

Agenda: Newton City Council

City Council Meeting

Council Chambers, 101 W 4th St S., Newton, IA 50208
Mediacom Channels: 12/85/121.12, Website Streaming:
Newtongov.org / I want to “view” Livestream of City
Council Meetings.

January 3, 2022 6:00 p.m.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentation | 2. City Attorney Matt Brick – Open meetings, open records, Rules of Procedure, conflict of interest, the role of the City Attorney, and the role of the City Council. |
| 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 20, 2021 Regular City Council Meeting Minutes
5. December 20, 2021 Budget Workshop Minutes
6. Approve Liquor Licenses for the following: Cardinal Lanes, 1300 S 5 th Ave E, Class C Liquor License, Sunday Sales pending staff approval; New Application for Casey's #3954, 4343 S 15 th Ave E, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales, pending staff approval; Montana Mikes, 1400 W 18 th St S, Class C Liquor License, Sunday Sales, pending staff approval.
7. Resolution establishing terms for the Downtown Grant Review Board and appointing Mike Sell to fill an unexpired term. (No Council Report)
8. Resolution appointing City Clerk and Deputy City Clerks. (No Council Report)
9. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-10). (Council Report 22-001)
10. Resolution cancelling previously awarded contract, and awarding new contract for the City of Newton Parks Roof Repairs Project. (Council Report 22-002)
11. Resolution to accept proposal and authorize the purchase of a 2022 Type III module ambulance. (Council Report 22-003) |

Ordinances

12. Resolution Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Hopkins Properties LLC, Including Annual Appropriation Tax Increment Payments. (Council Report 22-004)
13. Approve Bills
14. Third 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.
15. 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 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.
16. Third 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.
17. Third 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

18. Resolution establishing the mobile food unit license fee and the premise permit fee. (Council Report 22-005)
 - Following the approval of the third consideration and adoption of the ordinance, which establishes the mobile food unit license & premise permit process for food trucks, it is necessary to establish a fee schedule for said license & permit.
 - Annual fees for licenses or permits for mobile food units in the most similar comparable cities range from \$50.00-\$500.00, with an average of the 9 most similar being \$213, annually.
 - The resolution establishes a \$100 annual mobile food unit license fee and a \$100 premise permit fee.
19. Resolution selecting Iowa Inspections, LLC to serve as the inspection service provider for the Newton Rental Housing Inspection Program. (Council Report 2022-006)
 - The Newton Rental Housing Inspection Program utilizes an outside consultant. The contract expired on December 31, 2021.
 - The City issued a request for qualifications and received three responses. Iowa Inspections, LLC had the necessary credentials and lowest inspection cost for property owners.
 - Staff recommends selection of Iowa Inspections, LLC to continue to serve as the rental housing inspection consultant.
20. Resolution approving a contract with Iowa Inspections LLC to conduct inspections for the Commercial Business/Property Inspection Program. (Council Report 2022-007)
 - Iowa Inspections, LLC of Ackworth, Iowa has been the contracted inspector for the commercial inspection programs in Newton for the past year and also serves as the contract inspector for the residential rental program resulting in consistent inspections.
 - A request for qualifications has determined Iowa Inspections LLC is still the best choice for inspections. The new contract will renew automatically at the end of each year. Either party may terminate the contract through a written 30-day request.
21. Resolution approving pre-payment of costs for utility relocation work needed to adjust existing fiber optic and copper communications lines ahead of the construction of the Newton Airport Taxiway Relocation Project. (Council Report 2022-008)
 - The Newton Airport Taxiway Relocation Project has a utility conflict at the intersection of proposed taxiways B and B-2, with two communications lines owned by Windstream being too shallow to allow for needed grade changes in the airfield.
 - This utility relocation work needed by Windstream will cost \$10,386.00; and is part of the project's overall 90% FAA share and 10% local match which leaves the City's cost share at \$1,038.60 following reimbursement from the FAA.

Discussion

21. Proposed Park Bond Referendum

Mayor/Council Comments

22.

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 20, 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.

Mayor Hansen, and Elect Council Members George, Wade, Dalton took the Oath of Office.

Toni Peska, spoke for the Newton Citizen Group on the 2022 Park Bond Referendum.

There was no citizen participation.

Moved by Stonner, seconded by Mullan to approve consent agenda items 4-22.

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 2nd 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. Resolution 2021-313 adopted
8. Resolution Re-Appointing Rebecca Decker to serve on the Newton Building Trades Board for a term ending December 31, 2024. Resolution 2021-314 adopted
9. Resolution Re-Appointing Carroll Depenning to serve on the Newton Building Trades Board for a term ending December 31, 2024. Resolution 2021-315 adopted
10. Resolution Re-Appointing Tanya Michener to Serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. Resolution 2021-316 adopted
11. Resolution Re-Appointing Mary Jo Niskin to serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. Resolution 2021-317 adopted
12. Resolution Re-Appointing Larry Hurto to serve on the Newton Historic Preservation Commission for a term ending December 31, 2024. Resolution 2021-318 adopted
13. Resolution Re-Appointing Dana Woody to serve on the Newton Planning and Zoning Commission for a term ending December 31, 2026. Resolution 2021-319 adopted
14. Resolution fixing the Amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-10). Resolution 2021-320 adopted
15. Resolution awarding contract for the Demolition 2021-04 Project. Resolution 2021-321 adopted
16. Resolution to provide five free season pool passes to the Jasper County Conservation Board for their Environmental Education Center fundraising event. Resolution 2021-322 adopted
17. Resolution accepting completion of the 2021 City of Newton Woodland Park Tree & Stump Removal Project. Resolution 2021-323 adopted
18. Resolution accepting completion of the Downtown Newton Lighting Improvements Phase 2 Project. Resolution 2021-324 adopted
19. Resolution Accepting completion of the 2021 Streetscape Lighting – N 2nd Ave W & W 3rd St N Project. Resolution 2021-325 adopted
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. Resolution 2021-326 adopted
21. Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment for the 1st Avenue East Economic Development Area. Resolution 2021-327 adopted
22. 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 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. There were no written comments. Moved by George, seconded by Ervin, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Hallam, seconded by Trotter to approve the first consideration of the ordinance. AYES: Six. NAYS: None. First consideration of the ordinance was approved. Moved by Stonner, seconded by Mullan to suspend the rules and waive the second and third consideration. AYES: Six. NAYS: None. Motion passed. Moved by Mullan, seconded by Hallam to adopt the above ordinance. AYES: Six. NAYS: None. Ordinance 2403 was adopted.

Moved by George, seconded by Trotter to approve the 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. AYES: Six. NAYS: None. Second consideration was approved.

Moved by Trotter, seconded by Mullan to approve the Second Consideration of an Ordinance, amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference," to make changes to street parking in the 300-400 blocks of East Four and One-Half Street South. AYES: Six. NAYS: None. Second consideration was approved.

Moved by Mullan, seconded by George to approve the 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. AYES: Six. NAYS: None. Second consideration was approved.

Moved by Trotter, seconded by Ervin to approve the 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." 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. Kim Didier Executive Director DMACC Business Resources, 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 due to the financial impact. Also, how this would affect the businesses in Legacy Plaza that rely on the food trucks. Discussion ensued. AYES: Five. NAYS: Hallam. Second consideration of the Ordinance approved.

Moved by George, seconded by Mullan to adopt the Resolution to reorganize staff in the Public Works Department, Community Services Department, Fire Department, and Administration Department. AYES: Six. NAYS: None. Resolution 2021-328 adopted.

Moved by Trotter, seconded by Stonner to adopt the Resolution establishing criteria to define Defective Sidewalk as listed in the City Code of Ordinances. AYES: Six. NAYS: None. Resolution 2021-329 adopted.

Moved by Trotter, seconded by Mullan to adopt the Resolution approving the provision of police, fire and traffic control services for the 2022 PGI Convention. AYES: Four. NAYS: None. Abstained due to participation on the PGI Committee: Hallam, Ervin. Resolution 2021-330 adopted.

