West and employed by Van Maanen Electric, 500 Iowa Speedway Drive, has been serving on the Newton Building Trades Board since 2019 and has expressed an interest in continuing to serve on the Newton Building Trades Board;

WHEREAS, Rebecca Decker is qualified to serve on the Newton Building Trades Board;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Rebecca Decker is hereby reappointed to the Newton Building Trades Board for an unexpired term ending December 31, 2024.

PASSED this _____ day of December 2021.

APPROVED this _____ day of December 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021– _____

**RESOLUTION RE-APPOINTING CARROLL DEPENNING TO
SERVE ON THE NEWTON BUILDING TRADES BOARD FOR A
TERM ENDING DECEMBER 31, 2024.**

WHEREAS, Carroll DePenning, 1113 S 12th Avenue W, in Newton, currently serves on the Newton Building Trades Board, with his term ending on December 31, 2021; and

WHEREAS, Carroll DePenning has expressed an interest in continuing to serve on the Newton Building Trades Board and is qualified to do so;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Carroll DePenning is hereby reappointed to the Newton Building Trades Board for a term ending December 31, 2024.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION RE-APPOINTING TANYA MICHENER TO
SERVE ON THE NEWTON HISTORIC PRESERVATION
COMMISSION FOR A TERM ENDING DECEMBER 31, 2024.**

WHEREAS, Tanya Michener, 306 East 20th Street North, has expressed an interest in continuing to serve on the Newton Historic Preservation Commission and is qualified to do so;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Tanya Michener is hereby reappointed to the Newton Historic Preservation Commission for a term ending December 31, 2024.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION RE-APPOINTING MARY JO NISKIN TO SERVE
ON THE NEWTON HISTORIC PRESERVATION COMMISSION
FOR A TERM ENDING DECEMBER 31, 2024.**

WHEREAS, Mary Jo Niskin, 619 1st Avenue W, in Newton, currently serves on the Newton Historic Preservation Commission, with her term ending on December 31, 2021; and

WHEREAS, Mary Jo Niskin has expressed an interest in continuing to serve on the Newton Historic Preservation Commission and is qualified to do so;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Mary Jo Niskin is hereby reappointed to the Newton Historic Preservation Commission for a term ending December 31, 2024.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION RE-APPOINTING LARRY HURTO TO SERVE
ON THE NEWTON HISTORIC PRESERVATION COMMISSION
FOR A TERM ENDING DECEMBER 31, 2024.**

WHEREAS, Larry Hurto, 916 S 5th Avenue W, in Newton, currently serves on the Newton Historic Preservation Commission, with his term ending on December 31, 2021; and

WHEREAS, Larry Hurto has expressed an interest in continuing to serve on the Newton Historic Preservation Commission and is qualified to do so;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Larry Hurto is hereby reappointed to the Newton Historic Preservation Commission for a term ending December 31, 2024.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2021- _____

**RESOLUTION REAPPOINTING DANA WOODY TO SERVE
ON THE NEWTON PLANNING AND ZONING COMMISSION
FOR A TERM ENDING DECEMBER 31, 2026**

WHEREAS, Dana Woody, 908 North 4th Avenue West, currently serves on the Newton Planning & Zoning Commission, with her term ending on December 31, 2021;

WHEREAS, Dana Woody has expressed an interest in continuing to serve on the Planning & Zoning Commission and is qualified to do so;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Dana Woody is hereby reappointed to the Planning & Zoning Commission for a term ending December 31, 2026.

PASSED this _____ day of December, 2021

APPROVED this _____ day of December, 2021

Michael L. Hansen, Mayor Pro Tem

ATTEST:

Katrina Davis
City Clerk

City of Newton Council Report

**Item:**

Resolution fixing the Amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-10).

Report Number: 21-322

Date:

December 20, 2021

Summary:

The City of Newton abated some nuisances, such as tall grass/weeds, trash, or snow. These costs remain unpaid by the property owner(s) and should be assessed to the property taxes.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$770.00

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abated violations that remained non-compliant after the initial warning period.

The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

Recommendation:

City Staff recommends approval of the Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations.

A handwritten signature in black ink, appearing to read "Matt Muckler".

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 21-10)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 21-10: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 21-10: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the expenses have been billed to the property owners and remain unpaid.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 21-10: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 21-10: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 21-10: Assessment for the Expenses for Nuisance Abatement

Deed/Contract Holder	Parcel Number	Property Address	City	Net Assessed Property Value	Abatement Fee	Admin. Fee	Total Amount Assessed	Legal	Date Abated
Christine Woolaver	835129014	309 E 17th St Pl N	Newton	\$111,460	\$125.00	\$75.00	\$200.00	DENNISTON & PARTRIDGE SD, PLAT 2, LOT 48	10/8/2021
April Lynn Miller	834279007	414 E 8th St S	Newton	\$122,670	\$360.00	\$75.00	\$435.00	LUSK'S SD LOT F	10/7/2021
Daniel & Rebecca Massman	833254009	226 W 11th St S	Newton	\$180,490	\$60.00	\$75.00	\$135.00	CALLISON'S SD LOT 2	11/15/2021
Total							\$770.00		

City of Newton Council Report

**Item:**

Resolution awarding contract for the Demolition 2021-04 Project.

Report Number: 21-323

Date:

December 20, 2021

Summary:

Award of contract to complete abatement & demolition work at 211 S 15th Ave W and 1024 N 11th Ave E.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$43,500.00 from the Dangerous and Dilapidated (D&D) Building Program funds.

Background:

Curb appeal continues to be a focus of the City per the recommendations of the adopted comprehensive plan, Newton's Future. Abating dangerous buildings within the City is one way to improve the aesthetics of Newton neighborhoods.

The City acquired 211 S 15th Ave W and 1024 N 11th Ave E with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program. The Community Services Department prepared plans and specifications for the proposed Demolition 2021-04 Project that included abatement and demolition at both properties. The following bids were received and opened on December 13, 2021:

Howe Excavating – Newton, Iowa	\$43,500.00
Lanphier Excavating – Reasnor, Iowa	\$53,608.00
Van Ryswyk P&H, Inc. – Monroe, Iowa	\$55,500.00

The apparent low bidder is Howe Excavating of Newton, Iowa. City staff's cost estimate for this project was \$48,500.00. The completion date for the project is April 30, 2022. \$43,500.00 in Dangerous and Dilapidated Building Program funds will be used to pay for the abatement and demolition work at both properties.

Recommendation:

City Staff recommends that Council award the project to Howe Excavating of Newton, Iowa in the amount of \$43,500.00.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION AWARDING CONTRACT
FOR THE DEMOLITION 2021-04 PROJECT**

WHEREAS, the City of Newton acquired 211 S 15th Ave W and 1024 N 11th Ave E with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program; and

WHEREAS, the City of Newton Community Services Department prepared abatement and demolition plans and specifications for the Demolition 2021-04 Project, and put said project out to bid; and

WHEREAS, City staff recommends that the City of Newton award a contract to Howe Excavating of Newton, Iowa for the Demolition 2021-04 Project based on the low responsive, responsible bid received in the amount of \$43,500.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Howe Excavating of Newton, Iowa, in the amount of Forty-Three Thousand, Five Hundred Dollars and Zero Cents (\$43,500.00) for the Demolition 2021-04 Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Howe Excavating of Newton, Iowa for the Demolition 2021-04 Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved. The City shall utilize the Dangerous and Dilapidated Building Program funds to pay for the abatement and demolition work at both properties.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution to provide five free season pool passes to the Jasper County Conservation Board for their Environmental Education Center fundraising event.

Report Number: 21-324**Date:**

December 20, 2021

Summary:

The donation of five free 2022 season pool passes support the County's efforts to raise funds for their proposed Environmental Education Center.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$250.00

Background:

The Jasper County Conservation Board has an upcoming fundraising event for their proposed Environmental Education Center, and has requested some free passes from the City.

This resolution would approve the donation of five single season passes to Maytag Pool at a total value of \$250. These passes are a way to not only support the County's efforts, but to also possibly introduce people to Maytag Pool who might not normally purchase a season pass.

Recommendation:

City Staff recommends acceptance of this resolution authorizing the Community Services Department to provide five single 2022 season passes to Maytag Pool to the Jasper County Conservation Board for their proposed Environmental Education Center fundraising event.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

RESOLUTION TO PROVIDE FIVE FREE SEASON POOL PASSES TO THE JASPER COUNTY CONSERVATION BOARD FOR THEIR ENVIRONMENTAL EDUCATION CENTER FUNDRAISING EVENT

WHEREAS, the Jasper County Conservation Board has an upcoming fundraising event for their proposed Environmental Education Center, and has requested some free passes from the City; and

WHEREAS, this resolution would approve the donation of five single season passes to Maytag Pool at a total value of \$250; and

WHEREAS, these passes are a way to not only support the County's efforts, but to also possibly introduce people to Maytag Pool who might not normally purchase a season pass.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that this resolution is approved authorizing the Community Services Department to provide five single 2022 season passes to Maytag Pool to the Jasper County Conservation Board for their proposed Environmental Education Center fundraising event .

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2021 City of Newton Woodland Park Tree & Stump Removal Project.

Report Number: 21-325

Summary:

Final acceptance of the project to complete the removal of 30 trees in Woodland Park.

Date:

December 20, 2021

Lead Department:

Community Services

Financial Impact:

\$9,840.00 from 2021 bond funds.

Recommendation:

Approve

Background:

Dead and dying oak trees in Woodland Park create a danger to park visitors. These trees also create an unsightly appearance. The removal of the trees, including stumps, would require more time and additional equipment that the City does not possess.

Parks Operations marked the trees needing removed and Community Services staff prepared plan and specifications for the proposed 2021 City of Newton Woodland Park Tree & Stump Removal Project. City Council then passed a resolution on September 20, 2021 awarding a contract to Trenary Tree Care of Altoona, Iowa in the amount of \$9,840.00.

The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work, is \$9,840.00.

Recommendation:

City staff recommends accepting the completion of the 2021 City of Newton Woodland Park Tree & Stump Removal Project, and authorizing the retainage amount of \$492.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING COMPLETION
OF THE 2021 CITY OF NEWTON WOODLAND PARK
TREE & STUMP REMOVAL PROJECT**

WHEREAS, dead and dying oak trees in Woodland Park create a danger to park visitors; and

WHEREAS, these trees also create an unsightly appearance; and

WHEREAS, the City of Newton Community Services Department prepared plans and specifications for the 2021 City of Newton Woodland Park Tree & Stump Removal Project, and sealed bids were received and opened for said project by the City on September 9, 2021; and

WHEREAS, the City Council of the City of Newton awarded a contract to Trenary Tree Care of Altoona, Iowa in the amount of \$9,840.00 on September 20, 2021 for the 2021 City of Newton Woodland Park Tree & Stump Removal Project; and

WHEREAS, Trenary Tree Care has completed their work, and the Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$492.00 to Trenary Tree Care no sooner than 30 days after approval of this resolution, should no claims be on file. Said payment to be made using 2021 bond funds.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Accepting completion of the Downtown Newton Lighting Improvements Phase 2 Project.

Summary: Final Acceptance of the Downtown Newton Lighting Improvements Project.

Financial Impact: \$29,747.43 from the 2021 Bond, North Central TIF



Report Number: 21-326

Date: December 20, 2021

Lead Department: Public Works

Recommendation: Approve

Background:

At the August 19, 2019 city council meeting, city council approved a new franchise agreement with Alliant Energy along with a supplemental agreement "letter of intent" to remove the old electrical H-beam structures that house the electrical components located in the alleys throughout the downtown. Alliant Energy plans begin phase 1 of this project in 2022 which includes; removing of a portion of the "H-structures", eliminating the 480V system and installing a new power distribution system (120/208 V) to service the customers in the downtown. The existing street lights will not operate at the new, lower voltage (120/208V). As a result, the City's street lighting system will need to be powered from a new power source, at 120/208V.

The Public Works Department prepared plans and specifications for the Downtown Newton Lighting Improvements Project, and City Council passed a resolution on August 17, 2021 awarding a contract to Van Maanen Electric, Inc. of Newton, Iowa in the amount of \$30,847.43.

The Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work is \$29,747.43. from the 2021 bond, North Central TIF.

Recommendation:

Accepting the completion of the Downtown Newton Lighting Improvements Project, phase 2, and authorizing the retainage amount of \$1,487.37 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

A handwritten signature in dark ink, appearing to read "Matt Muckler", is written in a cursive style.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION ACCEPTING COMPLETION OF THE
DOWNTOWN NEWTON LIGHTING IMPROVEMENTS PHASE 2 PROJECT**

WHEREAS, Alliant Energy plans to remove the “H-structures”, eliminating the 480V and installing a new power distribution system (120/208 V) to service the customers in the downtown in the summer of 2022; and

WHEREAS, the existing light fixtures will not operate at the new, lower voltage; and

WHEREAS, the City’s roadway light fixtures will need to be powered from a new power source, at 120/208V; and

WHEREAS, Brown IEC provided electrical engineering services while the City of Newton Public Works Department has prepared plans and specifications for the Downtown Newton Lighting Improvements Project; and sealed bids were received and opened on July 23, 2021; and

WHEREAS, the City Council of the City of Newton awarded a contract to Van Maanen Electric, Inc. of Newton, Iowa in the amount of \$30,847.43 on August 17, 2021 for the Downtown Newton Lighting Improvements Project; and

WHEREAS, Van Maanen Electric, Inc. has completed their work, and the Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract.

WHEREAS, Based on the measured quantities the final contract amount is \$29,747.43.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Public Works Director to execute payment of the retainer in the amount of \$1,487.37 to Van Maanen Electric, Inc. no sooner than 30 days after approval of this resolution, should no claims be on file, with said payment being made using the 2021 Bond, North Central TIF

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Accepting completion of the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project

Summary: Accept completion of contract to install streetscape lighting around the newly constructed North West city parking lot.

Financial Impact: \$34,700 from 2021 Bond, North Central TIF



Report Number: 21-327

Date: December 20, 2021

Lead Department: Public Works

Recommendation: Approve

Background:

The City parking lot on the northeast corner of the N 2nd Ave W and W 3rd St N was reconstructed in 2020 in conjunction with this project new streetscape sidewalks were also constructed. During the design phase of the project it was decided not to include the installation of streetscape lighting in the project to keep estimated project costs down. This project will complete the streetscape portion of that project with the installation of five new streetscape lights meeting City of Newton standards.

The City of Newton Public Works Department along with electrical engineer Brown IEC prepared plans and specifications for the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project.

City Council passed a resolution on August 3, 2021 awarding a contract for installation of the Streetscape Lighting – N 2nd Ave W & W 3rd St N Project in the amount of \$34,700.00. The Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is \$34,700.00

Recommendation:

Accepting completion of the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project, and authorizing the retainage of \$1735.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file

A handwritten signature in dark ink, appearing to read "Matt Muckler", is written in a cursive style.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION ACCEPTING COMPLETION OF THE 2021
STREETSCAPE LIGHTING – N 2ND AVE W & W 3RD ST N PROJECT**

WHEREAS, The City parking lot on the northeast corner of the N 2nd Ave W and W 3rd St N was reconstructed in 2020 in conjunction with this project new streetscape sidewalks were also constructed. During the design phase of the project it was decided not to include the installation of streetscape lighting in the project to keep estimated project costs down. This project will complete the streetscape portion of that project with the installation of five new streetscape lights meeting City of Newton standards; and

WHEREAS, the City Council of the City of Newton awarded a contract to Van Maanen Electric, Inc. of Newton, Iowa in the amount of \$34,700.00 on August 3, 2021 for the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project.

WHEREAS, Van Maanen Electric, Inc. has completed their work, and the Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract.

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is \$34,700.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Public Works Director to execute payment of the retainer in the amount of \$1,735.00 to Van Maanen Electric, Inc. no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using 2021 North Central TIF bonds.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Approving a Payment of \$13,668 to Newton Community Events, Inc for Funds held by the City for the 2022 Pyrotechnics Guild International Event

Summary: Resolution Approving the Payment of \$13,668 to Newton Community Events, Inc

Financial Impact:

No Financial Impact, resolution only approves the pass-thru of funds received by the City to the Newton Community Events organization.



Report Number: 21-328

Date: December 20, 2021

Lead Department:
Administration

Recommendation:
Approval

Background: The City of Newton has been chosen as the event site for the 2022 PGI convention. In order to better serve the large range of events that are now happening in our community, the Newton Community Events organization has been created to oversee these events, including the financial aspects.

Camping reservation deposits were received and deposited in the City of Newton's account before the Newton Community Events organization was formed.