Moved by George, seconded by Ervin to adopt the Resolution Authorizing an Interlocal Contract for Cooperative Purchasing with HGACBuy. AYES: Six. NAYS: None. Resolution 2021-331 adopted.

Moved by Trotter, seconded by Mullan to adopt the Resolution approving a memorandum of understanding with Jasper County regarding a joint voting precinct. AYES: Six. NAYS: None. Resolution 2021-332 adopted.

During Mayor/Council comments Council member Stonner and Mullan were presented with a recognition gift for their service to the city. They both thanked the citizens for their support. Hallam participated in the welcome ceremony for Miller-Meeks and spoke highly of Brian Iverson regarding his contribution to innovation.

Moved by Mullan, seconded by Trotter to adjourn the meeting at 7:10 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

BUDGET WORKSHOP MEETING MINUTES
DECEMBER 20, 2021, IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING @ 7:11
P.M. CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 7:11 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.

Erin Chambers, Community Services Director, presented the proposed changes to the FY23 Community Development Budget.

Brian Laube, Community Services Director, provided Council with Capital Improvement Project (CIP) information. The CIP will come back to the Council for approval. Lisa Frasier, Finance Officer, provided information regarding the Debt Service Fund.

Moved by Hallam, seconded by Mullan to adjourn the meeting at 8:00 PM.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

RESOLUTION NO. 2022 – _____

RESOLUTION ESTABLISHING TERMS FOR THE DOWNTOWN GRANT REVIEW BOARD AND APPOINTING MIKE SELL TO FILL AN UNEXPIRED TERM

WHEREAS, *Newton's Future* recognizes the role of the Downtown as the heart of the community and recommends a focus on curb appeal and community aesthetics; and

WHEREAS, The Downtown Grant Review Board was created in 2016, but term limits for board members were not established at that time; and

WHEREAS, Garfield Berndt, III has resigned from the Downtown Grant Review Board and Mike Sell, 107 1st Avenue West in Newton, has expressed interest in serving on the Downtown Grant Review Board and is qualified to serve;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that five (5) year term limits are hereby established for the members of the Downtown Grant Review Board;

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa that the appointments to the Downtown Grant Review Board are as follows:

Name	Affiliation and Address	Proposed Term Expiration
Bonnie Terpstra	124 North 2nd Avenue West, Newton	12/31/2026
Corrine Coyle	1302 West 14th Street South, Newton	12/31/2026
Marilyn Terlouw	306 1st Avenue West, Newton	12/31/2024
Rita Reinheimer	409 South 3rd Avenue West, Newton	12/31/2024
Fred Chabot	4 Larchwood Court, Newton	12/31/2022
Don Poynter	727 West 9th Street South	12/31/2022
Mike Sell	107 1 st Avenue West, Newton	12/31/2026

PASSED this 3rd day of January, 2022.

APPROVED this _____ day of January, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO 2022 - _____

RESOLUTION APPOINTING CITY CLERK AND DEPUTY CITY CLERKS

WHEREAS, Title III, Chapter 31.045, of the Newton Municipal Code states that a City Clerk and one or more Deputy City Clerks shall be appointed by the City Council for two-year terms in even numbered years; and

WHEREAS, Katrina A. Davis has served as the Newton City Clerk since September 2012; and

WHEREAS, Lisa Frasier and Michele Heisdorffer currently serve as Deputy City Clerks; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Newton, Iowa that Katrina A. Davis be appointed as City Clerk and Lisa Frasier and Michele Heisdorffer be appointed as Deputy City Clerks for terms ending December 31, 2023.

PASSED this _____ day of January 2022.

APPROVED this _____ day of January 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina A. Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-10).

Report Number: 22-001

Date:

January 3, 2022

Summary:

The City of Newton abated some nuisances, such as tall grass/weeds and/or trash. 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: \$635.00

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$635.00. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

With the approval of this resolution, the costs expended by the City for the abatement of nuisances will be placed on the taxes as a special assessment for each property.

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-10).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 21-10)**

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City of Newton, after the property owner's failure upon being given notice and opportunity to cure, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached Schedule No. 21-10 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 21-10, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for the collection in the same manner as a property tax.

BE IT FURTHER RESOLVED, that said assessments shall be payable in 1 annual installment and shall bear interest at the rate of 3.88 percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council shall become due and payable on February 2, 2022, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said schedule to the County Treasurer of Jasper County, Iowa and to publish notice of said certification once each week for two consecutive weeks in the Newton Daily News, a newspaper printed wholly in the English language, published in Newton, Iowa, and of general circulation in Newton, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the City shall send by regular mail to all property owners whose property is subject to assessment a copy of said notice, said mailing to be on or before the date of the second publication of the notice all as provided and directed by Code Section 384.60, Code of Iowa.

PASSED this _____ day of January, 2022.

APPROVED this _____ day of January, 2022.

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
Total							\$635.00		

City of Newton Council Report

**Item:**

Resolution cancelling previously awarded contract, and awarding new contract for the City of Newton Parks Roof Repairs Project.

Report Number: 22-002

Date:

January 3, 2022

Summary:

Due to the original contractor's failure to execute a contract and complete the work, this resolution awards a new contract to a different contractor to replace shingles and repair roofs on four buildings in Agnes Patterson Park, and also make roof repairs to the Westwood Dog Park Shelter.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$25,467.11 to be paid using insurance payments from ICAP.

Background:

On August 10, 2020 the derecho storm caused substantial damage to three concession stands and one park shelter in Agnes Patterson Park. Roof damage included damaged and missing shingles, soffit, fascia, and sheeting. Following that storm, City Council awarded a contract to Nailed It Construction on July 6, 2021 for the roof repairs at Agnes Patterson Park. Since that date the contractor has failed to execute the contract, made no efforts to begin the work, and has apparently gone out of business.

Community Services staff recently sent out a new bid package that included the four roofs at Agnes Patterson Park, along with roof repairs to the shelter at the Westwood Dog Park. The following bids were received on December 27, 2021:

Procrafters Roofing – Allison, IA	\$25,467.11
Plumb Construction - Newton, IA	\$44,100.00

A third bid received contained irregularities per applicable bidding rules, so it was not read. The apparent low bidder is Procrafters Roofing of Allison, Iowa. The project completion date is June 30, 2022. Project costs are to be paid by insurance payments.

Recommendation:

City Staff recommends that Council rescind the previously awarded contract to Nailed It Construction, and award a new contract to Procrafters Roofing of Allison, Iowa in the amount of \$25,467.11.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION CANCELLING PREVIOUSLY AWARDED CONTRACT, AND
AWARDING NEW CONTRACT FOR THE CITY OF NEWTON PARKS ROOF
REPAIRS PROJECT.**

WHEREAS, the Derecho Storm on Monday, August 10, 2020 caused substantial damage to three concession stands and one park shelter in Agnes Patterson Park; and

WHEREAS, roof damage included damaged and missing shingles, soffit, fascia, and sheeting; and

WHEREAS, following that storm, City Council awarded a contract to Nailed It Construction on July 6, 2021 for the roof repairs at Agnes Patterson Park; and

WHEREAS, since that date the contractor has failed to execute the contract, made no efforts to begin the work, and has apparently gone out of business; and

WHEREAS, Community Services staff recently sent out a new bid package that included the four roofs at Agnes Patterson Park, along with roof repairs to the shelter at the Westwood Dog Park; and

WHEREAS, bids were received for the project on December 27, 2021; and

WHEREAS, City staff recommends that the City of Newton award a contract to Procrafters Roofing of Allison, Iowa for the City of Newton Parks Roof Repairs Project based on the low responsive, responsible bid received in the amount of \$25,467.11.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid from Procrafters Roofing of Allison, Iowa in the amount of Twenty-Five Thousand, Four Hundred Sixty-Seven Dollars and Eleven Cents (\$25,467.11) for the City of Newton Parks Roof Repairs Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project; and that the project will be paid for using insurance payments from ICAP.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Procrafters Roofing of Allison, Iowa for the City of Newton Parks Roof Repairs 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.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the previously awarded, but not yet executed contract to Nailed It Construction of Newton Iowa, approved on July 6, 2021, is hereby rescinded.

PASSED this _____ day of January, 2022.

APPROVED this _____ day of January, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution to accept proposal and authorize the purchase of a 2022 Type III module ambulance.

Summary: Resolution awarding the purchase of a new type III ambulance.

Financial Impact: \$253,685.00 from the proceeds of the 2021 Bond for Fire Vehicles.



Report Number: 22-003

Date: January 3, 2022

Lead Department:
Fire Department

Recommendation:
Approve

Background:

The City of Newton has four (4) Type III Module ambulances for emergency medical response. One is a 2010(Reserve), one a 2013, one a 2016, and one a 2019 model. The FY21/22 Annual Budget included bonding for the purchase and replacement of one of the vehicles. The 2021 bond projects and equipment included \$285,000 for the purchase of an ambulance and equipment. The Long Range Plan for the Newton Fire Department estimates the useful life of the ambulance to be purchased at nine (9) years. This schedule for replacement would rotate one ambulance out every three (3) years. The ambulance being replaces will be rotated into a reserve status for use when needed.

The Fire Department is utilizing the government group purchasing program through the Houston-Galveston Area Council (HGACBuy). This process allows competitive bidding through contract with HGAC with vendors. Lifeline is a contracted vendor with HGAC and the pricing is considering the same as "state bid" pricing.

Vendor	Ambulance	Bid
Life Line Ambulance Manufacturer, Sumner, Iowa	Life Line Ambulance	\$253,685.00

RECOMMENDATION

City Staff recommends Council award the purchase to Life Line Ambulance Manufacturer of Sumner, Iowa utilizing the contract held with HGACBuy in the amount of \$ 253,685.00 with the funds to be paid from the proceeds of the 2021 Bond for Fire Vehicles.



Matt Muckler
City Administrator

**RESOLUTION TO ACCEPT PROPOSAL AND AUTHORIZE
THE PURCHASE OF A 2022 TYPE III MODULE
AMBULANCE.**

WHEREAS, the City of Newton has four ambulances for emergency medical response including three front line and one reserve unit; and

WHEREAS, due to the age and mileage the current fleet the need for an ambulance replacement was proposed before Council as part of the 2021 Bond Projects and Equipment; and

WHEREAS, the 2021 Bonds for fire vehicles issued in the amount of \$285,000; and

WHEREAS, the fire department is utilizing a governmental group purchasing program, HGACBuy, to take advantage of competitively bid contracts for an ambulance to be built by Life Line Ambulance Manufacturing of Sumner, Iowa; and

WHEREAS, NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa that the City accept the HGACBUY contract price and award the contract to Life Line Ambulance Manufacturing of Sumner, Iowa to purchase a 2022 Type III Module Life Line Ambulance for the bid purchase price of \$253,685.00, and

BE IT FURTHER RESOLVED, the funds used for the purchase of the ambulance be allocated from the proceeds of the 2021 Bond for Fire Vehicles and the remainder will be utilized for the purchase of equipment to outfit the new ambulance.

PASSED this ____day of January, 2022.

APPROVED this ____day of January, 2022

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Setting a Date of Meeting at which it is proposed to approve a Development Agreement with Hopkins Properties LLC, including Annual Appropriation Tax Increment Payments

Summary: Setting a public hearing on January 17, 2022 to act upon a development agreement for the multi-tenant Building at 1114 1st Avenue East.

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

Report Number: 22-004

Date: January 3, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City Council of the City of Newton Iowa has created the First Avenue East Urban Renewal Area, which creates a mechanism to assist economic development projects in targeted areas.

Hopkins Properties, LLC has purchased the multi-tenant building at 1114 1st Avenue East, which houses Goodwill, El Sombrero and other businesses. Hopkins Properties, LLC plans significant renovations to this building.

This resolution sets the date and time for City Council to hold a public hearing and take action on a development agreement for the renovation of 1114 1st Avenue East.

Recommendation:

Staff recommends approval of the Resolution setting a public hearing for a development agreement.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 - _____

Resolution Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Hopkins Properties LLC, Including Annual Appropriation Tax Increment Payments

WHEREAS, the City of Newton, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, the City proposes to enter into a certain development agreement (the “Development Agreement”) with Hopkins Properties LLC (the “Developer”) in connection with the redevelopment of an existing commercial building in the Urban Renewal Area; and

WHEREAS, the Development Agreement would provide financial incentives to the Developer in the form of (i) an economic development grant (the “Grant”) in the amount of \$50,000; and (ii) annual appropriation incremental property tax payments (the “Payments”) in an amount not to exceed \$150,000 under the authority of Section 403.9(1) of the Code of Iowa; and

WHEREAS, it is necessary to set a date for a public hearing on the Development Agreement, pursuant to Section 403.9 of the Code of Iowa;

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

Section 1. This City Council shall meet on January 17, 2022, at 6:00 o’clock p.m., at the City Hall Council Chambers, in the City, at which time and place proceedings will be instituted and action taken to approve the Development Agreement and to authorize the Grant and the Payments.

Section 2. The City Clerk is hereby directed to give notice of the proposed action, the time when and place where said meeting will be held, by publication at least once not less than four (4) and not more than twenty (20) days before the date of said meeting in a legal newspaper of general circulation in the City. Said notice shall be in substantially the following form:

NOTICE OF MEETING FOR APPROVAL OF DEVELOPMENT AGREEMENT
WITH HOPKINS PROPERTIES LLC AND AUTHORIZATION OF ANNUAL
APPROPRIATION TAX INCREMENT PAYMENTS

The City Council of the City of Newton, Iowa, will meet at the City Hall Council Chambers, on January 17, 2022, at 6:00 o'clock p.m., at which time and place proceedings will be instituted and action taken to approve a Development Agreement between the City and Hopkins Properties LLC (the "Developer") in connection with the redevelopment of an existing commercial building in the 1st Avenue East Urban Renewal Area, which Development Agreement provides for certain financial incentives in the form of (i) an economic development grant to the Developer in the amount of \$50,000; and (ii) incremental property tax payments to the Developers in a total amount not exceeding \$150,000 as authorized by Section 403.9 of the Code of Iowa.

The commitment of the City to make incremental property tax payments to the Developer under the Development Agreement will not be a general obligation of the City, but such payments will be payable solely and only from incremental property tax revenues generated within the 1st Avenue East Urban Renewal Area. Some or all of the payments under the Development Agreement may be made subject to annual appropriation by the City Council.

At the meeting, the City Council will receive oral or written objections from any resident or property owner of the City. Thereafter, the City Council may, at the meeting or at an adjournment thereof, take additional action to approve the Development Agreement or may abandon the proposal.

This notice is given by order of the City Council of Newton, Iowa, in accordance with Section 403.9 of the Code of Iowa.

Katrina Davis
City Clerk

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved January 3, 2022.

Mayor

Attest:

City Clerk

DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Newton, Iowa (the “City”) and Hopkins Properties LLC (the “Developer”) as of the ____ day of _____, 2022 (the “Commencement Date”).

WHEREAS, the City has established the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Developer owns certain real property which is situated in the Urban Renewal Area and is more specifically described on Exhibit A hereto (the “Property”); and

WHEREAS, the Developer has proposed to undertake the redevelopment of an existing commercial building on the Property (“the Project”); and

WHEREAS, the Developer has requested that the City provide financial assistance in the form of an economic development grant (the “Grant”) and incremental property tax payments to be used by the Developer in paying the costs of undertaking the Project; and

WHEREAS, for purposes of calculating Incremental Property Tax Revenues (as herein defined) under this Agreement and Section 403.19 of the Code of Iowa, the base valuation (the “Base Valuation”) of the Property shall be the assessed taxable valuation of the Property as of January 1, 2021; and

WHEREAS, Chapter 403 of the Code of Iowa authorizes cities to establish urban renewal areas and to undertake economic development projects; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

A. Developer’s Covenants

1. Project. The Developer agrees to undertake the Project on the Property. The Developer agrees that the Project will minimally include the improvements (the “Required Improvements”) as set forth on Exhibit B hereto. The Developer agrees to construct the Project, including the Required Improvements, in substantial conformance with the City’s zoning, land use, building and safety codes and regulations. The Developer further agrees to substantially complete such construction by no later than _____, 2022.