The Newton Community Events organization is now able to accept the camping reservation deposits from the City of Newton in the amount of \$13,668.00.

Recommendation:

Staff recommends approval of the Resolution disbursing \$13,668.00 to Newton Community Events, Inc. for camping reservations for the 2022 PGI event.

A handwritten signature in black ink, appearing to read "Matt Muckler", is written in a cursive style.

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION APPROVING A PAYMENT OF \$13,668.00 TO NEWTON
COMMUNITY EVENTS, INC FOR FUNDS HELD BY THE CITY FOR THE
2022 PYROTECHNICS GUILD INTERNATIONAL EVENT**

WHEREAS, the City of Newton has been holding funds for the PGI event in 2022 for camping reservations in the amount of \$13,668.00; and

WHEREAS, the Newton Community Events, Inc. organization has been formed and is able to accept payment of these funds from the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
It is hereby approved to release funds held by the City of Newton for the 2022 PGI event for camping reservations to Newton Community Events, Inc.

PASSED this 20th day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment for the 1st Avenue East Economic Development Area

Report Number: 21-329

Summary: Setting a public hearing for January 17, 2022 to amend the 1st Ave East Urban Renewal Area Plan

Date: December 20, 2021

Lead Department:
Administration

Financial Impact:
No Financial Impact, only sets a Public Hearing

Recommendation:
Approval

Background: The City Council of the City of Newton Iowa has created the 1st Avenue East Urban Renewal Area and has approved an urban renewal plan for the Urban Renewal Area. Chapter 403 of the Code of Iowa requires that, before a city approves any new urban renewal project within an urban renewal area, a city must amend the existing Urban Renewal Plan to describe that new project.

An amendment to the Plan has been prepared which consists of updates as follows:

- Hopkins Properites, L.L.C. Redevelopment Project, 1114 First Avenue East
 - o 10-year tax rebate on new value created (with minimum assessment agreement). The tax rebate schedule would be as follows: 3 years at 100%, three years 80%, and four years at 50%
 - o Provision of a reimbursement curb appeal grant provided a 1:1 match is met, not to exceed \$50,000.

It is now necessary that a date be set for a public hearing on the Amendment.

Recommendation:

Staff recommends approval of the Resolution setting a Public Hearing on January 17, 2022 to amend the 1st Avenue East Urban Renewal Plan.

A handwritten signature in black ink, appearing to read "Matt Muckler", is written over a light gray grid background.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment
for the 1st Avenue East Urban Renewal Area

WHEREAS, the City Council of the City of Newton, Iowa by resolution previously established the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of initiatives and projects therein; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of providing tax increment financing support to Hopkins Properties LLC in connection with the redevelopment of an existing commercial building; and

WHEREAS, it is now necessary that a date be set for a public hearing on the Amendment;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Newton, Iowa, as follows:

Section 1. This City Council will meet at the City Hall Council Chambers, Newton, Iowa on January 17, 2022, at 6:00 o’clock p.m., at which time and place it will hold a public hearing on the proposed Amendment.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in the City, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the City Administrator, the City Clerk and/or the Community Development Director are hereby designated as the City's representatives in connection with the consultation process which is required under that section of the urban renewal law.

Passed and approved this December 20, 2021.

Mayor

Attest:

City Clerk

CITY OF NEWTON, IOWA

URBAN RENEWAL PLAN AMENDMENT
1ST AVENUE EAST URBAN RENEWAL AREA

January, 2022

The Urban Renewal Plan (the “Plan”) for the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”) is being amended for the purpose of identifying a new urban renewal project to be undertaken within the Urban Renewal Area.

1) Identification of Projects. By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following project descriptions:

A.

Name of Project: Hopkins Redevelopment Project

Name of Urban Renewal Area: 1st Avenue East Urban Renewal Area

Date of Council Approval of Project: January 17, 2022

Description of Project and Project Site: Hopkins Properties LLC (the “Developer”) will undertake the redevelopment of an existing commercial building (the “Project”) on certain real property situated at 1114 1st Avenue East in the Urban Renewal Area (the “Redevelopment Property”).

It has been requested that the City provide tax increment financing assistance to the Developer in support of the efforts to complete, operate and maintain the Project.

The costs incurred by the City in providing tax increment financing assistance to the Company will include legal and administrative fees (the “Admin Fees”) in an amount not to exceed \$8,000.

Description of Public Infrastructure to be Constructed in Connection with the Project: It is not anticipated that the City will undertake any public infrastructure improvements in connection with the Project.

Description of Properties to be Acquired in Connection with the Project: It is not anticipated that the City will acquire real property in connection with the Project.

Description of Use of TIF for the Project: The City intends to enter into a Development Agreement with the Developer with respect to the construction and use of the completed Project and to provide (i) annual appropriation economic development payments (the “Payments”) and (ii) an economic development grant (the “Grant”) to the Company thereunder.

The Payments, in an amount not to exceed \$150,000, will be funded with incremental property tax revenues to be derived from the Redevelopment Property.

The Grant, in an amount not to exceed \$50,000, will be funded with either borrowed funds and/or an internal advance of funds on-hand. In any case, the City's obligations entered into to fund the Grant may be repaid with incremental property tax revenues to be derived from the Urban Renewal Area.

It is anticipated that the City's total commitment of incremental property tax revenues with respect to the Project, including the Payments, the Grant, and the Admin Fees will not exceed \$208,000, plus any interest expense incurred by the City on any borrowing undertaken for the funding of the Grant.

2) Required Financial Information. The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City:	<u>\$46,229,400</u>
Outstanding general obligation debt of the City:	<u>\$31,466,200</u>
Proposed maximum indebtedness to be incurred in connection with this January, 2022 Amendment:	<u>\$ 208,000*</u>

*It is anticipated that some or all of the debt incurred hereunder will be subject to annual appropriation by the City Council.

City of Newton Disbursements 12-21-21

Vendor	Department	Description	Amount
Airgas USA LLC	Fire	Service	\$ 223.14
Alliant Energy/IPL	All	Utility	\$ 45,590.12
Amazon Capital Services	All	Supplies	\$ 1,788.98
American Business Phones	Fire	Service	\$ 55.00
Amerigroup Iowa, Inc.	Fire	Reimbursement	\$ 129.62
Barney's Wrecker & Crane	Fire	Service	\$ 639.80
Bennett, William	Library	Supplies	\$ 6.55
Bituminous Materials & Supply	Street	Supplies	\$ 396.85
Black Clover Enterprises LLC	Golf	Merchandise	\$ 88.95
Black Hills Energy	All	Utility	\$ 450.34
Blackstone Publishing	Library	Books	\$ 540.29
Booklist	Library	Subscription	\$ 282.50
Bound Tree Medical LLC	Fire	Supplies	\$ 114.11
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 2,518.80
Cappy's Tire & Auto Service	Parks	Service	\$ 937.83
Card Services	All	Supplies	\$ 2,883.70
Cardinal Trophies	Fire	Supplies	\$ 82.50
CCP Industries	Water Pollution Control	Supplies	\$ 124.29
Cengage Learning	Library	Books	\$ 47.18
Christmas Done Bright	Parks	Supplies	\$ 2,002.60
CIEMSD	Fire	Service	\$ 150.00
Cintas	All	Service	\$ 536.53
Cook's Illustrated	Library	Subscription	\$ 37.09
Daigle Law Group LLC	Police	Service	\$ 595.00
Deere & Company	Parks	Capital Equipment	\$ 30,640.86
Demco Inc	Library	Supplies	\$ 229.26
Des Moines Stamp Mfg	Police	Supplies	\$ 38.90
Diamond Products Co	All	Supplies	\$ 218.97
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 2,335.81
Douglas, Katie	Parks	Service	\$ 150.00
Electric Pump	Water Pollution Control	Service	\$ 1,318.23
EZ Lease	Water Pollution Control	Service	\$ 245.01
Fair Manufacturing	City Garage	Supplies	\$ 1,834.60
Fastenal	Water Pollution Control	Supplies	\$ 34.44
FBG Service Corporation	Library	Service	\$ 1,768.38
Financial Forms & Supplies	Fire	Supplies	\$ 177.84
Forbes Office Solutions	All	Supplies	\$ 1,356.60
Fox Engineering	Water Pollution Control	Service	\$ 17,190.00
Galls LLC	Fire	Supplies	\$ 2,024.69
Grainger Inc	City Garage	Supplies	\$ 33.09
Gralnek-Dunitz	City Garage	Supplies	\$ 575.00
Gregg Young Auto Center	Police	Service	\$ 2,440.20
Grimes Asphalt and Paving	Street	Supplies	\$ 1,020.54
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 5,250.00
Henderson Products Inc	Snow Removal	Supplies	\$ 568.95
Hewitt Service Center	City Garage/Parks	Supplies	\$ 1,327.80

HLW Engineering Group	Landfill	Service	\$ 3,771.50
Hy-Vee Inc	Planning & Zoning/Executive	Supplies	\$ 206.37
ICMA Membership Payment	Executive	Membership	\$ 1,105.49
IMWCA	All	Insurance	\$ 26,260.00
International Assoc of Chiefs of Police	Police	Membership	\$ 190.00
Iowa Department of Transportation	Traffic Control	Supplies	\$ 1,957.50
Iowa Dept of Natural Resources	Airport	Annual Fee	\$ 130.00
Iowa Emergency Vehicle Installs	Police	Service	\$ 7,593.69
Iowa Golf Association	Golf	Conference	\$ 25.00
Iowa Inspections	Fire	Service	\$ 2,700.00
Iowa League of Cities	Executive	Service	\$ 110.00
Iowa Police Chiefs Association	Police	Membership	\$ 125.00
Iowa Stormwater Education Partnership	Storm Water	Training	\$ 75.00
Iowan Magazine, The	Library	Subscription	\$ 24.00
J D Power	Library	Subscription	\$ 175.00
Jasper County Treasurer	Administration	Service	\$ 3,084.87
Johnson Aviation	Airport	Reimbursement	\$ 48.14
Key Cooperative	All	Fuel	\$ 11,101.18
Keystone Labs	Water Pollution Control	Service	\$ 3,507.74
Lakeside Products	Police	Supplies	\$ 120.00
Laminator.com	Library	Supplies	\$ 64.48
Liberty Tire Services LLC	Landfill	Supplies	\$ 1,338.05
Library Journal	Library	Subscription	\$ 104.99
Lyman, Rick	Police	Service	\$ 1,026.71
Magnum Automotive	Fire	Service	\$ 2,382.29
Manatts - D.M.	Street	Supplies	\$ 273.94
Marsden Bldg Maintenance	City Center	Service	\$ 2,425.25
Martin Marietta Materials	Street	Supplies	\$ 10,740.66
Mediacom	Golf	Utility	\$ 109.95
Menards-Altoona	Fire	Supplies	\$ 858.09
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 784.68
MercyOne Occupational Health Clinic	Fire	Service	\$ 1,996.00
MercyOne Siouxland Occupational Health	Fire	Service	\$ 1,132.00
MG Laundry Corporation	City Center	Service	\$ 162.80
Midland Prairie Veterinary Services	Police	Service	\$ 51.75
Midwest Lawn Services	Library	Service	\$ 900.00
Mr Electric	Fire	Service	\$ 3,145.50
MTI Distributing Inc	Parks	Supplies	\$ 1,812.13
Murphy Tractor & Equipment	Landfill	Supplies	\$ 104.01
NAPA Auto Parts	All	Supplies	\$ 5,607.35
National Recreation and Park Association	Parks	Membership	\$ 240.00
News Printing Company	All	Service	\$ 890.75
Newton Clinic	Fire	Service	\$ 84.00
Newton Community School	Police	Supplies	\$ 53.90
NoBoxlz	Capital	Supplies	\$ 1,900.00
Northern Safety Co Inc	Library	Supplies	\$ 76.69
O'Halloran International	City Garage	Supplies	\$ 129.49
On-Target Solutions Group Inc	Police	Training	\$ 275.00
O'Reilly Auto Parts	All	Supplies	\$ 39.72

Otto Law Firm	Finance	Service	\$ 405.00
Parkview Animal Hospital	Animal Control	Service	\$ 2,600.00
Per Mar Security Services	All	Service	\$ 433.17
Pioneer Supply Company	Street	Supplies	\$ 197.90
Pitney Bowes	Library	Service	\$ 164.97
PJ's Deli	Executive	Supplies	\$ 167.90
Premier Office Equipment	Police	Service	\$ 296.45
Quill Corporation	All	Supplies	\$ 217.25
Ray, Randy	SSMID District	Service	\$ 500.00
Reader's Digest	Library	Subscription	\$ 36.94
Reminisce	Library	Subscription	\$ 24.98
Reserve Account-Pitney Bowes	Finance	Supplies	\$ 3,000.00
Sadler Power Train Truck Parts & Service	City Garage	Supplies	\$ 850.00
Sandry Fire Supply LLC	Fire	Service	\$ 35,539.14
Schakel, Brandon	Public Works Administration	Reimbursement	\$ 124.02
Secretary of State	Landfill/Parks/Finance	Service	\$ 90.00
Shive-Hattery Inc	D&D Program	Service	\$ 7,600.00
Sign Pro	Parks	Service	\$ 545.00
Smith Quality Rental	Fire	Service	\$ 201.11
Spahn & Rose Lumber Co	Fire	Supplies	\$ 5,175.79
State Hygienic Laboratories	Water Pollution Control	Supplies	\$ 100.50
Sto-Cote Products Inc	Parks	Supplies	\$ 1,617.60
Stryker Sales Corporation	Fire	Merchandise	\$ 1,517.04
Superior Welding Supply	City Garage	Supplies	\$ 133.22
Taylor Made Golf	Golf	Merchandise	\$ 147.90
Terry, Nicole	Library	Mileage	\$ 28.56
Thatcher Auto Center	Golf	Supplies	\$ 1,400.00
The Scale Guys LLC	Landfill	Service	\$ 500.00
Theisen's	All	Supplies	\$ 1,436.86
Theisen's Marshalltown	Landfill	Supplies	\$ 161.95
TK Elevator	City Center	Service	\$ 198.65
True Value Hardware	All	Supplies	\$ 1,062.41
Two Rivers Cooperative	All	Supplies	\$ 9,124.47
United Public Safety	Police	Service	\$ 68.06
United States Cellular	All	Utility	\$ 860.54
UnityPoint Clinic-Occupational	Water Pollution Control	Service	\$ 42.00
Unplugged Wireless Communications LLC	Police	Supplies	\$ 3,000.00
USABlueBook	Water Pollution Control	Supplies	\$ 108.83
Van Maanen Electric Inc	Airport	Service	\$ 28,740.99
Vantage Apparel	Golf	Merchandise	\$ 506.81
Warnick & Reeves Mechanical	All	Service	\$ 3,685.24
Water Department	All	Service	\$ 11,165.13
Wellik, Jarrod	Fire	Merchandise	\$ 78.85
Wilgenbusch, Bill & Mary Jo	Private Incentives	Incentive	\$ 10,000.00
Windstream	Parks	Utility	\$ 279.20
Zoll	Fire	Supplies	\$ 172.20

Total: **\$ 366,328.23**

Pre-Authorized Payments

AT & T Mobility	All	Utility	\$ 965.77
Black Hills Energy	All	Utility	\$ 2,544.67
Lanphier Excavating LLC	D&D	Service	\$ 2,435.00
Mediacom	Golf	Utility	\$ 188.53
Pillar Inc	Parks	Service	\$ 798.55
Pole Painting Plus Inc	Capital	Service	\$ 1,100.00
Water Department	All	Utility	\$ 223.86

Total: **\$ 8,256.38**

ACH Payments from Great Southern Bank

Advantage Credit Union	Insurance	All	\$ 14,210.00
Bank Iowa	Insurance	All	\$ 5,510.00
Bank of Oklahoma	Debt Service	Interest	\$ 449,921.67
Chase Bank	Debt Service	Interest	\$ 33,635.70
Great Southern Bank	Debt Service	Interest	\$ 35,003.00
Great Southern Bank	Insurance	All	\$ 290.00
Iowa Finance Authority	Debt Service	Interest	\$ 12,748.00
Kabel	Insurance	All	\$ 50.00
Met Life Dental	Insurance	All	\$ 10,306.39
Mutual of Omaha	Insurance	All	\$ 4,278.06
Payroll 11-15-21	Payroll	All	\$ 476,063.01
Payroll 11-30-21	Payroll	All	\$ 423,845.93
Payroll 12-15-21	Payroll	All	\$ 423,019.42
State of Iowa	Sales Tax	All	\$ 5,600.00
State Revolving Loan	Water Pollution Control	Interest	\$ 12,967.50
Wellmark BC/BS	Insurance	All	\$ 179,503.19

Total: **\$ 2,086,951.87**

City of Newton Council Report

Item: An ordinance revising the boundaries of the election precincts of the City of Newton, Iowa, by amending Title 1, Section 11.03 "Voting Precincts" of the Municipal Code of the City of Newton, Iowa.