The Developer agrees to use the completed Project in its business operations throughout the Term (as hereinafter defined) of this Agreement (the “Business Operations Requirement”).

Further, the Developer agrees to maintain, preserve, and keep the Property, including but not limited to the Project, useful and in good repair and working order, ordinary wear and tear excepted, and from time to time will make all necessary repairs, replacements, renewals, and additions.

2. **Ownership of Property; Use of Project; Developer's Annual Report.** The Developer agrees to submit an annual report (the "Annual Report") to the satisfaction of the City by no later than each October 15th during the Term (as hereinafter defined) commencing October 15, 2022, demonstrating that (i) the Business Operations Requirement is being met; and (ii) the Developer owns the Property, including the Project. The Developer agrees to provide such supporting documentation as may be requested by the City as an accompaniment to the Annual Report. The first Annual Report submitted by the Developer shall also include documentation demonstrating, to the satisfaction of the City, that the Developer has completed the Required Improvements.

3. **Minimum Assessment Agreement.** The Developer agrees to enter into an assessment agreement (the "Assessment Agreement"), pursuant to Section 403.6 of the Code of Iowa fixing the minimum assessed valuation of the Property, in contemplation of the improvements to be constructed thereon, at not less than One Million Two Hundred Thousand (\$1,200,000) (the "Minimum Assessed Valuation") as of January 1, 2022 (the "First Valuation Date"). It is intended by the Developer that the Minimum Assessed Valuation shall be established on the Jasper County property tax rolls as of the First Valuation Date regardless of the then-current degree of completion or incompleteness of the Project. The Assessment Agreement shall be in substantially the form attached hereto as Exhibit C and shall remain in effect throughout the Term (as hereinafter defined) of this Agreement.

4. **Property Taxes.** The Developer agrees to make timely payment of all property taxes as they come due with respect to the Property with the completed Project thereon throughout the Term (as hereinafter defined) and to submit a receipt or cancelled check in evidence of each such payment.

5. **No Abatement; No Property Tax Exemption.** The Developer agrees that it will not seek any tax exemption or abatement either presently or prospectively authorized under any State, federal or local law with respect to taxation of the Property throughout the Term (as hereinafter defined) including causing or allowing the property to be leased, sold, transferred to or otherwise used by an entity that is exempt from property taxes under the laws of the State of Iowa.

6. Property Tax Payment Certification. For purposes of this Agreement, “Annual Percentage” shall mean the annual percentage in effect from time to time as set forth in the following table:

Payment Year	Annual Percentage
First through Third Payment Years	100%
Fourth through Sixth Payment Years	80%
Seventh through Tenth Payment Years	50%

The Developer agrees to certify to the City by no later than October 15 of each year, commencing October 15, 2022, an amount (the “Developer’s Estimate”) equal to the estimated Incremental Property Tax Revenues anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of the Property factored by the Annual Percentage. In submitting each such Developer’s Estimate, the Developer will complete and submit the worksheet attached hereto as Exhibit D. The City reserves the right to review and request revisions to each such Developer’s Estimate to ensure the accuracy of the figures submitted.

For purposes of this Agreement, Incremental Property Tax Revenues are calculated by: (1) determining the consolidated property tax levy (city, county, school, etc.) then in effect with respect to taxation of the Property; (2) subtracting (a) the debt service levies of all taxing jurisdictions, (b) the school district instructional support and physical plant and equipment levies and (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly; (3) multiplying the resulting modified consolidated levy rate times any incremental growth in the taxable valuation of the Property, as shown on the property tax rolls of Jasper County, above and beyond the Base Valuation; and (4) deducting any property tax credits which shall be available with respect to the incremental valuation of the Property.

Upon request, the City staff shall provide reasonable assistance to the Developer in completing the worksheet required under this Section A.6.

7. Grant Disbursement Request. Upon completion of the Required Improvements, the Company agrees to submit a grant disbursement request (the “Grant Disbursement Request”) to the City. The Grant Disbursement Request shall be accompanied by documentation (the “Costs Documentation”) detailing the costs (the “Improvement Costs”) incurred in completion of the Required Improvements, including invoices, and such other documentation as may reasonably be requested by the City, confirming that the Improvement Costs detailed in the Costs Documentation were in fact incurred in the construction of the Required Improvements and that such Improvement Costs are of an amount reasonably to have been expected with respect to such Required Improvements. The Grant Disbursement Request submitted under this Section A.7 shall be in the form attached hereto as Exhibit E.

8. Insurance.

(a) The Developer, and any successor in interest to the Developer, shall obtain and continuously maintain insurance on the Property and the completed Project and, from time to time at the request of the City, furnish proof to the City that the premiums for such insurance have been paid and the insurance is in effect. The insurance coverage described below is the minimum insurance coverage that the Developer must obtain and continuously maintain, provided that the Developer shall obtain the insurance described in clause (i) below prior to the commencement of construction of the Project (excluding excavation and footings):

- (i) Builder's risk insurance, written on the so-called "Builder's Risk—Completed Value Basis," in an amount equal to one hundred percent (100%) of the insurable value of the Project at the date of completion, and with coverage available in non-reporting form on the so-called "all risk" form of policy.
- (ii) Comprehensive general liability insurance (including operations, contingent liability, completed operations when substantially completed and contractual liability insurance) together with an Owner's/Contractor's Policy naming the City, as an additional insured, with limits against bodily injury and property damage of not less than \$2,500,000 for each occurrence (to accomplish the above-required limits, an umbrella excess liability policy may be used), written on an occurrence basis.
- (iii) Workers compensation insurance, with statutory coverage limited to employees of the Developer.

(b) All insurance required in this Section shall be obtained and continuously maintained in responsible insurance companies selected by the Developer or its successors that are authorized under the laws of the State of Iowa to assume the risks covered by such policies. Unless otherwise provided in this Section, each policy must contain a provision that the insurer will not cancel nor modify the policy without giving written notice to the insured at least thirty (30) days before the cancellation or modification becomes effective. Not less than fifteen (15) days prior to the expiration of any policy, the Developer, or its successors or assigns, must renew the existing policy or replace the policy with another policy conforming to the provisions of this Section. In lieu of separate policies, the Developer or its successors or assigns, may maintain a single policy, blanket or umbrella policies, or a combination thereof, having the coverage required herein.

(c) The Developer, its successors or assigns, agrees to notify the City promptly in the case of damage exceeding \$250,000 in amount to, or destruction of the Project resulting from fire or other casualty. Furthermore, the Developer agrees to apply the proceeds from any and all casualty claims against the insurance detailed in this Section to the restoration and improvement of the Property and/or the Project.

9. Indemnification. The Developer agrees to indemnify, defend and hold harmless the City, its officers, employees and departments, from and against any and all losses, liabilities, penalties, fines, damages, and claims (including taxes), and all related costs and expenses (including reasonable attorneys' fees and disbursements and costs of investigation, litigation, settlement, judgments, interest and penalties) arising from or in connection with any of

the following, except to the extent caused by the negligent acts or omissions of the City, its officers, employees and departments:

- a) Any claim, demand, action, citation or legal proceeding arising out of or resulting from the construction of the Project.
- b) Any claim, demand, action, citation or legal proceeding arising out of or related to occurrences that the Developer is required to insure against under this Agreement in connection with the Project and/or the Property; and
- c) Any claim, demand, action, citation or legal proceeding arising out of or resulting from an act or omission of the Developer or any of its agents in its or their capacity as an employer of a person.

10. Default Provisions.

a. Events of Default. The following shall be “Events of Default” under this Agreement, and the term “Event of Default” shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

- (i) Failure by the Developer to complete construction of the Project pursuant to the terms and conditions of this Agreement.
- (ii) Failure by the Developer to maintain compliance with the Business Operations Requirement pursuant to the terms and conditions of this Agreement.
- (iii) Failure by the Developer to fully and timely remit payment of property taxes when due and owing.
- (iv) Failure by the Developer to enter into the Assessment Agreement.
- (v) Failure by the Developer to maintain compliance with Sections A.2, A.5, A.6, A.7, A.8 and A.9 of this Agreement.
- (vi) Failure by the Developer to observe or perform any other material covenant on its part, to be observed or performed hereunder.

b. Notice and Remedies. Whenever any Event of Default described in this Agreement occurs, the City shall provide written notice to the Developer describing the cause of the default and the steps that must be taken by the Developer in order to cure the default. The Developer shall have thirty (30) days after receipt of the notice to cure the default or to provide assurances satisfactory to City that the default will be cured as soon as reasonably possible. If the Developer fails to cure the default or provide assurances, the City shall then have the right to:

- (i) Pursue any action available to it, at law or in equity, in order to enforce the terms of this Agreement.
- (ii) Withhold the Payments provided for under Section B.2 below.

11. Legal and Administrative Costs. The Developer hereby acknowledges that the City will cover the initial payment of legal fees and administrative costs (the “Actual Admin Costs”) incurred by the City in connection with the drafting, negotiation and authorization of this Agreement, including the necessary amendment to the Urban Renewal Area. Furthermore, the Developer agrees that the City shall withhold an amount (the “Admin Withholding Amount”) equal to the lesser of (1) \$8,000 or (2) the Actual Admin Costs from the initial Payments, as hereinafter set forth in order to recover some or all of the Actual Admin Costs.

B. City’s Obligations

1. Economic Development Grant. Within thirty (30) days of receipt by the City from the Company of a satisfactory Grant Disbursement Request, the City agrees to advance the proceeds of the Grant to the Company in an amount equal to the lesser of (a) the actual Improvement Costs reflected in the Grant Disbursement Request or (b) \$50,000.

2. Payments. In recognition of the Developer’s obligations set out above, the City agrees to make ten (10) annual economic development tax increment payments (the “Payments” and, individually each, a “Payment”) to the Developer during the Term (as hereinafter defined) pursuant to Chapters 15A and 403 of the Code of Iowa, provided however that the aggregate, total amount of the Payments to be made under this Agreement during the Term (as hereinafter defined) shall not exceed \$150,000 (the “Maximum Payment Total”). All Payments under this Agreement shall be subject to annual appropriation by the City Council, as provided hereunder.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues received by the City from the Jasper County Treasurer attributable to the taxable valuation of the Property.

Prior to funding any Payments hereunder, the City shall retain an amount equal to the Admin Withholding Amount from the Incremental Property Tax Revenues received with respect to the Property. Once such amount has been withheld, the Payments shall be funded as described herein.

Each Payment shall not exceed an amount which represents the then-current Annual Percentage factored against the Incremental Property Tax Revenues available to the City with respect to the Property during the twelve (12) months immediately preceding each Payment date.

It is assumed that the new valuation from the Project will go on the property tax rolls as of January 1, 2022. Accordingly, the Payments will be made on June 1 of each fiscal year, beginning on June 1, 2024 and continuing to, and including, June 1, 2033, or until such earlier date upon which total Payments equal to the Maximum Payment Total have been made.

3. Annual Appropriation. Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the Term (as hereinafter defined) of this Agreement, beginning in calendar year 2022, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payment due in the following fiscal year, an amount (the “Appropriated Amount”) of Incremental Property Tax Revenues to be collected in the following fiscal year equal to or less than the most recently submitted Developer’s Estimate.

In any given fiscal year, if the City Council determines to not obligate the then-considered Appropriated Amount, then the City will be under no obligation to fund the Payment scheduled to become due in the following fiscal year, and the Developer will have no rights whatsoever to compel the City to make such Payment or to seek damages relative thereto or to compel the funding of such Payments in future fiscal years. A determination by the City Council to not obligate funds for any particular fiscal year's Payment shall not render this Agreement null and void, and the Developer shall make the next succeeding submission of the Developer's Estimate as called for in Section A.6 above, provided however that no Payment shall be made after June 1, 2033.

4. **Payment Amounts.** Each Payment shall be in an amount equal to the corresponding Appropriated Amount (for example, for the Payment due on June 1, 2024, the amount of such Payment would be determined by the Appropriated Amount determined for certification by December 1, 2022) provided, however, that no Payment shall exceed an amount which represents the Incremental Property Tax Revenues available to the City with respect to the Property during the twelve (12) months immediately preceding each Payment date.

5. **Certification of Payment Obligation.** In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, as set forth in Section B.3 above, then the City Clerk will certify by December 1 of each such year to the Jasper County Auditor an amount equal to the most recently obligated Appropriated Amount.

C. **Administrative Provisions**

1. **Amendment and Assignment.** Neither party may cause this Agreement to be amended, assigned, assumed, sold or otherwise transferred without the prior written consent of the other party. However, the City hereby gives its permission that the Developer's rights to receive the Payments hereunder may be assigned by the Developer to a private lender, as security on a credit facility taken with respect to the Project, without further action on the part of the City.

2. **Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Term.** The term (the "Term") of this Agreement shall commence on the Commencement Date and end on June 1, 2033 or on such earlier date upon which the aggregate sum of Payments made to the Developer equals the Maximum Payment Total.

4. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The City and the Developer have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF NEWTON, IOWA

By: _____
Mayor

Attest:

City Clerk

HOPKINS PROPERTIES LLC

By: _____

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Certain real property situated in the City of Newton, Jasper County, State of Iowa bearing Jasper County Property Tax Parcel Identification Number _____.

EXHIBIT B
REQUIRED IMPROVEMENTS

EXHIBIT C
MINIMUM ASSESSMENT AGREEMENT

**MINIMUM ASSESSMENT AGREEMENT
Recorder's Cover Sheet**

Preparer Information: (name, address and phone number)

Amy M. Bjork, Esq., Dorsey & Whitney LLP, 801 Grand Avenue, Suite 4100, Des Moines, IA 50309; Phone: 515-699-3285

Return Document To:

Erin Chambers, Community Development Director, City of Newton, Iowa, 403 W 4th St N, Suite 501, Newton, IA, 50208; Phone: 641-792-6622 Ext: 2301

City:

City of Newton, Iowa

Property Owner:

Hopkins Properties LLC

Legal Description:

Book & Page Reference if applicable:

MINIMUM ASSESSMENT AGREEMENT

THIS AGREEMENT, dated as of the ____ day of _____, 2022, by and among the City of Newton, Iowa (the “City”), Hopkins Properties LLC (the “Property Owner”), and the County Assessor of Jasper County (the “Assessor”).

WITNESSETH

WHEREAS, the Property Owner owns the real property, the legal description of which is contained in Exhibit A attached hereto (the “Property”), which is located in the 1st Avenue East Urban Renewal Area in the City; and

WHEREAS, the Property Owner has undertaken the redevelopment of an existing commercial building on the Property (the “Project”); and

WHEREAS, a development agreement (the “Development Agreement”), dated _____, 2022, has been executed between the City and the Property Owner in connection with the Property Owner’s investment in the Project on the Property; and

WHEREAS, pursuant to Section 403.6(19) of the Code of Iowa, the City and the Property Owner desire to establish a minimum taxable value for the Property and the improvements to be constructed thereon, which shall be effective as of January 1, 2022, and from then until this Agreement is terminated pursuant to the terms herein and which is intended to reflect the minimum market value of the land and improvements;

NOW, THEREFORE, the parties to this Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Effective January 1, 2022, the minimum actual value which shall be assessed for the Property, taking into account the improvements to be constructed thereon, shall be One Million Two Hundred Thousand Dollars (\$1,200,000) until termination of this Agreement.

2. The Property Owner hereby agrees that the assessed valuation (hereinafter referred to as the “Minimum Actual Value”) set forth in Section 1 above shall become and remain effective as of January 1, 2022, and throughout the term of this Agreement, regardless of the actual degree of completion or incompletion of the Project, even if construction of the Project is not commenced by such date. Furthermore, the Property Owner acknowledges that the City has changed its position in reliance on the timeliness of such increase in valuation as set forth in the Development Agreement.