Summary: Every 10 years, the City of Newton must review and adopt new ward/precinct maps based on the new census information. Changes are not proposed for the ward boundaries. Changes are necessary for the precinct boundaries.

Financial Impact: No cost.



Report Number: 21-330

Date: December 20, 2021

Lead Department: Community Development Department

Recommendation:
Approve

Summary: State of Iowa Code requires that the population of each of Newton's four wards be approximately equal. Based on the 2020 Census count of 15,760, the ideal population for each ward is approximately 3,940 persons. The maximum allowable variation for each ward is 10%, or 394 persons.

Using the GIS tool from the Secretary of State of Iowa and 2020 Census Data, there are no proposed changes to the ward map for the City of Newton. There are slight adjustments to the precincts within each of the wards. The new precincts accomplish the following:

- The changes impacts the fewest number of properties.
- Each precinct population does not exceed 3,500
- Each precinct lies within one (state) legislative district
- Each precinct/ward is composed of contiguous territory and in a single county
- Precinct/wards must follow census block boundaries.
- Precinct/wards must consider voter convenience and electoral efficiency
- Precinct/wards must include newly annexed territory

The new boundaries must be adopted by ordinance.

Publication of Notice: Notice of the public hearing was published in the *Newton News* on December 14, 2021.

Timeline for Adoption: State code stipulates that City Councils must complete any changes in precinct and ward boundaries no later than 60 days after legislative districts have become law or by September 1st. Because census data was released *significantly* later than ever before, the September 1st deadline has long passed. GIS information only became available to the City through the Secretary of State's office in November.

Waiving 2nd and 3rd Reading. City staff has been in communication with the Secretary of State's office as well as the Jasper County Auditor's office. Both offices have asked for cooperation to adopt the new boundaries as soon as possible. Following the public hearing and first reading of the ordinance on December 20th, the Secretary of State has been requested that City Council consider waiving the second and third reading, so that the additional work by the County and Secretary of State following the

City's adoption can be completed before the required January 15th effective date. With no changes to ward boundaries proposed, staff is comfortable with waiving the second and third reading.

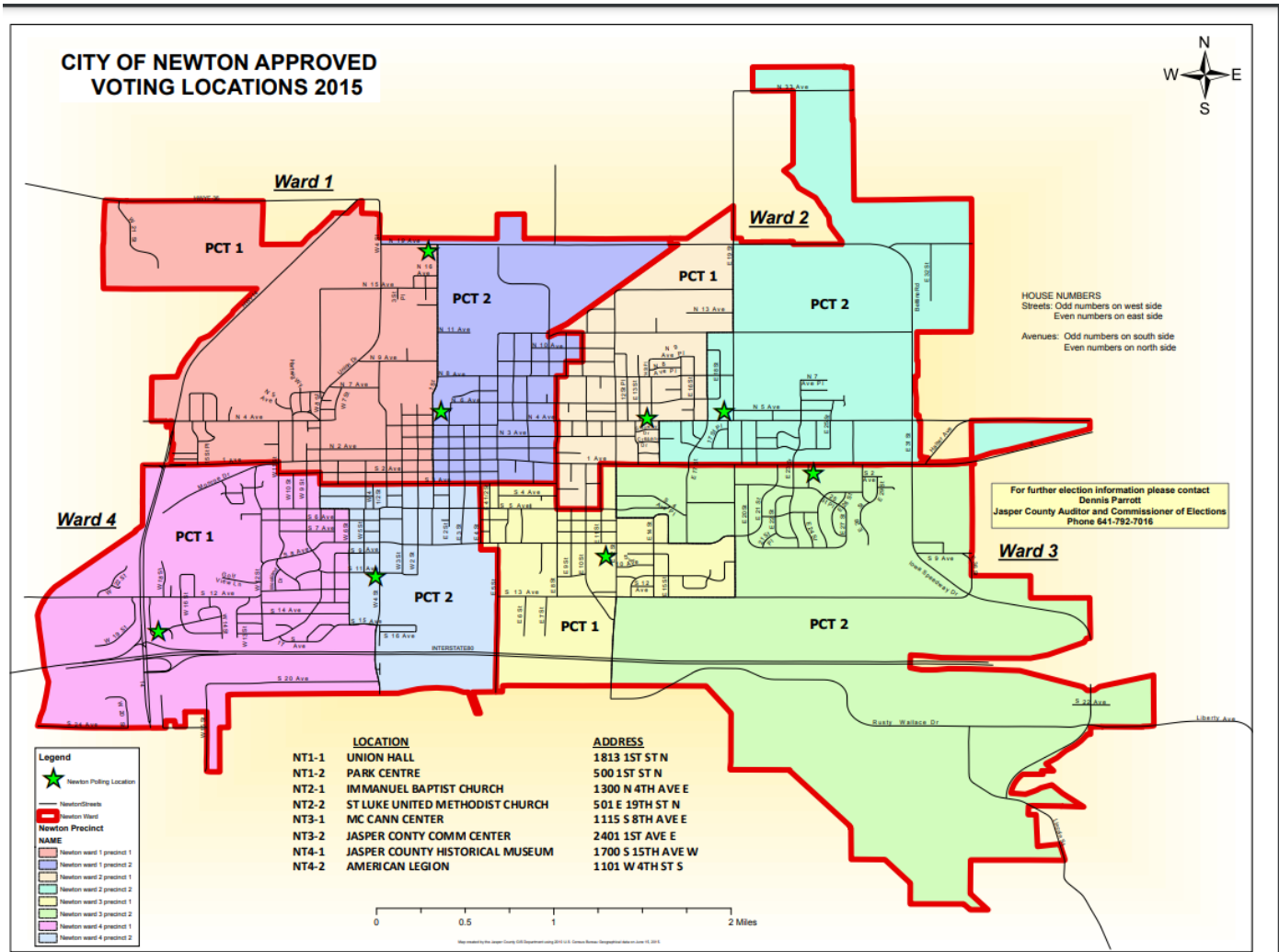
Recommendation: City Staff recommends approval of the ordinance amending Title 1, Section 11.03 "Voting Precincts". Staff further recommends the waiving of the second and third reading of the ordinance.

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is fluid and cursive, with the first name "Matt" and last name "Muckler" clearly distinguishable.

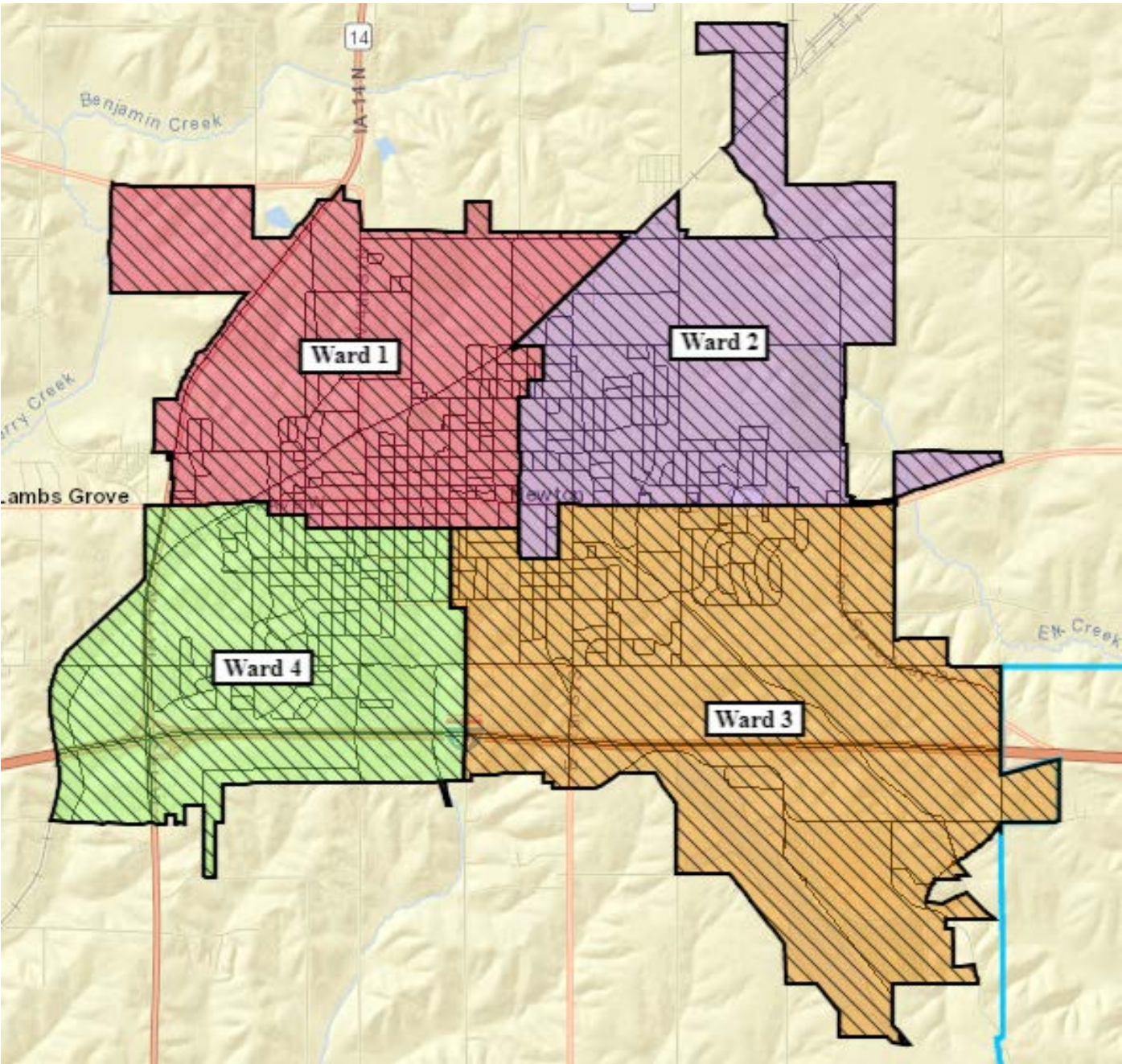
Matt Muckler
City Administrator

2011 Ward/Precinct Map:

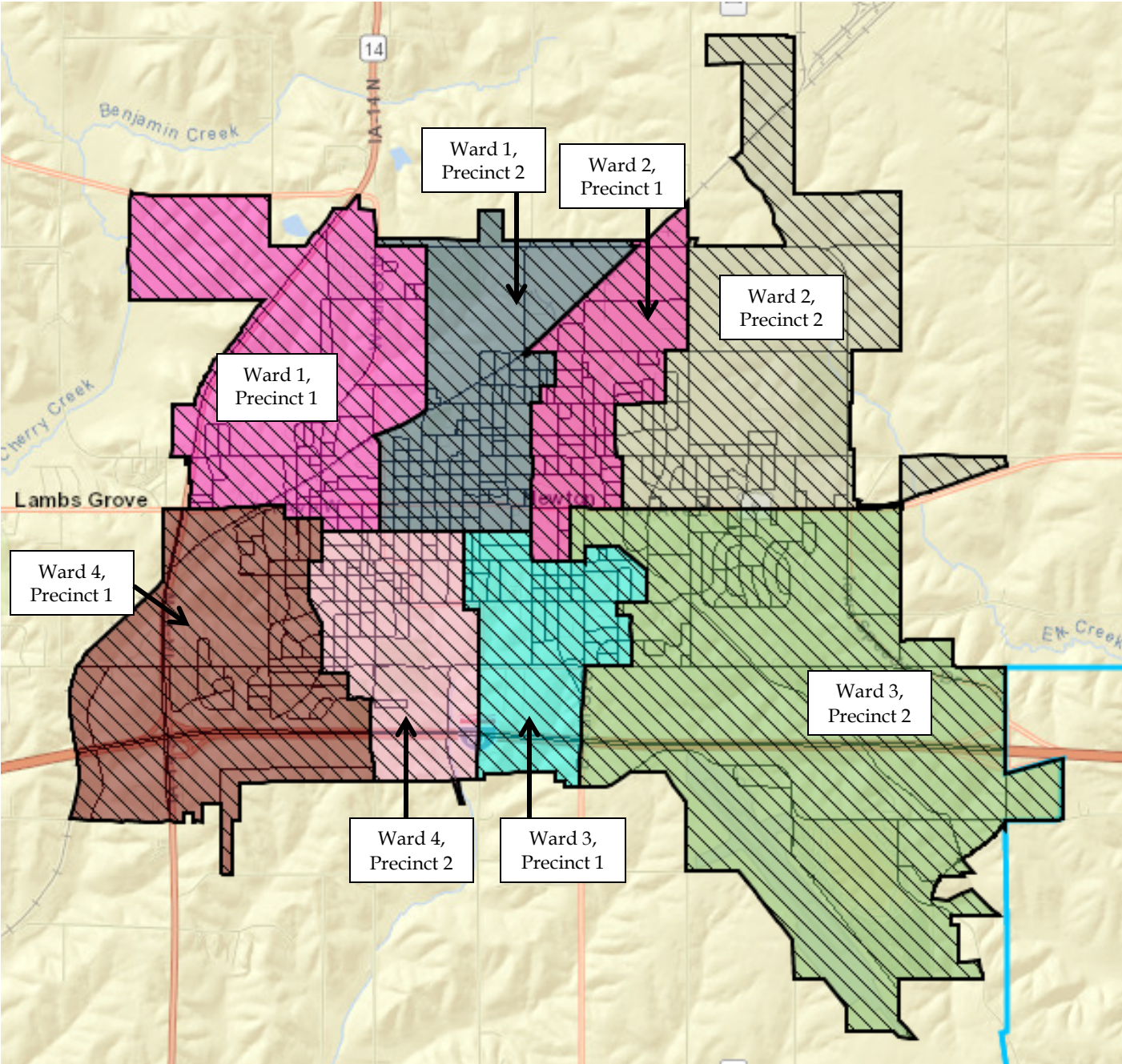
Found electronically here: <https://www.newtongov.org/DocumentCenter/View/2055/City-of-Newton-Ward-Map--Voting-Locations-Approved-2015?bidId=>



2021 City of Newton Ward Boundaries (No Changes):



2021 City of Newton Precinct Boundaries (Minor Changes):



ORDINANCE NO. _____

AN ORDINANCE REVISING THE BOUNDARIES OF THE ELECTION PRECINCTS OF THE CITY OF NEWTON, IOWA, BY AMENDING TITLE 1, SECTION 11.03 “VOTING PRECINCTS” OF THE MUNICIPAL CODE OF CITY OF NEWTON, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. That Title 1, Section 11.03 of the Municipal Code of the City of Newton, Iowa, be and is hereby amended by repealing said Section and enacting the following in lieu thereof;

11.03 VOTING PRECINCTS.

The city is divided into eight voting precincts described as follows.

(A) *Ward 1 - Precinct 1.* Beginning at the intersection of 1st Avenue West with the west corporate limit, thence irregularly north along the west corporate limit to its intersection with the north corporate limit, thence irregularly east along the north corporate limit to the west line of West 4th Street North, thence south along the west line of West 4th Street North to its intersection with the north line of North 19th Avenue West, thence east along the north line of North 19th Avenue West to its intersection with the west line of 1st Street North, thence south along 1st Street North to its intersection with the north line of the Iowa Interstate Railroad, thence irregularly west and south along the Iowa Interstate Railroad to its intersection with the west line of West 4th Street North, thence south along West 4th Street North to its intersection with 1st Avenue West, thence south along West 4th Street South to its intersection with the north line of South 3rd Avenue West, thence west along South 3rd Avenue West to its intersection with the west line of West 8th Street South, thence north along West 8th Street South to its intersection with the north line of South 2nd Avenue West, thence west along South 2nd Avenue West to its intersection with the west line of West 11th Street South, thence north along West 11th Street South to its intersection with the north line of 1st Avenue West, thence west along 1st Avenue West to the west corporate limit which is the point of beginning.