3. The Property Owner agrees to pay when due, all taxes and assessments, general or special, and all other charges whatsoever levied upon or assessed or placed against the Property, subject to any limitations set forth in the Development Agreement. The Property Owner further agrees that until this Agreement is terminated they will not seek administrative or judicial review of the applicability, enforceability, or constitutionality of this Agreement or the obligation to be

taxed based upon the Minimum Actual Value or to raise any such argument by way of defense in any proceedings, including delinquent tax proceedings.

4. This Agreement, and the minimum assessed valuation established herein, shall be effective until such time as the City's obligations to make Payments (as defined in the Development Agreement) have been satisfied in-full.

5. Nothing herein shall be deemed to waive the Property Owner's rights under Section 403.6(19) Code of Iowa, (2021) or otherwise, to contest that portion of any actual value assignment made by the Assessor in excess of the Minimum Actual Value.

6. This Agreement shall be promptly recorded with the Jasper County Recorder, along with a copy of Iowa Code Section 403.6.

7. Neither the preamble nor provisions of this Agreement are intended to, nor shall they be construed as, modifying the terms of any other contract between the City and the Property Owner, including the Development Agreement.

[Remainder of page intentionally left blank.]

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

CITY OF NEWTON, IOWA

By: _____
Mayor

Attest:

City Clerk

HOPKINS PROPERTIES LLC

By: _____

STATE OF IOWA)
)
COUNTY OF JASPER) SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Michael Hansen and Katrina Davis, the Mayor and City Clerk, respectively, of Newton, Iowa, a municipal corporation of the State of Iowa, on behalf of the City.

Notary Public

STATE OF IOWA)
) SS:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2022 by _____ the _____ of Hopkins Properties
LLC, an Iowa limited liability company.

Notary Public

EXHIBIT A TO MINIMUM ASSESSMENT AGREEMENT

CERTIFICATION BY ASSESSOR

The undersigned Assessor, being legally responsible for the assessment of the above described property upon completion of improvements to be made on it, hereby certifies that the actual value assigned to such land and improvements upon completion, shall be not less than One Million Two Hundred Thousand Dollars (\$1,200,000) until termination of the Agreement.

County Assessor for Jasper County,
State of Iowa

Subscribed and sworn to before me this _____ day of _____, 2022.

Notary Public

LIENHOLDER'S CONSENT, IF ANY

In consideration of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, and notwithstanding anything in any loan or security agreement to the contrary, the undersigned ratifies, approves, consents to and confirms the Assessment Agreement entered into between the parties, and agrees to be bound by its terms. This provision shall be binding on the parties and their respective successors and assigns.

[NAME OF LIENHOLDER]

By: _____
Signature

Date: _____

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by _____ the _____ of _____.

Notary Public

[Add additional pages for each Lienholder]

[If no Lienholders exist, this consent will not be completed]

EXHIBIT D

DEVELOPER'S ESTIMATE WORKSHEET

- (1) Date of Preparation: October ____, 20__.
- (2) Assessed Taxable Valuation of Property as of January 1, 20__:
\$_____.
- (3) Base Taxable Valuation of Property:
\$_____.
- (4) Incremental Taxable Valuation of Property (2 minus 3):
\$_____ (the "TIF Value").
- (5) Current City fiscal year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate"):
\$_____ per thousand of value.
- (6) The TIF Value (4) factored by the Adjusted Levy Rate (5).
\$_____ x \$_____/1000 = \$_____ (the "TIF Estimate")
- (7) TIF Estimate (\$_____) x Annual Percentage = Developer's Estimate (\$_____).

Payment Year	Annual Percentage
First through Third Payment Years	100%
Fourth through Sixth Payment Years	80%
Seventh through Tenth Payment Years	50%

EXHIBIT E
FORM OF GRANT DISBURSEMENT REQUEST

Date submitted: _____

Submitted by: _____

Contact information: _____

Grant Amount Requested \$_____

Index of Invoices/Statements Attached to substantive request:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

I, the undersigned hereby certify that the costs shown on the documents referred in the index above are legitimate costs reasonably incurred in the undertaking of the Required Improvements.

HOPKINS PROPERTIES LLC

By:_____

Title: _____

Reviewed and accepted by the City of Newton, Iowa this _____ day of _____, 2022.

By:_____

City Clerk

City of Newton Disbursements 12-21-21

Vendor	Department	Description	Amount
Airgas USA LLC	Fire	Service	\$ 248.56
Alliant Energy/IPL	All	Utility	\$ 5,225.36
Amazon Capital Services	All	Supplies	\$ 420.52
American Business Phones	Engineering	Service	\$ 80.00
ASCAP	Parks	License	\$ 390.00
AT & T Mobility	Police	Utility	\$ 854.14
Black Hills Energy	All	Utility	\$ 186.03
Bolton & Menk Inc	All	Service	\$ 7,670.50
Bound Tree Medical LLC	Fire	Supplies	\$ 1,912.65
Breman and Sons Tree Service	Community Beautification	Service	\$ 5,040.00
Brick Gentry P.C.	Legal Services/D&D	Service	\$ 12,520.00
Britton, Julie	Police	Training	\$ 229.60
C. H. McGuinness Co Inc	Water Pollution Control	Supplies	\$ 1,900.80
Capital One	All	Supplies	\$ 920.19
CCP Industries	Water Pollution Control	Supplies	\$ 163.52
Central Iowa Distributing Inc	Water Pollution Control	Supplies	\$ 223.50
Chamber of Commerce	All	Service	\$ 700.00
Cintas	All	Service	\$ 558.56
CMI Inc	Police	Supplies	\$ 71.12
Coastal Netting Systems	Landfill	Supplies	\$ 703.65
Darrell's Electric	City Center	Service	\$ 75.00
Defensive Edge Training & Consulting Inc	Police	Service	\$ 450.00
Diamond Products Co	Cemetery	Supplies	\$ 108.30
Digium Cloud Services LLC	Police	Service	\$ 402.00
DMACC - Ankeny Campus	All	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 61,291.53
Eckert, Bernard	Police	Reimbursement	\$ 100.09
Four Points Golf Cars	Golf	Supplies	\$ 138.00
Galls LLC	Fire	Supplies	\$ 1,036.76
Grainger Inc	Water Pollution Control	Supplies	\$ 183.86
Gregg Young Auto Center	Police	Service	\$ 2,865.69
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,387.40
HIRTA	Public Works Administration	Service	\$ 17,116.00
Home Depot Credit Services	Police	Supplies	\$ 198.11
Homeguard Security Alarm	All	Service	\$ 445.00
Illinois Casualty Company	Golf	Insurance	\$ 1,008.00
Image Trend Inc	Fire	Service	\$ 608.00
IMWCA	All	Insurance	\$ 2,958.67
Iowa Inspections	Fire	Service	\$ 2,600.00
Iowa One Call	Engineering	Service	\$ 236.20
Iowa Park & Recreation Association	Maytag Pool	Training	\$ 245.00
Iowa Prison Industries	Street	Supplies	\$ 372.90
Iowa Tourism Office	Community Marketing	Dues	\$ 500.00
Johnson Aviation	Airport	Service	\$ 3,075.60
Joni's Creations	Fire	Service	\$ 54.00
Keltek Incorporated	Fire	Service	\$ 404.74
Keystone Labs	Landfill	Service	\$ 791.52
Kirkwood Community College	Water Pollution Control	Training	\$ 165.00