(B) *Ward 1 - Precinct 2.* Beginning at the intersection of the west line of West 4th Street South and the north line of South 3rd Avenue East, thence north along West 4th Street South to its intersection with 1st Avenue West, thence north along West 4th Street North to its intersection with the north line of the Iowa Interstate Railroad, thence irregularly north and east along the Iowa Interstate Railroad to its intersection with the west line of 1st Street North, thence north along 1st Street North to its intersection with the north line of North 19th Avenue West, thence west along the north line of North 19th Avenue West to its intersection with the west line of West 4th Street North, thence north along the west line of West 4th Street North to its intersection with the north corporate limit, thence irregularly north and east along the north corporate limit to the north east corner of Census Block 1031 of Census Tract 401 of the 2020 Federal Decennial Census, thence south to the north line of North 19th Avenue East, thence east along North 19th Avenue East to its intersection with the Iowa Interstate Railroad, thence irregularly south and west along the Iowa Interstate Railroad to its intersection with the western boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal Decennial Census, thence south along the western boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal Decennial Census to the southwest corner of said census block, thence irregularly east along the south boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal Decennial Census to the west line of East 10th Street North, thence south along East 10th Street North to its intersection with the north line of North 9th Avenue East, thence west along North 9th Avenue East to its intersection with the west line of East 9th Street North, thence south along East 9th Street North to its intersection with the north line of North 8th Avenue East, thence west along North 8th Avenue East to its intersection with the west line of East 8th Street North, thence south along East 8th Street North to its intersection with 1st Avenue East, thence south along East 8th Street South to its intersection with the north line of South 3rd Avenue East, thence west along South 3rd Avenue East to its intersection with 1st Street South, thence west along South 3rd Avenue West to its intersection with the west line of West 4th Street South, which is the point of beginning.

(C) *Ward 2 - Precinct 1.* Beginning at the intersection of 1st Avenue East with the western line of East 8th Street North, thence north along East 8th Street North to its intersection with the north line of North 8th Avenue East, thence east along North 8th Avenue East to its intersection with the west line of East 9th Street North, thence north along East 9th Street North to its intersection with the north line of North 9th Avenue East, thence east along North 9th Avenue East to its intersection with the west line of East 10th Street North, thence north along East 10th Street North to its intersection with the south boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal Decennial Census, thence irregularly west along the south boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal Decennial Census to the southwest corner of said census block, thence irregularly north along the western boundary of Census Block 1000 of Census Tract 403 of the 2020 Federal

Decennial Census to a point on the north line of the Iowa Interstate Railroad, thence northeasterly along the Iowa Interstate Railroad to its intersection with the north line of North 19th Avenue East, thence west along the north line of North 19th Avenue East to the east boundary of Census Block 1031 of Census Tract 401 of the 2020 Federal Decennial Census, thence north to a point on the corporate limits boundary, thence irregularly northeasterly along the corporate limits boundary to East 19th Street North, thence south along East 19th Street North to the north line of North 11th Avenue East, thence west along North 11th Avenue East to the west line of East 17th Street North, thence south along East 17th Street North to the north line of North 8th Avenue East, thence west along North 8th Avenue East to the west line of East 14th Street North, thence south to the north line of North 4th Avenue East, thence east along North 4th Avenue East to the west line of East 14th Street North, thence south along East 14th Street North to 1st Avenue East, thence west along 1st Avenue East to the west line of East 11th Street South, thence south along East 11th Street South to the north line of South 5th Avenue East, thence west along South 5th Avenue East to the west line of East 8th Street South, thence north along East 8th Street South to its intersection with 1st Avenue East, which is the point of beginning.

(D) *Ward 2 - Precinct 2.* Beginning at the intersection of 1st Avenue East and the west line of East 14th Street North, thence north along East 14th Street North to its intersection with the north line of North 4th Avenue East, west along North 4th Avenue East to the west line of East 14th Street North, thence north along East 14th Street North to the north line of North 8th Avenue East, thence east along North 8th Avenue East to the west line of East 17th Street North, thence north along East 17th Street North to the north line of North 11th Avenue East, thence east to East 19th Street North, thence north to the northwest corner of Census Block 1035 of Tract 401 of the 2020 Federal Decennial Census, thence irregularly easterly and northerly along the north corporate limits to its intersection with East 28th Street North, thence irregularly southerly and easterly along the eastern corporate limits to its intersection with the north line of U.S. Highway 6, thence west along U.S. Highway 6 to its intersection with Iowa Speedway Drive, thence west along 1st Avenue East to the west line of East 14th Street North, which is the point of beginning.

(E) *Ward 3 - Precinct 1.* Beginning at the intersection of the west line East 5th Street South and the south corporate limit, thence easterly along the south corporate limit to its intersection with the west line of East 12th Street South, thence north along East 12th Street South to its intersection with the north line of South 13th Avenue East, thence east along South 13th Avenue East to its intersection with the west line of East 15th Street South, thence north along East 15th Street South to its intersection with the north line of South 9th Avenue East to its intersection with the west line of East 14th Street South, thence north along East 14th Street South to the north line of South 8th Avenue East, thence east along South 8th Avenue East to its intersection with the west line of East 17th Street South, thence north along East 17th Street South to its intersection with the north line of South 4th Avenue Place East, thence north westerly along South 4th Avenue Place East to its intersection with the north line of South 4th Avenue East, thence west along South 4th Avenue East to its intersection with the west line of East 12th Street South, thence south along East 12th Street South to its intersection with the north line of South 5th Avenue East, thence west along south 5th Avenue East to its intersection with the west line of East 8th Street South, thence north along East 8th Street South to its intersection with the north line of South 3rd Avenue East, thence west along South 3rd Avenue East to its intersection with the west line of East 4th Street South, thence south along East 4th Street South to the southwest corner of Census Block 1014 of Tract 405 of the 2020 Federal Decennial Census, thence east along the south boundary of census block 1014 of Tract 405 of the 2020 Federal Decennial Census to its intersection with the west line of East 5th Street South, thence south along East 5th Street South to its intersection with the south corporate limit, which is the point of beginning.

(F) *Ward 3 - Precinct 2.* Beginning at the intersection of the west line of East 12th Street South and the south corporate limit, thence north along East 12th Street South to its intersection with the north line of South 13th Avenue East, thence east along South 13th Avenue East to its intersection with the west line of East 15th Street South, thence north along East 15th Street South to its intersection with the north line of South 9th Avenue East, thence west along South 9th Avenue East to its intersection with the west line of East 14th Street South, thence north along East 14th Street South to its intersection with the north line of South 8th Avenue East, thence east along South 8th Avenue East to its intersection with the west line of East 17th Street South, thence north along East 17th Street South to its intersection with the north line of South 4th Avenue Place East, thence north westerly along South 4th Avenue Place East to its intersection with the north line of South 4th Avenue East, thence west along South 4th Avenue East to the west line of East 12th Street South, thence south along East 12th Street South to its intersection with the north line of South 5th Avenue East, thence west along South 5th Avenue East to its intersection with the west line of East 11th Street South, thence north along East 11th Street South to its intersection with the north line of 1st Avenue East, thence east along 1st Avenue East to its intersection with Iowa Speedway Drive, thence north easterly along the north line of U.S. Highway 6 to its intersection with the eastern line of the Newton corporate limit, thence irregularly south and east along the Newton corporate limits to its intersection with the southeast corner of Newton Township and northeast corner of Palo Alto Township, thence south along the eastern boundary of Palo Alto Township to its intersection with the corporate limits line and the north line of Interstate 80 Interchange 168, thence continuing south along the eastern boundary of Palo Alto Township to its intersection with the corporate limits line at the south line of Interstate 80 Interchange 168, thence easterly and southerly along the Newton corporate limit to its intersection

with Liberty Avenue, thence westerly along the corporate limit irregularly to its intersection with the west line of East 12th Street South, which is the point of beginning.

(G) *Ward 4 - Precinct 1.* Beginning at the southwest corner of the corporate limit, thence irregularly north along the west corporate limit to its intersection with the north line of 1st Avenue West, thence east along 1st Avenue West to its intersection with the west line of West 11th Street South, thence south along West 11th Street South to its intersection with the north line of South 2nd Avenue West, thence east along South 2nd Avenue West to its intersection with the west line of West 8th Street South, thence south along West 8th Street South to its intersection with the north line of South 5th Avenue West, thence west along South 5th Avenue West to its intersection with the west line of West 9th Street South, thence south along West 9th Street South to its intersection with the north line of South 13th Avenue West, thence east along South 13th Avenue West to its intersection with West 6th Street South, thence south along West 6th Street South to its intersection with the north line of South 15th Avenue West, thence east along South 15th Avenue West to its intersection with the west line of West 4th Street South, thence south along West 4th Street South to its intersection with the south corporate limit, thence irregularly west along the south corporate limit to the southwest corner of the corporate limit, which is the point of beginning.

(H) *Ward 4 - Precinct 2.* Beginning at the intersection of the west line of West 4th Street South with the south corporate limit, thence north along West 4th Street South to its intersection with the north line of South 15th Avenue West, thence west along South 15th Avenue West to its intersection with the west line of West 6th Street South, thence north along West 6th Street South to its intersection with the north line of South 13th Avenue West, thence west along South 13th Avenue West to its intersection with the west line of West 9th Street South, thence north along West 9th Street South to its intersection with the north line of South 5th Avenue West, thence east along South 5th Avenue West to its intersection with the west line of West 8th Street South, thence north along West 8th Street South to its intersection with South 3rd Avenue West, thence east along South 3rd Avenue West to its intersection with 1st Street South, thence east along South 3rd Avenue East to its intersection with the west line of East 4th Street South, thence south along East 4th Street South to the southwest corner of Block 1014 of Tract 405 of the 2020 Federal Decennial Census, thence east along the south boundary of Block 1014 of Tract 405 of the 2020 Federal Decennial Census to its intersection with the west line of East 5th Street South, thence south along East 5th Street South to its intersection with the south corporate limit, thence irregularly west along the south corporate limit to its intersection with the west line of West 4th Street South, which is the point of beginning.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.
APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Public Hearing: _____
First Consideration: _____
Second Consideration: _____
Third Consideration: _____

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the forgoing Ordinance was passed and

approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021, and was published in the *Newton Daily News*, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2011.

Dated this ____ day of _____, 2021.

Katrina Davis
City Clerk

STATE OF IOWA)
) SS
COUNTY OF JASPER)

On this ____ day of _____, 2021 before me, the undersigned, a Notary Public in and for the County of Jasper, personally appeared Michael L. Hansen and Katrina Davis, to me personally known, who being by me sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Newton, Iowa; that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of said City of Newton, Iowa, by authority of the City Council; and that said Michael L. Hansen and Katrina Davis, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

**State of Iowa
City Reprecincting Worksheet**

City Information

City: Newton

City Population (use 2020 Census number): 15,760

Number of Precincts: 8

City Point of Contact Information for Reprecincting Process

Name: Erin Chambers Title: Community Development Director

Telephone: 641-792-6622 x 2301

Email: erinc@newtongov.org

Address: 403 West 4th Street North, Suite 501; Newton, Iowa 50208

Street Address City Zip

Precinct Ordinance and Public Hearing Information

1. Attach a copy of the ordinance describing the city precinct boundaries with this worksheet. If no changes were made to the precinct boundaries following the 2020 census, you still must submit the ordinance, and a copy of the existing precinct ordinance is sufficient.
2. Write the date on which the public hearing was held. If no changes to precinct boundaries were made, a public hearing was not required so please write N/A on the line below.

Date of public hearing(s): December 20, 2021

**State of Iowa
City Reprecincting Worksheet
Precinct Population Certification**

City: Newton

If you require lines in addition to those below, make copies of the following page as needed.

Precinct Name or Number	Population of Incorporated Portion	Population of Unincorporated Portion (only if have joint city/county agreement)	Total Population
Ward 1, Precinct 1	1904	0	1904
Ward 1, Precinct 2	1921	0	1921
Ward 2, Precinct 1	2025	0	2025
Ward 2, Precinct 2	1912	0	1912
Ward 3, Precinct 1	1939	0	1939
Ward 3, Precinct 2	1939	0	1939
Ward 4, Precinct 1	2066	0	2066
Ward 4 Precinct 2	2054	0	2054
City Total Population	15,760	0	15,760

*I hereby certify that this is a complete and correct list of all precincts in this city of
NEWTON and that the population data included is correct.*

Signed: _____ Date: _____
Authorized City Representative

Print Name: Erin Chambers

city: Newton

3

State of Iowa
City Reprecincting Worksheet – Ward Population Certification

City: Newton

Ideal Ward Population

Divide the population of the city by the number of wards.

$$\frac{15,760}{\text{City Population}} \div \frac{4}{\text{\# of Wards}} = \frac{3,940}{\text{Ideal Ward Population}}$$

[§§42.4(1)(a), 372.13(7)(b)]

Maximum Allowable Variation

Multiply the Ideal Ward Population by 0.10.

$$\frac{3,940}{\text{Ideal Population}} \times 0.10 = \frac{394}{\text{Maximum Allowable Variation}}$$

[IAC 721—21.32(372)]

Ward Variations

- Enter the population for each ward on the chart below.
- Compare each ward population with the Ideal District Population. Subtract the smaller population number of the two from the larger population number. List the difference in the Variation column.

Important Note: Where the deviation from the Ideal Ward Population is absolutely necessary, the Maximum Allowable Variation between wards is ten percent (10%). Plans with variations exceeding that limit must include a justification that the deviation is necessary to comply with the other legal requirements set forth in [§372.13\(7\)](#) and are highly likely to be rejected by the Secretary of State.

- Total the populations of all wards. The total must equal the census population for your city.
- Total the variations for all wards to determine the overall variation.

Ward	Population	Variation
1	3825	-115
2	3937	-3
3	3878	-62
4	4120	180
5		
6		
7		
8		
	= total population	= overall variation

*I hereby certify that this is a complete and correct list of the wards in this city of
Newton and that the population data included is correct.*

Signed: _____ Date: _____
Authorized City Representative

Print Name: Erin Chambers

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 72, Section 72.12, "Parking Rules", to make changes to parking in the free municipal lots.

Summary: Make changes to parking ordinance to allow for head in or back in parking and prohibit trailer parking in free municipal lots.

Financial Impact: None

Report Number: 21-313

Date: December 6, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

The City received a request to review the head in only parking designation in the free municipal lots located in the downtown business district. The City had permit parking and metered parking in the municipal lots up until 2016. The presence of permits and meters made head in parking the safest and easiest for code enforcement staff to complete. The City Council voted to remove parking meters and permit parking in all of the downtown municipal lots in 2016, thus opening up the opportunity to review the parking configuration.

Traffic engineers consistently agree that backing into a parking stall is safer than head in parking. Based on the current design of the City's municipal lots there is a potential for long trucks or truck with hitches to partially block sidewalks if they park in outside row and back all the way to the parking lot curb line. The City does have an ordinance that would allow for enforcement of this violation if it is observed.

The head in only parking designation has traditionally prohibited trailers from being parked in the free municipal lots because it's not possible to park a trailer in those lots in a head in configuration. Removing the head in only designation would potentially open up the opportunity for trailers to park in the lots. These lots are not made for trailers and there are travel lane and turning radius restrictions as well as safety issues present if trailer parking was allowed.

The Traffic Safety Committee reviewed the situation and recommends allowing both head in and back in parking and restricting parking for trailers within the free municipal lots.

The proposed ordinance also includes clean up language adding code enforcement officers to the violation reporting and enforcement section as well as removing "Clean Up Time" from the ordinance title.

City staff did communicate the proposed changes to Newton Main Street, Newton Area Chamber of Commerce and DDNA. Those groups provided favorable feedback regarding the proposal.

Recommendation:

Staff recommends approval of the ordinance amendment to remove the "head in only" designation and restrict trailer parking in the free municipal lots.

A handwritten signature in black ink, appearing to read "Matt Muckler", written in a cursive style.

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII,
CHAPTER 72, SECTION 72.12, "PARKING RULES", TO MAKE CHANGES TO PARKING IN THE FREE
MUNICIPAL LOTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 72, Section 72.12, "Parking Rules" is hereby amended by adding or ~~deleting~~ the following:

§ 72.12 FREE MUNICIPAL PARKING LOTS; ~~CLEANUP TIME.~~

(A) *Free municipal parking lots.* Designated locations are hereby specified as free municipal parking lots to provide off-street parking in the congested area near the downtown business district in the city.

(B) *Individual parking spaces.*

(1) The Public Works Director is hereby authorized and directed to designate and mark off individual parking spaces on the free municipal parking lot to provide for the proper parking of vehicles thereon.

(2) At each place where individual parking spaces are so marked off, each vehicle shall park ~~head-in only~~ and entirely within an individual parking space.

(C) *Free lots; 72-hour limit.* Parking in all free municipal lots shall be limited to 72 consecutive hours.

(D) *Free lots; vehicles prohibited.* No disused automobiles, trailers or automobiles which are being advertised or offered for sale shall be permitted to be parked or left standing upon a free municipal lot.