Lano Equipment Inc	Parks	Equipment	\$ 5,565.00
Lauterbach Buick GMC	Fire	Service	\$ 58.46
Legal & Liability Risk Management Inst	Police	Service	\$ 150.00
Liberty Tire Services LLC	Landfill	Supplies	\$ 135.00
Liebl Marketing Group	North Central TIF	Service	\$ 1,842.00
Lyman, Rick	Police	Service	\$ 525.67
Magnum Automotive	Fire	Service	\$ 405.53
Manatts - D.M.	Street	Supplies	\$ 1,034.48
Marlow White -Military	Fire	Supplies	\$ 329.00
Marsden Bldg Maintenance	City Center	Supplies	\$ 247.74
Martin Marietta Materials	Street	Supplies	\$ 1,863.80
Maxim Advertising	Administration	Supplies	\$ 75.00
McCall Monument	Cemetery	Supplies	\$ 400.00
Mediacom	Administration/Golf	Utility	\$ 485.29
Menards-Altoona	Water Pollution Control	Supplies	\$ 408.42
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 296.69
MG Laundry Corporation	City Center/Fire	Service	\$ 129.10
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 124.24
Midwest Automatic Fire	Fire	Service	\$ 3,200.00
Municipal Pipe Tool Co	Water Pollution Control	Supplies	\$ 645.20
NAPA Auto Parts	All	Supplies	\$ 892.62
New Deal Deicing	Airport	Supplies	\$ 3,087.66
News Printing Company	Police	Service	\$ 8.48
Newton Community School	Police	Supplies	\$ 19.25
Newton Development Corp	Hotel/Motel Tax/TIF's	Service	\$ 19,000.00
Newton Housing Development Corporation	Fairmeadows N TIF	Service	\$ 10,000.00
O'Reilly Auto Parts	All	Supplies	\$ 1,958.48
Pitney Bowes	Finance	Service	\$ 526.80
Premier Office Equipment	Finance/Executive	Service	\$ 260.16
Quill Corporation	All	Supplies	\$ 696.79
Ron Smith & Associates Inc	Police	Training	\$ 1,200.00
Sandry Fire Supply LLC	Fire	Supplies	\$ 107.15
Smith Quality Rental	Parks	Supplies	\$ 178.24
Spahn & Rose Lumber Co	All	Supplies	\$ 1,840.65
Springer Professional Home Services	Golf	Service	\$ 42.00
Taylor Made Golf	Golf	Merchandise	\$ 211.86
Theisen's	All	Supplies	\$ 343.57
TK Elevator	City Center	Service	\$ 198.65
True Value Hardware	All	Supplies	\$ 16,640.08
United Healthcare	Fire	Reimbursement	\$ 1,109.06
United Way of Jasper County	RSVP	Service	\$ 16,250.00
USABlueBook	Water Pollution Control	Supplies	\$ 256.27
Veenstra & Kimm Inc	Building	Service	\$ 636.80
Verizon Wireless	Police	Service	\$ 15.02
Walker,Zach	Police	Service	\$ 74.75
Warnick & Reeves Mechanical	Landfill	Service	\$ 76.22
Water Department	All	Utility	\$ 607.08
Wendling Quarries Inc	Golf	Supplies	\$ 148.61
YMCA Community Center	Community Center	Service	\$ 10,000.00
Zoll	Fire	Supplies	\$ 582.20

Total: **\$ 245,620.89**

Pre-Authorized Payments

Black Hills Energy	All	Utility	\$ 3,999.75
DISH Network	Airport	Utility	\$ 137.07
Newton Community Events	Economic Development	RESO 21-326	\$ 13,668.00
United States Cellular	Library	Utility	\$ 330.37
Verizon	Fire	Utility	\$ 35.01
Windstream	All	Utility	\$ 1,129.59
Total:			\$ 19,299.79

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:

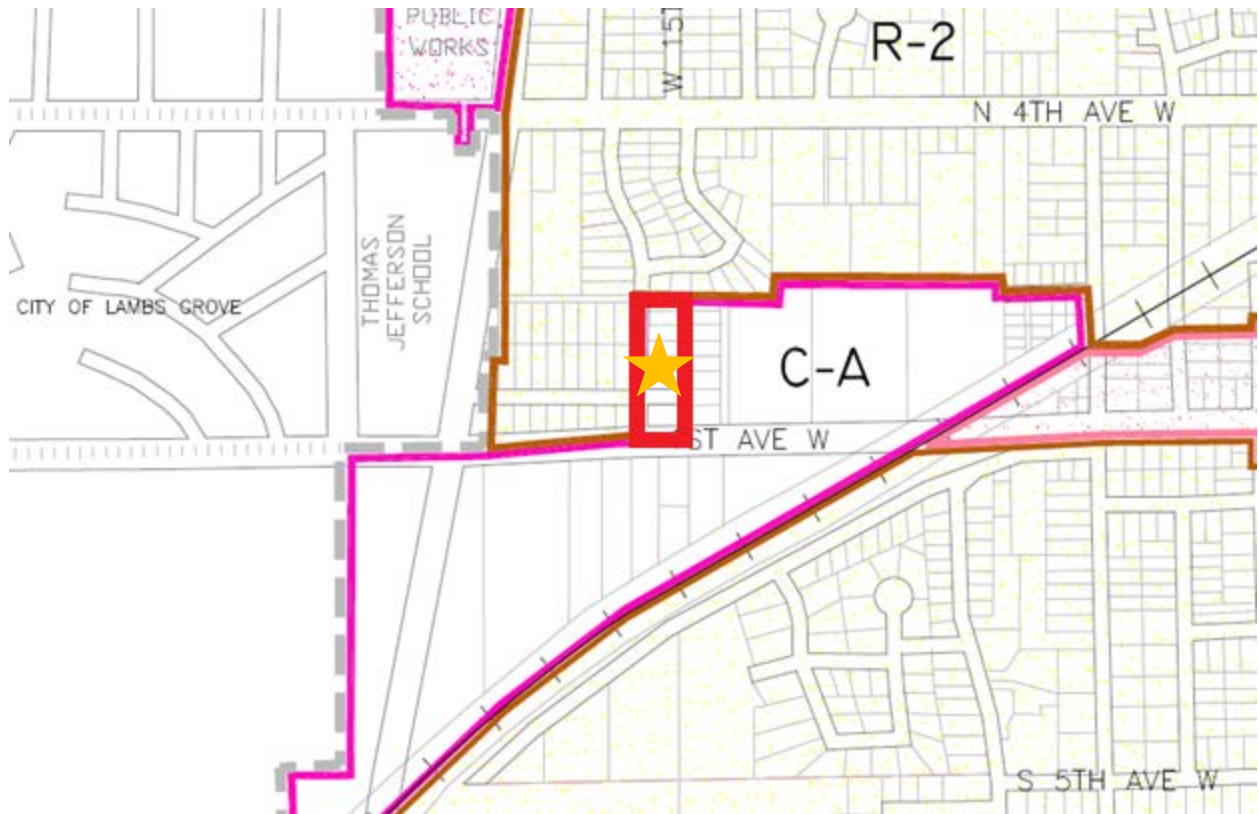
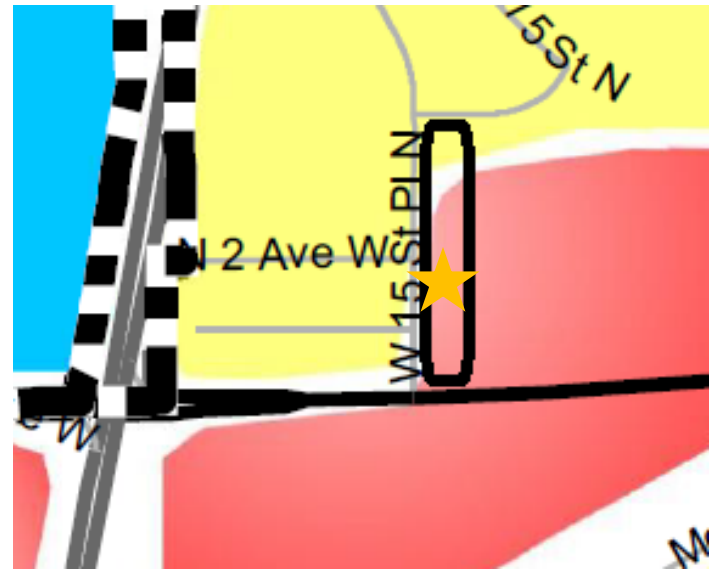
Staff recommends approval of the ordinance.

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

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 establishing the mobile food unit license fee and the premise permit fee.