(E) *Reports of violations.* It shall be the duty of the police officers or designated code enforcement personnel of the city, acting in accordance with instructions issued by the Chief of Police, to report:

(1) *License number.* The license number of any vehicle parked on the free municipal lot in violation of any of the provisions of this section;

(2) *Time of violation.* The time during which such vehicle is parked in violation of any of the provisions of this section; and

(3) *Other facts.* Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

(F) *Parking tickets to be issued.* Each police officer or code enforcement personnel reporting a violation of the section shall also attach to the vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of this section, instructing such owner or operator to report at the police station of the city on regard to such violation.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

City of Newton Council Report



Item: 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 300-400 blocks of East Four and One-Half Street South.

Summary: To restrict street parking for safety purposes and accommodate current use.

Financial Impact: None

Report Number: 21-314

Date: December 6, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

The City received safety concerns from citizens regarding street parking along the section of roadway described below. These complaints are a result of vehicles being parked on both sides of streets that are too narrow to allow this parking capacity and still allow vehicles free and safe passage. A primary concern is that emergency vehicles may not be able to travel through this area on emergency calls and there is a heightened risk of motor vehicle and pedestrian accidents as a result of the current parking design.

The 300-400 block of E 4 ½ St S is 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on the west side of E 4 ½ St S in the 300-400 block.

Seventeen (17) surveys describing the recommended changes were sent to the adjacent property owners along E 4 ½ St S. Three (3) surveys were returned with two (2) residents agreeing with the recommended changes and one (1) supporting parking restrictions on the east side instead of the proposed west side.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking on the west side of E 4 ½ St S in the 300-400 block.

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

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 300-400 BLOCKS OF EAST FOUR AND ONE-HALF
STREET SOUTH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" is hereby amended by adding or ~~deleting~~ the following:

NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

STREETS, SOUTHEAST QUADRANT

East Four and One-Half Street South.

"No Parking Anytime".

West side from South ~~Fifth~~ Third Avenue East south to South Eighth Avenue East.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

Parking Survey—E 4 ½ St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side in the 300-400 block of E 4 ½ St S and return to the City of Newton Police Department by November, 8, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

But then they block me in my Driveway

411 S 3rd Ave E

Make it east side

Parking Survey—E 4 ½ St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side in the 300-400 block of E 4 ½ St S and return to the City of Newton Police Department by November, 8, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

423 E 4 ½ St S

DES MOINES IA 500

Parking Survey—E 4 ½ St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side in the 300-400 block of E 4 ½ St S and return to the City of Newton Police Department by November, 8, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

314 E 4th St S

We would support no street parking on E 4 ½ St S.

City of Newton Council Report

Item: An ordinance amending the City of Newton Official Zoning Map for property located at 1404 1st Avenue West (Parcel 0833126048) from C-A: Arterial Commercial to R-2: One- and Two-Family Residential.

Summary: 2B Constructed Inc. has requested a rezoning of the subject property to accommodate future development of single-family residential dwellings.

Financial Impact: None.



Report Number: 21-309

Date: December 6, 2021

Lead Department: Community Development Department

Recommendation:
Approve

The property included in the rezoning is currently within the C-A: Arterial Commercial zoning district. Immediately to the north and to the west, the land is zoned R-2: One- and Two-Family Residential. Immediately to the east and south, the land is zoned C-A: Arterial Commercial. While a residential use is already listed as permitted within the C-A district, the intention behind this rezoning is to better accommodate the development of single-family homes in the future.

Newton's Future, the comprehensive plan, includes a Land Use Concept Plan found within the Land Use Chapter. The area in question is shown as the dividing line between "general commercial" (red) and "low density residential" (yellow). See the concept plan map attached with the subject area of rezoning outlined in red. Keep in mind that the boundaries of the different uses on the concept plan were drawn in a soft, bubble-like manner to allow for some flexibility in the ability to consider individual circumstances when setting specific district boundaries. Generally speaking, the commercial designation lines the majority of the 1st Avenue corridor, but the comprehensive plan specifically recognizes the benefit of residential uses in this area.

A listed goal found in Ch. 9: Land Use states, "Encourage infill development on vacant underutilized parcels..." and work to "Create a pleasing community "entry" at Highway 14 and 1st Avenue W." Additionally, Ch. 8 Housing recognizes that "In focusing on drawing young families to Newton, it would likely be beneficial to see housing development toward the western side of Newton to accommodate easy access to I-80 and Des Moines." Staff finds that the proposed rezoning is supported by the comprehensive plan and would appropriately accommodate immediate development of the property.

At their meeting on November 2, 2021, the Planning and Zoning Commission unanimously approved a motion recommending approval of the rezoning of the subject property.

Notice of the Public Hearing: Notice of the public hearing for this item was sent to surrounding property owners (postcard mailing) and published in the *Newton Daily News*. No concerns or objections have been received from neighbors to date.

Recommendation:

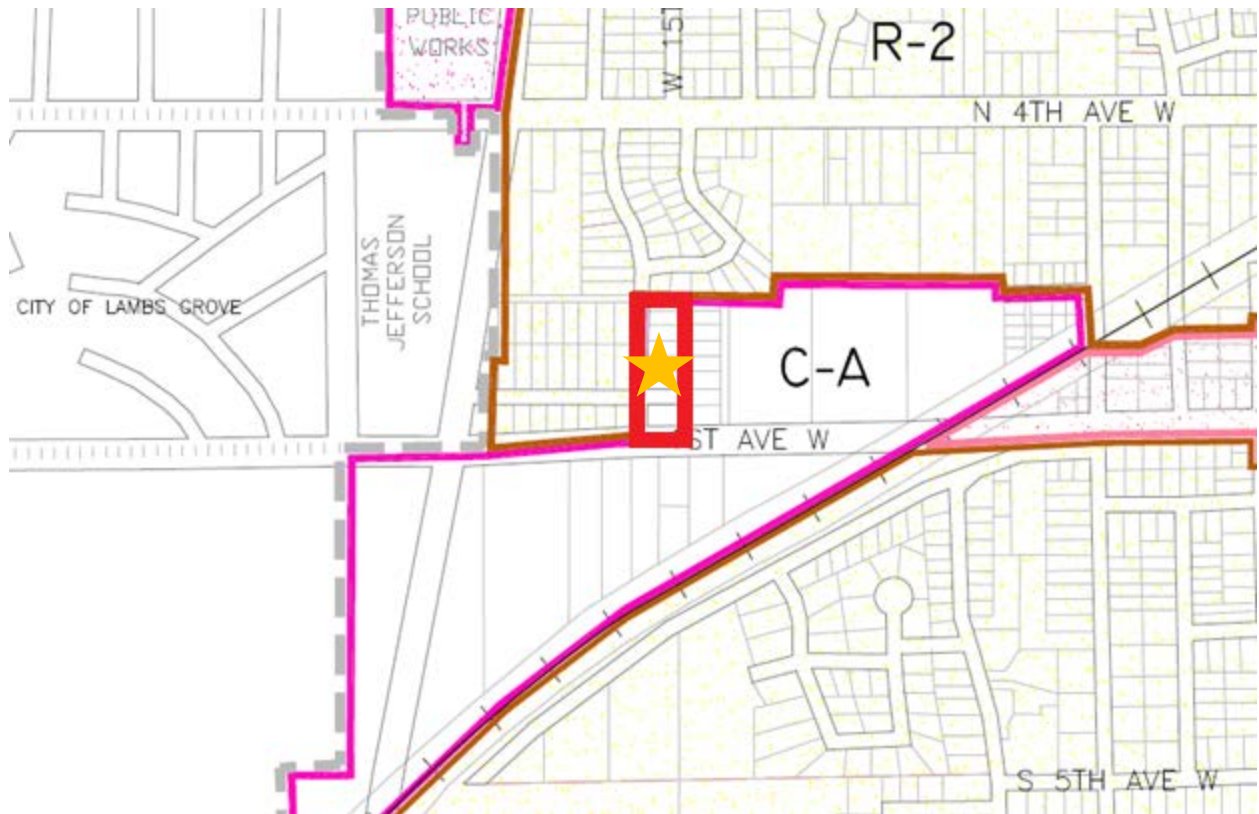
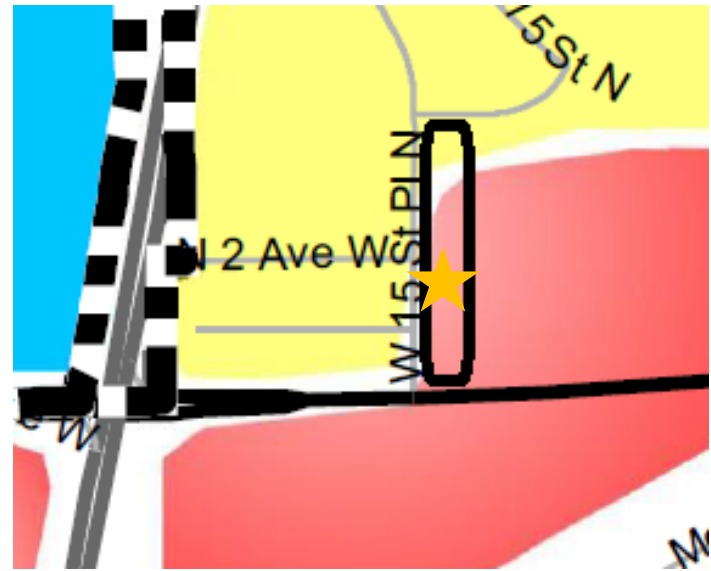
Staff recommends approval of the ordinance.

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is written in a cursive, flowing style.

Matt Muckler
City Administrator



★ = subject property



ORDINANCE NO. _____

ORDINANCE AMENDING THE CITY OF NEWTON OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT 1404 1ST AVENUE WEST FROM C-A: ARTERIAL COMMERCIAL TO R-2: ONE- AND TWO-FAMILY RESIDENTIAL

WHEREAS, the Planning and Zoning Commission reviewed the zoning map amendment at their November 2, 2021, regular meeting and unanimously recommend approval; and

WHEREAS, the rezoning of property located at 1404 1st Avenue West does not constitute spot zoning; and

WHEREAS, said rezoning is supported by *Newton's Future: A Comprehensive Plan*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. Zoning Classification. The zoning classification of the following described property lying, being and situated in the City of Newton, County of Jasper and State of Iowa to wit:

LOTS TWO, THREE AND SIX IN BLOCK ONE AND LOTS TWO, THREE, SIX AND SEVEN IN BLOCK FOUR OF LEEPER'S HIGHLAND ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AND THE TWELVE FOOT EAST/WEST ALLEY LYING NORTH OF BLOCK ONE OF LEEPER'S HIGHLAND ADDITION THAT LIES WEST OF A LINE EXTENDED NORTH FROM THE NORTHWEST CORNER OF LOT ONE OF SAID LEEPER'S HIGHLAND ADDITION, AND THE SIXTEEN FOOT NORTH/SOUTH ALLEY LYING EAST OF AND ADJACENT TO LOTS TWO, THREE AND SIX BLOCK ONE AND LOTS TWO, THREE, SIX AND SEVEN IN BLOCK FOUR IN SAID LEEPER'S HIGHLAND ADDITION, AND THE VACATED NORTH SECOND STREET LYING BETWEEN BLOCKS ONE AND FOUR IN SAID LEEPER'S HIGHLAND ADDITION THAT LIES WEST OF A LINE EXTENDED FROM THE SOUTHWEST CORNER OF LOT FIVE, BLOCK ONE TO THE NORTHWEST CORNER OF LOT ONE IN BLOCK FOUR OF SAID LEEPER'S HIGHLAND ADDITION;

is hereby established to be zoned R-2: One- and Two-Family Residential.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____ 2021.

APPROVED this ____ day of _____ 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

REVISED City of Newton Council Report

Item: Ordinance amending and updating the Code of Ordinances, City of Newton, Iowa, Title XI: Business Regulations, Chapter 111, "Peddlers, Solicitors and Transient Merchants."

Summary: Amending Peddlers, Solicitors, & Transient Merchant Code to include Mobile Food Unit (Food Truck) requirements

Financial Impact: None (to the City)



Report Number: 21-331

Date: December 20, 2021

Lead Department:
Community Development

Recommendation:
Approval

Background: Currently, Food Trucks are unregulated within the City. With their growing popularity and presence, the Newton Planning and Zoning Commission was asked to review the matter and make a recommendation to City Council on the matter. Although Chapter 111 of the Newton City Code is not part of the zoning ordinance, it does have an impact at the neighborhood level.

At their meeting on March 16, 2021, the Planning and Zoning Commission recommended approval of an ordinance amendment to regulate the location and provide for an inspection of mobile food units in the City of Newton. The ordinance as recommended by Planning and Zoning Commission was presented to City Council on November 15, 2021. That ordinance was not passed.

At the December 6, 2021 City Council meeting, a motion to reconsider the Mobile Food Unit requirements was approved. Councilperson Trotter proposed a series of amendments to the previously presented ordinance. This council report, with attachments, has been revised from that which appeared in previous agenda packets. These documents reflect the amended ordinance as was approved during the first reading on December 6, 2021.

The amended ordinance provides for the following:

- A Mobile Food Unit Annual License.
 - o Application submitted not less than 5 business days prior to the start of the sales in Newton.
 - o Application includes owner contact information, description of vehicle, license plate number, copy of current state license for the mobile food unit.
 - o License will be approved upon satisfactory submission of the above requested information and completion of local inspection by Fire Department or review and acceptance of another Iowa jurisdiction's fire inspection.
- A Mobile Food Unit Annual Premise Permit.
 - o Application submitted not less than 5 business days prior to the first hosting of a mobile food unit.
 - o Property must be commercial or industrial zoning.

- o Property owners who wish to host mobile food units on their property shall obtain an annual premise permit.
- o The purpose of the premise permit is to pre-authorize specific locations on a property where mobile food units may safely park. This will ensure compliance with fire safety, zoning, and ADA standards.

Premise Permit & License Fee: The ordinance does not specify any fees for either the Premise Permit or the Mobile Food Unit License. As normal course of business, application fees are not included within adopted ordinances, but rather are adopted by council through resolution. A resolution stipulating a license fee will be placed on the January 3, 2021 council agenda, aligning with the third reading of the ordinance.

As a starting point, staff suggests a \$100 annual license fee for mobile food units. Staff also suggests a \$100 annual premise permit fee. Staff is open to the suggestion of council on this point.

Recommendation: Staff recommends approval of the ordinance.

A handwritten signature in cursive script, appearing to read "Matt Muckler".

Matt Muckler
City Administrator

ORDINANCE NO. _____

**ORDINANCE AMENDING AND UPDATING THE CODE OF ORDINANCES,
CITY OF NEWTON, IOWA, TITLE XI: BUSINESS REGULATIONS, CHAPTER
111, "PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS"**

WHEREAS, the established purpose of Chapter 111 is to protect the residents of the city by requiring the registration and licensing of any person engaging in peddling, soliciting or in the business of a transient merchant in the city;

WHEREAS, the city has a vested interest in ensuring safe operations of mobile food units and in confirming compliance with all applicable local, county, state, and federal regulations for health inspections, licensing, safety, and fire code requirements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWTON DOES ORDAIN AS FOLLOWS:

Section 1. The Code of Ordinances, City of Newton, Iowa, Title XI: BUSINESS REGULATIONS, Chapter 111 "PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS" is hereby amended by adding or ~~deleting~~ the following:

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____ 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Public Hearing: _____

First Consideration: _____

Second Consideration: _____

Third Consideration: _____

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

Attachment A.

CHAPTER 111: PEDDLERS, SOLICITORS, ~~AND~~ TRANSIENT MERCHANTS, AND MOBILE FOOD UNITS

Section

- 111.01 Purpose
- 111.02 Definitions
- 111.03 License required
- 111.04 License exemptions
- 111.05 License application
- 111.06 Mobile food unit inspection
- 111.07 Mobile food unit standards
- ~~111.06.08~~ Bond required
- ~~111.07.09~~ License fees
- ~~111.08.10~~ License issuance
- ~~111.09.11~~ License display
- ~~111.10.12~~ License not transferable
- ~~111.11.13~~ Time restriction
- ~~111.12.14~~ Unlawful acts and suspension or revocation of license
- ~~111.13.15~~ Notice
- ~~111.14.16~~ Record and determination
- ~~111.15.17~~ Appeal
- ~~111.16.18~~ Effect of revocation
- ~~111.17.19~~ Rebates
- ~~111.18.20~~ Charitable and nonprofit organizations
- ~~111.19.21~~ Pedestrian use of the roadway for the purpose of soliciting charitable contributions or donations

§ 111.01 PURPOSE.

The purpose of this chapter is to protect the residents of the city against fraud and ensure their safety by registering and licensing peddlers, solicitors, transient merchants, and mobile food units. (2011 Code, § 40.0101)

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD UNIT. Any type of annually licensed food or beverage establishment that is readily movable, which either operates up to three consecutive days at one location or returns to a home base of operation at the end of each day, as defined by Iowa Code Ch. 137F. A mobile food unit VENDOR is a person engaged in the business of selling food or beverages from a mobile food unit.

PEDDLER. Any person carrying goods or merchandise, or offering services, who sells or offers for sale for immediate delivery such goods, services or merchandise from house-to-house, business-to-business, office-to-office or upon the public street.

PUSHCART. A non-self-propelled vehicle food establishment limited to serving non-potentially hazardous foods or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters, as defined by Iowa Code Ch. 137F.

SOLICITOR. Any person who solicits or attempts to solicit from house-to-house, business-to-business, office-to-office, by telephone from a location within the city limits, or upon the public street an order for goods, services, subscriptions or merchandise to be delivered at a future date.

TRANSIENT MERCHANT. Except as provided below, any person, firm or corporation who engages in a temporary or itinerant merchandising business in person or by telephone and, in the course of such a business, hires, leases or occupies any permanent building or permanent structure or part thereof, including a motel or hotel room, within the city limits, for any period of less than 60 days. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as part of or in the name of any local merchant, dealer, trader or auctioneer, shall not

exempt any person, firm or corporation from being considered a TRANSIENT MERCHANT. The following persons are not TRANSIENT MERCHANTS: all persons, firms or corporations who engage in such temporary or itinerant merchandising businesses:

- (1) Outside any permanent building or permanent structure on private or government property with the property owner's written consent;
- (2) Within the common area of any commercial mall with the written consent of the manager of such commercial mall; or
- (3) Within any permanent building or permanent structure owned, leased or controlled by any civic, service, charitable, benevolent or religious organization with the written consent of said organization.

(2011 Code, § 40.0102) (Ord. 2334, passed 5-21-2018)

§ 111.03 LICENSE REQUIRED.

Any person engaging in peddling, soliciting, ~~or~~ in the business of a transient merchant, or in the sale of food or beverage to the public from a temporary or mobile facility in the city without first obtaining a license as herein provided shall be in violation of this chapter. All such activity shall comply with all other local, county, state, or federal regulations, permits, and requirements. Although certain activities may be exempt from the licensing requirements of this chapter, any activity including food service to the public is expected to comply with all other local, county, and state requirements for health inspections, licensing, safety and fire code requirements.

(2011 Code, § 40.0103) (Ord. 2334, passed 5-21-2018) Penalty, see § 10.99

§ 111.04 LICENSE EXEMPTIONS.

The following are excluded from the application of this chapter:

- (A) Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers;
- (B) Route sales. Persons who make regularly scheduled route deliveries;
- (C) Resale or institutional use. Persons customarily calling on businesses or institutions for the purpose of selling products for resale or institutional use;
- (D) Nonprofit organizations. Members of local Boy Scout, Girl Scout, Campfire, 4-H clubs, Future Farmers of America and similar nationally recognized nonprofit organizations, if the sales are to benefit the organization in its recognized operation and programs;
- (E) Door-to-door sales; community improvement or benefit. Persons making door-to-door sales for the purpose of a community improvement or benefit approved by the City Council on behalf of nonprofit, tax-exempt corporations;
- (F) Students. Students representing local schools conducting projects sponsored by organizations recognized by the schools;
- (G) Youth sports organizations. City youth sports associations;
- (H) Religious organizations. Representatives of religious organizations; and
- (I) Political candidates and organizations. Political candidates and representatives of political organizations.
- (J) Catering businesses: "catering" defined by IAC 481-30 as, "the preparation of food for distribution to an individual, business or organization for exclusive service to the individual's, businesses or organization's nonpaying guests, employees or members."
- (K) Pushcarts; with appropriate approval from the Iowa Department of Inspection and Appeals and submittal of emergency contact information. A minimum forty-eight inch (48") open and direct walkway must be maintained for passing pedestrians at all times if the pushcart is located on a public sidewalk.
- (L) Grilling and food preparation activities of brick-and-mortar establishments on the establishments' premises for immediate consumption by patrons or employees.
- (M) Concession stands associated with sports or recreational venues that have been approved as part of a site plan.

(2011 Code, § 40.0104) (Ord. 2334, passed 5-21-2018)

§ 111.05 LICENSE APPLICATION.

- (A) PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS: An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall consist of a photocopy of the

applicant's current state sales tax permit and a complete list of the names, permanent home and business addresses, and a copy of a government issued identification card and background check conducted by the Iowa Division of Criminal Investigation for each person or persons engaged in peddling, soliciting or transient merchandising. If the applicant claims to be an entity exempt from collecting state sales tax, but not otherwise exempt under the provisions of this chapter, the application shall consist of a form to be supplied by the City Clerk containing all of the information required on an application for a state sales tax permit and a complete list of the names, permanent home and business addresses, and a copy of a government issued identification card and background check conducted by the Iowa Division of Criminal Investigation for each person or persons engaged in peddling, soliciting or transient merchandising.

- (B) MOBILE FOOD UNIT LICENSE: A mobile food unit license is an annual license that expires one year from the date of approval and must be renewed prior to the first event after that date. Applications shall be filed with the City Clerk on the form provided by the City. No application request shall be accepted unless it conforms to the requirements of this chapter. This includes a complete and true application and all of the required materials and information prescribed, accompanied by the appropriate fee(s).

Application(s) shall be submitted not less than 5 business days prior to the proposed start date of mobile food unit sales. The City reserves the right to reject any application that is not submitted in a timely manner. The City Clerk, or designee, shall have the discretionary right to accept an application made less than 5 business days prior to the desired start date. Such application shall include the following:

- (1) Full name of the applicant and applicant's contact information including mailing address, phone number, and e-mail address.
- (2) State health inspection certificate including the classification level of the state license.
- (3) Details about the vehicle:
 - a. Make, model, and year of vehicle to be used,
 - b. Overall size of the vehicle; length and width,
 - c. County, state, and license plate number,
 - d. Photograph(s) of the mobile food unit,
 - e. Description of the kitchen and/or cooking facilities, preparation area, and safety features (suppression system, etc.) of the mobile food unit.
- (4) Fire Department signature on application confirming an approved inspection.
- (5) Completed application and appropriate fee(s).

- (C) MOBILE FOOD UNIT PREMISE PERMIT. A premise permit held by a property owner of commercially or industrially zoned property to host a mobile food vendor expires one year from the date of approval and must be renewed prior to the first event at the host site after that expiration date. Applications shall be made no less than 5 business days prior to desired start date. A premise permit application shall include the following:

- (1) Property Owner/Leaseholder Name.
- (2) Property Owner/Leaseholder mailing address, phone number, and email address.
- (3) Location map of designated parking area for mobile food vendor vehicles and temporary accessory uses such as signage, picnic tables, and the like. The designated location shall comply with requirements found in Section 111.07(A) of this Chapter.

(2011 Code, § 40.0105) (Ord. 2334, passed 5-21-2018)

§ 111.06 MOBILE FOOD UNIT INSPECTION.

Mobile food units may be inspected by the Newton Fire Department prior to operations within the City of Newton. All Class III and IV mobile food units, as classified by the Iowa Department of Inspections and Appeals, shall have an acceptable fire suppression system, as determined by the Newton Fire Department.

- (A) Inspections are required annually and prior to the sale of food or beverages to the public. It shall be the obligation of the mobile food unit vendor or designee to schedule the inspection with the Newton Fire Department and the request shall be submitted at least 48 hours prior to any planned operations.
- (B) The mobile food unit shall be established and ready to serve patrons at the time of inspection.

- (C) Upon completion of the annual inspection, if the Newton Fire Department determines that the mobile food unit passed the inspection, the Fire Chief or designee shall sign the mobile food unit license application and identify any conditions for operation as deemed appropriate as a result of said inspection.
- (D) At its discretion, the Newton Fire Department may accept an inspection report of the mobile food unit from another city's fire inspector to satisfy the annual inspection requirement. Applicant is obligated to contact the Newton Fire Department to verify whether or not another community's inspection is adequate to fulfill the city of Newton's inspection requirements, to confirm the mobile food unit is compliant with all other applicable requirements, and/or to provide other documents as needed.

§ 111.07 MOBILE FOOD UNIT STANDARDS.

Mobile food units shall follow the Operation Guide established by the Iowa Department of Inspections and Appeals (DIA), as well as the standards outlined by the Food Truck Safety Fact Sheet provided by the National Fire Protection Association (NFPA) before operations may begin.

No mobile food unit may be operated on public property or encroach onto public rights-of-way except as part of a special event approved or authorized by the City of Newton (e.g., ice cream vendors, Farmers' Market, etc.). By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with this chapter and to ensure the performance standards listed below, the safety of pedestrians, and access of emergency vehicles to and around the site are maintained.

- (A) All mobile food units must be parked on an off-street, all-weather surface.
 - (1) No mobile food unit shall be parked in or otherwise impede access to and from ADA parking spaces.
 - (2) No mobile food unit shall be allowed to operate on residential properties, except for a special event reviewed and authorized by the City Clerk, or designee.
 - (3) Minimum parking requirements and site circulation shall not be obstructed by the location of mobile food unit(s).
 - (4) A mobile food unit shall conduct operations at one location a maximum of three consecutive days per week.
 - (5) Mobile food unit(s) shall maintain a minimum distance of separation from any structure and any other mobile food unit as established by the National Fire Protection Association and Iowa Department of Inspection of Appeals. The distance shall be measured to the closest building or structure including awnings or canopies, tents, or membrane structures.
 - (6) The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand or create a line that may cause an obstruction in the public right-of-way including public sidewalks, vehicle travel lanes, parking lot drive aisles, or any other related situation that may create a potential safety hazard.
 - (7) Mobile food unit(s) shall operate in the location designated by the current Premise Permit obtained by the property owner from the City of Newton.
- (B) Signs are limited as follows:
 - (1) One free standing, portable sign not exceeding 15 square feet in size per each side provided that it remains located on the premise that the food truck is operating and does not create a safety hazard or block ADA accessibility.
 - (2) Those that are attached to the exterior of the mobile food unit and must be mounted flat against the unit and not project more than six (6) inches from the exterior of the unit.
 - (3) No additional freestanding banners, flags, inflatables, or other similar free-standing obstructions are allowed.
- (C) Mobile food units shall serve patrons who are on foot only; drive-up service to the mobile food unit is prohibited.
- (D) During hours of operation, the mobile food unit vendor shall provide a trash receptacle for use by patrons and shall keep the area around the unit clear of litter and debris at all times.
- (E) All food service operations must be conducted within the mobile food unit. One table and one tent are allowed per mobile food unit if utilized within immediate proximity of the mobile food unit.

- (F) Mobile food units are prohibited from dumping or discharging anything into storm and sanitary sewers. No mobile food unit shall connect to city-owned electrical or water sources without expressed written approval from the City of Newton Public Works Director, or designee.

§ 111.08 BOND REQUIRED.

Before a license under this chapter is issued to a transient merchant, an application shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Iowa Code Ch. 9C.

(Ord. 2334, passed 5-21-2018)

§ 111.07 .09 LICENSE FEES.

Licenses shall be issued with a fee, which is established by resolution.

(2011 Code, § 40.0106) (Ord. 2334, passed 5-21-2018)

§ 111.08 .10 LICENSE ISSUANCE, SURRENDER, WITHDRAWAL, OR MODIFICATION.

If the Clerk finds the application is completed in conformance with § 111.05 of this chapter, a license shall be issued immediately. Any licensee who surrenders his or her license prior to the date of expiration shall not be entitled to a refund of any portion of the fee. Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, or if the applicant has not communicated in writing with the City and made reasonable progress within 30 days from the last written notification from the City to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fee(s) to begin a new review and approval process. A new application and inspection shall be required if a mobile food unit vendor changes the food or beverage being offered during the term of an issued license that would modify the designation of the mobile food unit to a higher state licensing level classification.

(2011 Code, § 40.0107) (Ord. 2334, passed 5-21-2018)

§ 111.09 .11 LICENSE DISPLAY.

Each solicitor or peddler shall, at all times while doing business in the city, keep in his or her possession the license provided for in § 111.08 of this chapter and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly his or her license in his or her place of business. Each mobile food unit shall display publicly the license in the upper left (passenger side) of the front windshield or the left front side of a trailer or cart.

(2011 Code, § 40.0108) (Ord. 2334, passed 5-21-2018)

§ 111.10 .12 LICENSE NOT TRANSFERABLE.

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be licensed separately and individually. applicable to the person filing the application.

(2011 Code, § 40.0109) (Ord. 2334, passed 5-21-2018)

§ 111.11 .13 TIME RESTRICTION.

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and between 9:00 a.m. and 1:00 p.m. on Saturday. Sunday sales are prohibited. Mobile food units that operate on any property that is abutting a residential zoning district shall be limited to hours of operation between 7:00 a.m. and 10:30 p.m., unless authorized by the City Clerk's office.

(Ord. 2334, passed 5-21-2018)

§ 111.12 .14 UNLAWFUL ACTS AND SUSPENSION OR REVOCATION OF LICENSE.

(A) Unlawful acts.

(1) Fraudulent representation/harassment. No licensee shall falsely or fraudulently misrepresent the quality, character or quantity of any article, item or commodity offered for sale or sell any unwholesome or tainted food or foodstuffs. No licensee shall harass, intimidate, coerce or threaten any individual to induce a sale.

(2) Prohibited soliciting. No solicitor shall do business or attempt to do business upon any property on which is posted notice that peddling and/or soliciting is prohibited.

(3) Soliciting without a license. Except as otherwise provided, it shall be unlawful to solicit as defined in this chapter without a valid license or permit.

(4) Supervisor or employer. No person supervising or employing another to solicit or conduct transient merchandising or from a mobile food unit as defined in this chapter shall knowingly allow a person under his or her supervision or employment to engage in an unlawful act as defined in this section. Each unlawful act by each employee or supervised person may be charged as a separate offense. There shall be a rebuttable presumption that the supervisor or employer has knowledge of the unlawful acts if a police officer or employee of the City Clerk's office gives notice to the supervisor or employer of the unlawful acts and, subsequently, further unlawful acts are committed by the employee or person supervised.

(B) Suspension or revocation of license. For any of the reasons set both below in this section, the Clerk may suspend any license issued under this chapter:

(1) Fraudulent statements. The licensee has made fraudulent statements in his or her application for the license or in the conduct of the business;

(2) Violation of law. The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his or her business in an unlawful manner;

(3) Endangered public welfare, health or safety. The licensee has conducted the business in a manner as to endanger the public welfare, safety order or morals; or

(4) Multiple complaints. The Clerk has received and investigated three or more founded written complaints during the licensed period from residents of the city who are dissatisfied with the manner in which the licensee is conducting business.

(Ord. 2334, passed 5-21-2018)

~~§ 111.13~~ .15 NOTICE.

The Clerk shall immediately serve notice to the licensee either in person or by regular mail to the licensee's local address of the license suspension and of the hearing of the possible revocation of license, as set forth in § 111.15. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or state statutes allegedly violated, and the date, time and place for the hearing on the matter.

(Ord. 2334, passed 5-21-2018)

~~§ 111.14~~ .16 RECORD AND DETERMINATION.

The Police Chief or designee shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Police Chief finds clear and convincing evidence of substantial violation of this chapter or state law.

(Ord. 2334, passed 5-21-2018)

~~§ 111.15~~ .17 APPEAL.

(A) If the Police Chief or designee revokes or refuses to issue a license, the Police Chief or designee shall make a part of the record the reasons therefor.

(B) The licensee, or the applicant, shall have a right to a hearing before the City Administrator.

(C) The City Administrator may reverse, modify or affirm the decision of the Police Chief and the Police Chief shall carry out the decision of the City Administrator.

(Ord. 2334, passed 5-21-2018)

~~§ 111.16~~ .18 EFFECT OF REVOCATION.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

(Ord. 2334, passed 5-21-2018)

~~§ 111.17~~ .19 REBATES.

No rebates of fees paid shall be given.

(Ord. 2334, passed 5-21-2018)

§ 111.~~18~~ 20 CHARITABLE AND NONPROFIT ORGANIZATIONS.

(A) Authorized representatives of charitable organizations exempt from federal taxation and/or nonprofit organizations, including those organizations operating under the provisions of Iowa Code Ch. 504 and/or are exempt from taxation under § 501 (c)(3) of the United States Internal Revenue Code, shall be subject to the requirements of this chapter except that they shall not be required to submit permit fees, nor provide a bond, nor shall they be required to submit an application under § 111.05. In lieu of this application, all organizations shall be ~~required~~ required to submit in writing to the City Clerk the following information:

- (1) Name of organization;
- (2) Federal identification number;
- (3) A description of the proposed activity, including use for any money solicited;
- (4) Period during which activities will take place;
- (5) Whether any commissions, fees or wages are to be charged by the solicitor for his or her efforts and the amount thereof;
- (6) Names and addresses of officers and directors of the organization; and
- (7) Names and addresses of all people who will be soliciting or distributing in the name of the organization.

(B) If the Clerk finds the organization is a bona fide charity or nonprofit organization entitled to an exemption under this section and if the Clerk finds that all ~~required~~ required information has been submitted in writing, then the Clerk shall issue a license free of charge. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the City Administrator, as provided in § 111.15.

(Ord. 2334, passed 5-21-2018)

§ 111.~~19~~ 21 PEDESTRIAN USE OF THE ROADWAY FOR THE PURPOSE OF SOLICITING CHARITABLE CONTRIBUTIONS OR DONATIONS.

No person shall stand in a roadway, including the roadway medians, curbs, traffic islands, shoulders and crosswalks, for the purpose of soliciting charitable contributions or donations from the driver or occupant(s) of any vehicle, without first receiving permission from the City Council and meeting the administrative guidelines specified and available upon request from the City Clerk.

(Ord. 2334, passed 5-21-2018)



MOBILE FOOD UNIT LICENSE APPLICATION

Application Fee: _____

_____ **NEW APPLICATION**

_____ **RENEWAL APPLICATION**

Mobile Food Unit Name: _____

Description of Items to be Sold:

Description of the Mobile Food Unit:

	Vehicle Make/Model/Year:
	Length & Width of Vehicle:
	County, State, License Plate Number:

Owner/Operator Name: _____

Owner/Operator Mailing Address: _____

City: _____ State: _____ Zip: _____

Owner/Operator Email: _____

Owner/Operator Phone: _____

REQUIRED ATTACHMENTS:

- Photograph of the mobile food unit
- Copy of State of current Iowa Mobile Food Unit License from the Department of Inspections & Appeals

PLEASE READ AND INITIAL EACH OF THE FOLLOWING STATEMENTS:

_____ I understand all applicable health standards and licensing as required by the State, County or Local Municipality should be met. Copies of all licenses should be provided as part of the application.

_____ I understand that I can only park at a property with an active premise permit issued by the City of Newton.

_____ I understand that all mobile food units must be parked on an off-street, all-weather surface and the mobile food unit should not impede access to and from ADA parking spaces.

_____ I understand that the mobile food unit must not create a safety hazard; it should be not block drive approaches or fire lanes, public sidewalks, fire hydrants or cause obstruction in the public right-of-way.

_____ I understand that I am allowed one free standing sign, and it must be located on premise. Off premise directional signage to the mobile food unit is not allowed.

_____ I understand that the mobile food unit can only conduct operations at one location for a maximum of three consecutive days per week.

_____ I understand that it is my responsibility to contact the Newton Fire Department to schedule an inspection as a requirement to obtain a Mobile Food Unit License. Newton Fire Department can be contacted at: 641-792-3347. *Note: If you have been inspected by another Iowa fire department, please ask about Newton's policy to accept a report of another jurisdiction's inspection in lieu of a local inspection.*

I hereby acknowledge that I have read this application and state the above information is correct and accurate and agree to comply with all City Ordinances and State Laws regulating this activity.

Printed Name: _____

Applicant Signature: _____ **Date:** _____

FOR OFFICE USE ONLY

City Clerk
Approved/Denied: _____ Date: _____ Staff: _____

Fire Department
Approved/Denied: _____ Date: _____ Staff: _____

RECEIPT INFORMATION

Date	Receipt #	Amount Received	Cash/Check/Charge
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PREMISE PERMIT
APPLICATION TO HOST A TRANSIENT
MERCHANT/MOBILE VENDOR

Application Fee: _____

_____ **NEW APPLICATION**

_____ **RENEWAL APPLICATION**

Property Owner/Leaseholder Name: _____

Property Owner/Leaseholder **Mailing Address**: _____

City: _____ State: _____ Zip: _____

Email: _____

Property Owner/Lease Holder Daytime Phone Number: _____

Property Address Where **Vendor Will Locate**: _____

City: _____ State: _____ Zip: _____

Preferred Location on Property/Parcel Where Vendor Will Locate:

PLEASE ATTACH A MAP OF THE PROPERTY SHOWING WHERE VENDORS WILL BE SET UP.

PLEASE READ AND INITIAL EACH OF THE FOLLOWING STATEMENTS:

_____ I understand that the Vendor must always set up in the designated location(s) on my property.

_____ I understand that the Vendor must locate on a paved surface and be accessed by a paved driveway from a public right-of-way.

_____ I understand that the Vendor must locate outside of drive approaches or fire lanes.

_____ I understand that I may only allow Vendors who have a valid Mobile Food Vendor License issued by the City to sell on the premises.

_____ I understand that I may not allow the Vendor to operate in a manner that violates the Noise Control Ordinance.

_____ I understand that it is my responsibility to reapply prior to the expiration of my current permit.

I hereby certify that I am the Owner/Leaseholder of the property identified above, and I agree to allow use of a portion of my property by a Transient Merchant/Mobile Food Vendor for display/sales stand for retail merchandise or food sales. All necessary licenses and permits will be obtained by the Transient Merchants/Mobile Vendors from the proper local authorities. I hereby certify that the above statements are true and correct, to the best of my knowledge.

Printed Name: _____

Applicant Signature: _____ **Date:** _____

FOR OFFICE USE ONLY

City Clerk
Approved/Denied: _____ Date: _____ Staff: _____

Fire Department
Approved/Denied: _____ Date: _____ Staff: _____

Community
Development
Approved/Denied: _____ Date: _____ Staff: _____

Zoning Designation of Parcel: _____ Site Plan Attached: _____

RECEIPT INFORMATION

_____	_____	_____	_____
Date	Receipt #	Amount Received	Cash/Check/Charge

City of Newton
101 W 4th Street South
Newton, IA 50208
Phone – 641-792-2787
Website – www.newtongov.org

City of Newton Council Report



Item: Resolution to reorganize staff in the Public Works Department, Community Services Department, Fire Department, and Administration Department.

Summary: Organizational changes to improve efficiency and effectiveness within various City departments and divisions.

Financial Impact: Total General Fund Savings of \$33,720. American Rescue Plan expense of \$26,184

Report Number: 21-332

Date: December 20, 2021

Lead Department:
Administration

Recommendation:
Approve

Background: In evaluating the organizational effectiveness for the City, it has been identified that a number of areas within City operations would benefit from a reorganization that would provide additional capacity, improved collaboration and effectiveness, and greater attention to core needs and services.

The proposed reorganization plan would move the Engineering Technician III from Community Services to Public Works and create a Parks Recreation Specialist Range 2 in Community Services. In Fire eliminate the open Administrative Specialist Range 5 and create an Administrative Supervisor Range 4. In Administration eliminate the open Administrative Assistant position Range 3 create a full-time Senior Financial Analyst position Range 6 and the current Range 5 Financial Analyst move to Range 3, in addition to adding a part-time Office Assistant outside of the pay plan.

Public Works Department and Community Services Division

Engineering Technician III: Currently the Community Services Department's organization chart includes the City's only Engineering Technician III. With the recent addition of an Engineering Technician I in Public Works, along with having the Eng. Tech. III's normal responsibilities and work load being more Public Works-related than Parks-related, having the Eng. Tech. III report to the Public Works Director would be a better place for this full-time position to be. Since both Eng. Technician positions work together on many similar projects, having them in the same department also provides for possible future advancement of both employees currently in these positions entirely within the Public Works Department.

Parks Recreation Specialist: This position would create a new FT position in the Community Services Department. This position would support and supplement the operations and offerings of the Community Services Department with various projects and duties such as recreation programming; pool, golf course, and parks events and operations; special events coordination; and other duties as assigned.

Fire Department

It is recommended that the current open Administrative Specialist within the Fire Department be eliminated and an Administrative Supervisor be created that would be responsible for the supervision of the two Administrative Assistants.

Administration Department

The City Council's #3 goal from the October 2021 goal setting session was to hire an additional finance position to provide support and additional cross training in the finance area of the Administration Department.

The Administrative Assistant position is presently open and staff has proposed a reorganization of the Department to incorporate the Council's goal. It is proposed to eliminate the full time Administrative Assistant position and create a full time Senior Financial Analyst position. In addition, it is proposed that an Office Assistant position be created to provide support to the entire department and report to the newly created Senior Analyst position. This new Office Assistant would be a part time hourly position of 25 hours per week.

This reorganization also includes the use of a portion of the American Rescue Plan funds (allowable 10% de minimus rate) for the administration of the program. These funds will pay for research, training, and reporting on how the City uses the funds. It is proposed that 10% of the Finance Officers' wage and 100% of the current Financial Analyst position be paid with American Rescue Plan funds dedicated to the administration of the program.

Recommendation

Staff recommends approval of this resolution.



Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

RESOLUTION TO REORGANIZE STAFF IN THE PUBLIC WORKS DEPARTMENT, COMMUNITY SERVICES DEPARTMENT, FIRE DEPARTMENT, AND ADMINISTRATION DEPARTMENT

WHEREAS, City staff consistently evaluates operations and believes there are areas within City operations that would benefit from a reorganization and would provide additional capacity, improved collaboration and effectiveness, and greater attention to core needs and services; and

WHEREAS, the Community Services Department was created to include the following functions: Parks, Engineering, Golf, Pool, Cemeteries, and Airport; and

WHEREAS, the normal responsibilities and work load for the Eng. Tech III are more Public Works related, it is recommended that the Eng. Tech III move to Public Works with no changes in salary; and

WHEREAS, recreational planning and programming of Parks and Rec have been basically non-existent, those functions would be greatly increased by the addition of a Parks Recreation Specialist; and

WHEREAS, it is recommended that the current open Administrative Specialist within the Fire Department be eliminated and an Administrative Supervisor be created that would be responsible for the supervision of the two Administrative Assistants; and

WHEREAS, in order to complete Council goal #3 to hire an additional finance position in Administration it is recommended that the open Administrative Assistant position be eliminated and a full-time Senior Financial Analyst position be created and the current Range 5 Financial Analyst position move to Range 3, in addition to adding a part-time Office Assistant.

Position	Current Authorization	Proposed Authorization	Reporting to:
Engineering Technician III	1 FTE in Community Services	Relocate 1 FTE to Public Works	Public Works Director
Parks Recreation Specialist	0 FTE	1 FTE Range 2	Community Services Director
Administrative Specialist	1 FTE Range 5	0 FTE	Fire Chief
Administrative Supervisor	0 FTE	1 FTE Range 4	Fire Chief
Administrative Assistant	1 FTE Range 3	0 FTE	Administrative Services Manager
Senior Financial Analyst	0 FTE	1 FTE Range 6	Finance Officer
Financial Analyst	1 FTE Range 5	1 FTE Range 3	Finance Officer
Part-Time Office Assistant	0 FTE	.625 FTE (25 hrs./wk.) not on the Pay Matrix	Senior Financial Analyst

WHEREAS, the stated changes were presented to the Employee Relations Committee (ERC) and the ERC recommended the changes be made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby approves the realignment changes as stated.

PASSED this _____ day of December 2021.

APPROVED this _____ day of December 2021.

Michael L. Hansen, Mayor

(SEAL)
ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution establishing criteria to define Defective Sidewalk as listed in the City Code of Ordinances.

Report Number: 21-333

Date:

December 20, 2021

Summary:

Establishing criteria to define what defective sidewalk is per Chapter 154 of the City Code.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

none

Background:

Section 154.016 - DEFINITIONS of the City Code of Ordinances defines defective sidewalk as “Any public sidewalk in violation of the criteria established by resolution of the Council.” To allow for uniform code enforcement on public sidewalk complaints, along with establishing criteria that could be used for potential future City-wide sidewalk improvement programs, the criteria defining what constitutes a sidewalk defect is needed. Without doing so, code enforcement efforts on sidewalk complaints could be arbitrary, vague, or open to interpretation.

Staff researched what numerous other cities in Iowa have established as their own defective sidewalk criteria, and have prepared a proposed defective sidewalk criteria or definition. These criteria, if approved, will be the “criteria established by resolution of the Council” as stated in Section 154.016 - DEFINITIONS of the City Code of Ordinances.

The proposed defective sidewalk definition or criteria includes five different types of possible defects. These defects are defined as five different “Repair Codes” labeled A through E. General descriptions of each code are as follows:

- A. Vertical separation at a crack or joint of 1” or greater.
- B. Sidewalk sections of at least 12 feet long that are either raised or settled at least 2” from the normal or original sidewalk grade.
- C. One sidewalk square (normally constructed at 4’ x 4’, but could vary depending on jointing pattern) that is cracked in more than 3 pieces, has a distorted or distressed surface, a horizontal separation of 2” or greater, or has missing pieces or holes.

- D. Surface deterioration, with at least 50% of the original surface spalled or otherwise missing.
- E. Settled or tilted cross-slope greater than 1" per foot toward either side.

Although recently-constructed sidewalks, when they are being built, must meet more stringent requirements than the proposed defective sidewalk criteria spells out; older sidewalks that were constructed under less restrictive specifications would be considered acceptable as long as they do not have defects meeting or exceeding the proposed defective sidewalk criteria being proposed. Any sidewalk section declared as defective, when it's being removed and replaced, must be reconstructed to meet current the City's construction specifications.

City staff has prepared an exhibit titled "Defective Sidewalk Criteria – City of Newton, Iowa", with said exhibit included as an attachment to this council resolution.

Recommendation:

City Staff recommends approval of the Resolution establishing criteria to define Defective Sidewalk as listed in the City Code of Ordinances.

A handwritten signature in black ink, appearing to read "Matt Muckler", written in a cursive style.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

RESOLUTION ESTABLISHING CRITERIA TO DEFINE DEFECTIVE SIDEWALK AS LISTED IN THE CITY CODE OF ORDINANCES.

WHEREAS, Section 154.016 - DEFINITIONS of the City Code of Ordinances defines defective sidewalk as “Any public sidewalk in violation of the criteria established by resolution of the Council”; and

WHEREAS, to allow for uniform code enforcement on public sidewalk complaints, along with establishing criteria that could be used for potential future City-wide sidewalk improvement programs, the criteria defining what constitutes a sidewalk defect is needed; and

WHEREAS, without doing so, code enforcement efforts on sidewalk complaints could be arbitrary, vague, or open to interpretation; and

WHEREAS, staff researched what numerous other cities in Iowa have established as their own defective sidewalk criteria, and have prepared a proposed defective sidewalk criteria or definition; and

WHEREAS, these criteria, if approved, will be the “criteria established by resolution of the Council” as stated in Section 154.016 - DEFINITIONS of the City Code of Ordinances; and

WHEREAS, the proposed defective sidewalk definition or criteria includes five different types of possible defects; and

WHEREAS, said defects are defined by the attachment to this resolution dated 12-20-2021 and titled “Defective Sidewalk Criteria – City of Newton, Iowa”; and

WHEREAS, recently-constructed sidewalks, when they are being built, must meet more stringent requirements than the proposed defective sidewalk criteria spells out; and

WHEREAS, older sidewalks that were constructed under less restrictive specifications would be considered acceptable as long as they do not have defects meeting or exceeding the proposed defective sidewalk criteria being proposed; and

WHEREAS, any sidewalk section declared as defective under this proposed criteria, when it's being removed and replaced, must be reconstructed to meet current the City's construction specifications.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, those criteria to define Defective Sidewalk, as referenced by the City Code of Ordinances, are approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the attachment to this resolution dated 12-20-2021 and titled “Defective Sidewalk Criteria – City of Newton, Iowa” is the official definition of what defective sidewalk includes.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

DEFECTIVE SIDEWALK CRITERIA – CITY OF NEWTON, IOWA

	<u>Repair Code "A"</u> The sidewalk has cracked with a vertical edge of (1") one inch or more. Applies to any separations at either pavement joints or cracks.
	<u>Repair Code "B"</u> The sidewalk has raised or settled more than (2") two inches in (12') twelve feet from the normal line of grade of the sidewalk.
	<u>Repair Code "C"</u> The sidewalk has cracked into more than three pieces per *4'x4' square and sections are distorted or distressed with a vertical height difference of (1/2") one-half inch or more, or a horizontal separation of (2") two inches or more; or has cracked and part of the sidewalk is missing, forming holes.
	<u>Repair Code "D"</u> Surface deterioration with at least 50% of the original surface spalled or otherwise missing.
	<u>Repair Code "E"</u> The sidewalk has settled or for some other reason is sloped or tilted more than (1") one inch per foot toward either side.

City of Newton Council Report



Item: Resolution approving the provision of police, fire and traffic control services for the 2022 PGI Convention.

Report Number: 21-334

Summary: Approve funding for public safety and traffic control services at the 2022 PGI Convention.

Date: December 20, 2021

Lead Department: Police Department

Financial Impact: \$22,059.10

Recommendation:
Approve

Background:

Newton was selected to host the 2022 Pyrotechnics Guild International (PGI) Convention from July 31st – August 7th 2022. There are 3 public event nights scheduled for the event and is expected to attract thousands of visitors to Newton and the Iowa Speedway facility.

The PGI Steering Committee approached the City Council during the December 6, 2021 City Council Meeting with a request to provide public safety and traffic control services for the 2022 PGI Convention estimated at \$20,059.10.

The PGI Steering Committee has agreed to reimburse the City for the actual public safety and traffic control costs, in the event the proceeds for the event exceed the cost, before distribution of any donations were to be made to local charitable organizations.

Recommendation:

City Staff recommends approval of the resolution to provide public safety and traffic control services for the 2022 PGI Convention at an estimated cost of \$20,059.10.

A handwritten signature in black ink, appearing to read "Matt Muckler", is written in a cursive style.

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION APPROVING THE PROVISION OF POLICE, FIRE AND TRAFFIC
CONTROL SERVICES FOR THE 2022 PGI CONVENTION**

WHEREAS, Newton was selected to host the 2022 Pyrotechnics Guild International (PGI) Convention from July 31 - August 7, 2022;

WHEREAS, Three public events are scheduled for the week bringing thousands of visitors to Newton and the Iowa Speedway facility; and

WHEREAS, The PGI Steering Committee approached the City Council during the December 6, 2021 City Council meeting with a request to provide public safety and traffic control services for the 2022 PGI Convention estimated at \$20,059.10; and

WHEREAS, The PGI Steering Committee has agreed to reimburse the City for the actual public safety and traffic control costs, in the event the proceeds for the event exceed the cost, before distribution of any donations were to be made to local charitable groups.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that the City hereby approves public safety and traffic control services for the 2022 PGI Convention at an estimated cost of \$20,059.10

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Authorizing an Interlocal Contract for Cooperative Purchasing with HGACBuy

Summary: The Fire Department is planning to use a cooperative purchasing group to contract for the purchase and construction of an ambulance.

Financial Impact: No cost to enter into the Interlocal Contract for Cooperative Purchasing with HGACBuy.



Report Number: 21-335

Date: December 20, 2021

Lead Department:
Fire

Recommendation:
Approve

BACKGROUND

During the budget process for FY21/22 the Fire Department provided information regarding the need of replacing an ambulance. A new ambulance was approved for replacement through a bonding project. The Fire Department Vehicle Committee worked to refine the vehicle plans and specifications. The Fire Department explored various bidding options and is considering a potential purchase through HGACBuy under a cooperative purchasing agreement. The Houston-Galveston Area Council (H-GAC) is the largest of 24 Councils of Government (COG) in Texas, and is a political subdivision of the State of Texas. It has been serving local governments for more than 40 years. H GAC's Cooperative Purchasing Program, known as HGACBuy, was established pursuant to Texas Interlocal Cooperation Act [Texas Local Government Code, Title 7, Chapter 791]. The Act allows local governments and certain non-profits to contract or agree under the terms of the Act to make purchases or provide purchasing services and other administrative functions appropriately established by another government entity. The Interlocal Contract (ILC) is the required legal document that establishes a link between the End User (local governments and certain non-profits) and HGACBuy, and gives the End User access to HGACBuy contracts. H-GAC has established Interlocal Contracts with thousands of End Users throughout Texas and across the United States. HGACBuy contracts are established based on the requirements of [Texas Local Government Code, Chapter 252]. Products and services are contracted after having been subjected to either a competitive bid (IFB) or competitive proposal (RFP) process. Contracts are blanket type, usually for a term of two or three years. Use of HGACBuy for purchases by any End Users is strictly at the discretion of that entity. End Users issue their purchase orders to and pay directly the HGACBuy Contractor.

By completing the Interlocal Contract with HGACBuy the contract for purchase can be developed with pricing established through HGAC competitive bidding process. There is no direct link that requires the execution of the developed pricing and the contract can be cancelled at any time. The period of the contract is for the balance of the fiscal year and would end on June 30, 2022.

RECOMMENDATION

City Staff recommends approval of the Interlocal Contract for cooperative purchasing with the Houston-Galveston Area Council of Texas, a host of the HGACBuy Cooperative Purchasing Program. A contract for the purchase of the ambulance will be brought back to City Council at a later date.

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is fluid and cursive, with the first name "Matt" and last name "Muckler" clearly distinguishable.

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION AUTHORIZING AN INTERLOCAL
CONTRACT FOR COOPERATIVE PURCHASING WITH
HGACBUY**

WHEREAS, the Fire Department has aging ambulances and are currently working to replace an existing unit; and

WHEREAS, the Fire Department has developed drawings and specifications for this equipment and has explored various bidding options; and

WHEREAS, the Fire Department has requested to enter into an Interlocal Contract for Cooperative Purchasing to bid this equipment through the Houston-Galveston Area Council and their HGACBuy program; and

WHEREAS, the Interlocal Contract (ILC) is the required legal document that establishes a link between the End User (local governments and certain non-profits) and HGACBuy, and gives the End User access to HGACBuy contracts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa that the City authorize the Interlocal Contract for Cooperative Purchasing, and

BE IT FURTHER RESOLVED, the Fire Department will bring back an ambulance bid developed through the cooperative purchasing program competitive bid process at a later date for approval by City Council.

PASSED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and **City of Newton**, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at **101 W 4th St S Newton, IA 50208**.

WITNESSETH

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on **12/20/2021** (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began **07/01/2021** and ends **06/30/2022**. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC's contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H- GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC's contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party's control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED BY THE PARTIES HERETO AS FOLLOWS:

City of Newton

Name of End User (local government, agency, or non-profit corporation)

101 W 4th St S

Mailing Address

Newton, IA 50208

City, State ZIP Code

Signature of chief elected or appointed official | **Date**

Michael Hansen, Mayor

Typed Name & Title of Signatory

Houston-Galveston Area Council

3555 Timmons Lane, Suite 120, Houston, TX
77027

By:

Executive Director

Date:



END USER DATA

Please sign and return the Interlocal Contract, along with this completed form, to H-GAC by emailing it to cpcontractfax@h-gac.com or by faxing it to 713-993-2424. The contract may also be mailed to:

H-GAC Cooperative Purchasing Program
P.O. Box 22777, Houston, TX 77227-2777

Name of End User Agency: **City of Newton** County Name: **Jasper**

Mailing Address: **410 S. 2nd Ave. W. Newton, IA 50208**

Main Telephone Number: **641-792-3347** FAX Number: **641-791-0884**

Physical Address: **101 W 4th St S Newton, IA >50208**

Web Site Address: **newtongov.org**

Official Contact: Jarrod Wellik

Mailing Address: **410 S. 2nd Ave. W.**
Newton, IA 50208

Title: **Fire Chief**

Ph No.: **641-792-3347**

FX No.: **641-791-0884**

E-Mail Address: **jarrodw@newtongov.org**

Authorized Official: Michael Hansen

Mailing Address: **410 S. 2nd Ave. W.**
Newton, IA 50208

Title: **Mayor**

Ph No.: **641-792-2787**

FX No.:

E-Mail Address: **mikeh@newtongov.org**

COMPLETING AND EXECUTING THE ILC PROCESS

Step 1 (complete)

Thank you for completing this step. A PDF copy of the ILC document will be delivered to the email address entered.

Step 2

Secure a signature by the individual identified as the Authorized Official to contractually bind your entity.

Step 3

Scan and email a copy of the contract to H-GAC at cpcontractfax@h-gac.com, or fax it to 713-993-2424.

The contract may also be mailed to:

H-GAC Cooperative Purchasing Program

PO Box 22777

Houston, TX 77227-2777

If you require an original signed contract, please print, sign, and mail two (2) sets of the ILC documents.

Step 4

H-GAC will execute the contract and return a copy to you electronically.

City of Newton Council Report

Item: Resolution approving a memorandum of understanding with Jasper County regarding a joint voting precinct.

Summary: In order to meet state code requirements, inclusion of the census blocks which reside in the western ½ of the I-80 interchange at Exit 168 in Ward 3, Precinct 2 is necessary. There are no residents in this area.

Financial Impact: No cost.



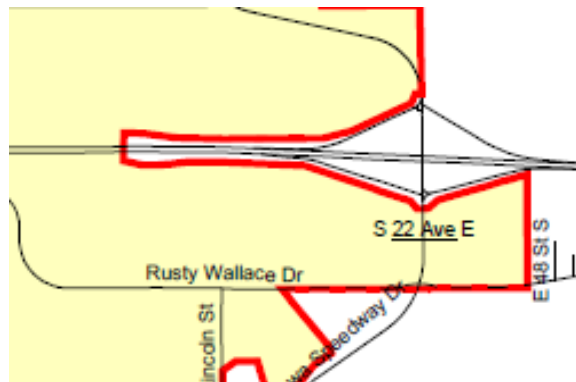
Report Number: 21-336

Date: December 20, 2021

Lead Department: Community Development Department

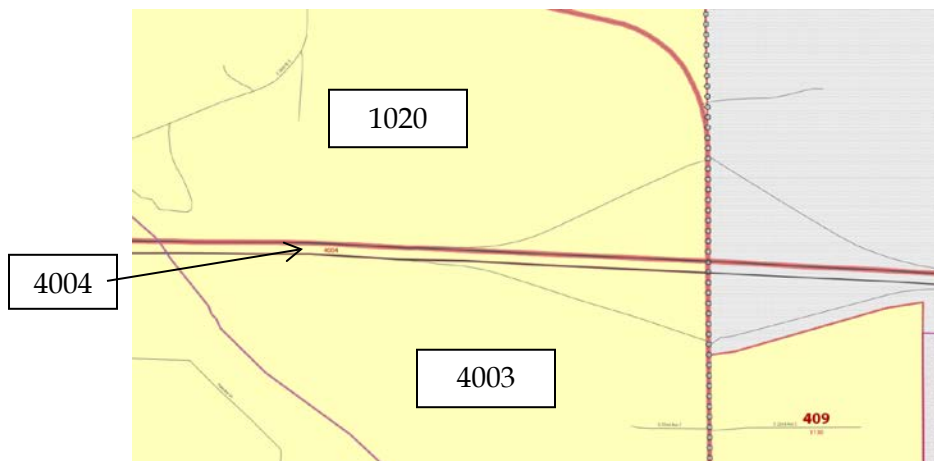
Recommendation:
Approve

Summary: The eastern boundary of the Newton Corporate Limits does not include the on and off ramps for Exit 168 of Interstate 80.

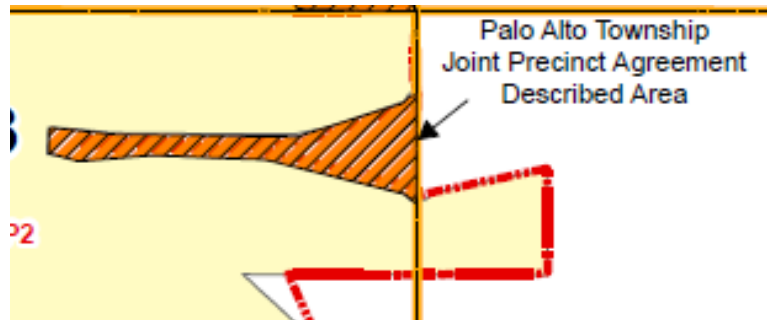


The redline represents the Newton Corporate Limits.

Census Block 1020 of Tract 404, Block 4003 of Tract 409, and Block 4004 of Tract 409 lie within the western half of Exit 168.



The western ½ of Exit 168 is otherwise not contiguous with the Palo Alto Township, creating an island separate from the rest of its township.



The City's Ward and Precinct Boundary includes the hatched area in Precinct 2 of Ward 3. Even if anyone lived in this area (which is not possible given the function of this area as an on or off-ramp for I-80), they would not vote in City elections.

City Council approved a substantially similar Memorandum of Understanding in 2011.

Recommendation:

City Staff recommends approval of the resolution approving the memorandum of understanding with Jasper County for the joint voting precinct.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH
JASPER COUNTY REGARDING A JOINT VOTING PRECINCT**

WHEREAS, Iowa law requires that all voting precincts contain entirely contiguous land; and

WHEREAS, the Newton City Limits isolate two portions of unincorporated Palo Alto Township, which are located in the western half of the Exit 168 Interchange for Interstate 80, from the rest of their township territory; and

WHEREAS, it is requested that these unincorporated areas be included with the adjoining Newton Precinct 2 of Ward 3; and

WHEREAS, the inclusion of the areas with Precinct 2 of Ward 3 does not make any residents of the unincorporated areas eligible to vote in City elections; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the attached Memorandum of Understanding is hereby approved.

PASSED this _____ day of _____ 2021.

APPROVED this _____ day of _____ 2021.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina Davis, City Clerk

MEMORANDUM OF UNDERSTANDING

The parties to this Memorandum of Understanding are the City of Newton Iowa (City), and Jasper County, Iowa (County). This Memorandum of Understanding is entered into this _____ Day of _____.

WHEREAS:

1. Following the federal decennial census, and after the redistricting of congressional and legislative districts, city councils and county boards of supervisors are required to complete any changes in precinct and ward boundaries (for cities) or precinct and supervisor districts (for counties).
2. Election precincts which are composed partially of unincorporated territory within a county and partially of part of a city may be established, if an agreement which is mutually satisfactory to the board of supervisors of the county and to the city council of the city is adopted and submitted to the state commissioner as part of the certification of precinct boundaries.
3. The City and County desire to have a joint City/Township Precinct.

Therefore, the parties agree to the provisions set forth below.

Newton City Precinct 2 of Ward 3 shall consist of the following described land:

Ward 3 - Precinct 2. Beginning at the intersection of the west line of East 12th Street South and the south corporate limit, thence north along East 12th Street South to its intersection with the north line of South 13th Avenue East, thence east along South 13th Avenue East to its intersection with the west line of East 15th Street South, thence north along East 15th Street South to its intersection with the north line of South 9th Avenue East, thence west along South 9th Avenue East to its intersection with the west line of East 14th Street South, thence north along East 14th Street South to its intersection with the north line of South 8th Avenue East, thence east along South 8th Avenue East to its intersection with the west line of East 17th Street South, thence north along East 17th Street South to its intersection with the north line of South 4th Avenue Place East, thence north westerly along South 4th Avenue Place East to its intersection with the north line of South 4th Avenue East, thence west along South 4th Avenue East to the west line of East 12th Street South, thence south along East 12th Street South to its intersection with the north line of South 5th Avenue East, thence west along South 5th Avenue East to its intersection with the west line of East 11th Street South, thence north along East 11th Street South to its intersection with the north line of 1st Avenue East, thence east along 1st Avenue East to its intersection with Iowa Speedway Drive, thence north easterly along the north line of U.S. Highway 6 to its intersection with the eastern line of the Newton corporate limit, thence irregularly south and east along the Newton

corporate limits to its intersection with the southeast corner of Newton Township and northeast corner of Palo Alto Township, thence south along the eastern boundary of Palo Alto Township to its intersection with the corporate limits line and the north line of Interstate 80 Interchange 168, thence continuing south along the eastern boundary of Palo Alto Township to its intersection with the corporate limits line at the south line of Interstate 80 Interchange 168, thence easterly and southerly along the Newton corporate limit to its intersection with Liberty Avenue, thence westerly along the corporate limit irregularly to its intersection with the west line of East 12th Street South, which is the point of beginning.

According to the Census Bureau, Census Blocks 1020 of Tract 404, 4003 of Tract 409, and 4004 of Tract 409 of the 2020 Federal Decennial Census are considered within the City of Newton's corporate limits. Both the City of Newton and Jasper County agree these blocks, or portion of these blocks, are unincorporated area but do wish to combine them in Newton City Precinct 2 of Ward 3.

Dated this _____ day of December, 2021.

Dated this ____ day of _____, ____

City of Newton, Iowa

Jasper County, Iowa

By _____
Michael L. Hansen, Mayor
City of Newton, Iowa

By _____
Doug Cupples, Chairman
Jasper County Board of Supervisors

Attest:

By _____
Katrina Davis, City Clerk

By _____
Dennis Parrott, Auditor