Summary: Following the approval of the third consideration of the ordinance which established the mobile food unit license & premise permit process for food trucks, it is necessary to establish a fee schedule for said license & permit.

Financial Impact: Cost recovery for provided City services.



Report Number: 22-005

Date: January 3, 2022

Lead Department:
Community Development

Recommendation:
Approve

Summary: The proposed fee schedule establishes an annual license fee for food trucks that will do business inside the City of Newton. The annual license fee found in the resolution is \$100.00.

In addition, the proposed fee schedule establishes an annual fee for a premise permit. A property owner will obtain an annual premise permit prior to hosting a food truck at their property. The annual premise permit fee found in the resolution is \$100.00.

Review of Comparable Cities: City staff conducted a review of comparable cities in Central Iowa. The proposed fees are consistent, but on the low side of what were found in the research. Annual fees for closest comparable cities ranged from \$50.00-500.00, with an average of the 9 closest comparable cities being \$213, annually.

The following communities charge the following annual rate for mobile food vendors:

Waukee	\$50
Bondurant	\$100
Clive	\$100
Dallas Center	\$175
Marshalltown	\$200
Ankeny	\$250
Norwalk	\$250
Indianola	\$300
Grimes	\$500

I

Recommendation: Staff recommends the approval of the resolution.

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

Matt Muckler
City Administrator

FOOD TRUCK LICENSE/APPLICATION FEES- CENTRAL IOWA COMMUNITIES

- 1.) **Altoona:** Altoona staff reported that under the current city code, food trucks are not allowed. Therefore, they do not have any fees associated with food trucks. (Altoona staff recognized that food trucks do come to their community and that the city's enforcement has been minimal.) Altoona staff also indicated that the community will be establishing an ordinance and likely a fee schedule in the near future.
- 2.) **Ankeny:**

Annual Food Truck:	\$250
1-3 Day Food Truck:	\$75
No premise permit.	
- 3.) **Bondurant:**

One-day Food Truck:	\$30
One-week Food Truck:	\$30
Six Month Food Truck:	\$50
Annual Food Truck:	\$100
No premise permit.	
- 4.) **Clive:**

Standard Annual Food Truck	\$100
Restricted Food Truck (produce only type)	\$50
Fire Inspection	\$70
No premise permit.	
- 5.) **Dallas Center:**

One-day Food Truck	\$10
One-week Food Truck	\$25
Six Month Food Truck:	\$100
Annual Food Truck:	\$175
No premise permit.	
- 6.) **Des Moines:**

Annual Premise Permit	\$100
Annual Food Truck	\$570
Fire Inspection	\$100
Meter Hoods	\$1,180 (ea)
- 7.) **Grimes:**

7 Day (1 week) Food Truck	\$150
90 Day Food Truck	\$300
Annual Food Truck	\$500
No premise permit.	
- 8.) **Indianola:**

One-day Food Truck	\$50
One-week Food Truck	\$100
Six Month Food Truck	\$200
Annual Food Truck	\$300
No premise permit.	

9.) **Marshalltown:**

Per Day Food Truck	\$6
One-week Food Truck	\$25
Monthly Food Truck	\$60
Annual Food Truck	\$200
No premise permit.	

10.) **Nevada:** In the process of adopting an ordinance and setting a fee schedule. Nevada City Clerk indicated that they would have a fee for their application/license, but did not indicate what that will be as the Council hasn't set it yet.

11.) **Norwalk:**

Annual Food Truck	\$250
Expedited Process Fee	+\$75
No premise permit.	

12.) **Waukee:**

Annual Food Truck	\$50
No premise permit.	

13.) **Winterset:** (Food Truck is treated as a transient merchant)

Resident Annual	\$100
Non-Resident Annual	Not Available
Non-Resident	\$150 weekly, \$25 daily
No premise permit.	

RESOLUTION NO. 2022-_____

RESOLUTION ESTABLISHING THE MOBILE FOOD UNIT LICENSE FEE AND THE
PREMISE PERMIT FEE

WHEREAS, the City of Newton has adopted an ordinance establishing a mobile food unit license and a premise permit to host a mobile food unit; and

WHEREAS, the services associated with the mobile food unit license and premise permit requires staff time and use of city resources; and

WHEREAS, license and/or application fees off-set the cost of the City provided services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the following fee schedule for the Mobile Food Unit License and the Premise Permit is approved as follows:

Description	Fee
Annual Premise Permit to Host Mobile Food Unit	\$100.00
Annual Mobile Food Unit License	\$100.00

PASSED this _____ day of January 2022.

APPROVED this _____ day of January 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution selecting Iowa Inspections, LLC to serve as the inspection service provider for the Newton Rental Housing Inspection Program.

Summary: The Newton Rental Housing Inspection Program utilizes an outside consultant for inspections. Iowa Inspections, LLC had the necessary credentials and lowest inspection cost.

Financial Impact: No Cost to the City, Landlords will pay \$75/inspection or re-inspection; \$50 No-Show fee, which is the same as previous agreement



Report Number: 21-006

Date: January 3, 2021

Lead Department:
Community Development

Recommendation:
Approve

Summary: Since Spring 2019, the City has implemented a new rental inspection program, which conducts inspections of rental units using a 3rd party inspection service. The originally approved contract with Iowa Inspections LLC expired on December 31, 2021. For that reason, a new Request for Qualifications (RFQ) was published and shared with interested firms.

The deadline for submitting a response to the RFQ was December 22nd, and a total of three firms submitted responses as follows:

Iowa Inspections, LLC:

- Inspection Fee: \$75.00 for the 1st unit, and \$25 for each additional unit in the building
- Re-Inspection Fee: Same as Initial Inspection Fee
- No Show Fee: \$50.00
- Certifications of inspection staff: ICC Certifications- Building Code Official, Housing Code Official, Residential Building Inspector, Property Maintenance & Housing Inspector, Building, Electrical, Mechanical, Combination & Plumbing Inspector
- Experience in the following: Current rental inspector in Newton in addition to rental property inspections in Ankeny, Windsor Heights, Oskaloosa, Mitchellville, Colfax, Knoxville.

Safe Building:

- Initial Inspection and first inspection in any unit or dwelling fee: \$100
 - o Each additional initial inspection (duplex or townhome): \$50
 - o Each additional initial inspection in same building/address (apartment): \$25
- Rental re-inspection (add \$10.00 per additional re-inspection): \$35

- Certifications of inspection staff: ICC Certifications- Residential Building, Electrical, Plumbing, Mechanical, and Combination Inspector; Commercial Building, Electric, and Plumbing Inspector; Property Maintenance & Housing Inspector; Fire Inspector 1, Accessibility Inspector/Plans Examiner, Residential Energy Inspector/Plans Examiner
- Experience in the following: 2,000+ rental inspections each year for the Iowa Finance Authority and others.

Lambert Home Inspections LLC

- Incomplete submittal; no fee schedule provided.
- Certifications of inspection staff: Certified Home Inspector with training through InterNACHI (International Association of Certified Home Inspectors) and ICA (Inspection Certification Associates)
- Experience in the following: Real estate home inspections in central Iowa and surrounding areas. Registered with the state since October 2020. 32 home inspections year to date.

Similar to the procedure in 2019, city staff reviewed and evaluated the three submitted statements of qualifications. As stated in the published request for qualifications, preference would be given to firms with directly applicable experience (familiarity with local, state, and federal law), high level certifications of key personnel (International Code Council Certifications desired), and efficiency in approach (availability, scheduling, reporting, etc.) to accomplish the goals of the program.

Iowa Inspections, LLC was found to have the necessary credentials and qualifications as well as the lowest proposed fee schedule, particularly for those landlords who maintain quality rentals that do not need re-inspection. Iowa Inspections, LLC has provided inspection services to this program since 2019. Their proposed fee schedule has no change from previous agreement.

Recommendation: Staff recommends the approval of the resolution selecting Iowa Inspections, LLC.



Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION SELECTING IOWA INSPECTIONS, LLC TO SERVE AS
THE INSPECTION SERVICE PROVIDER FOR THE NEWTON RENTAL
HOUSING INSPECTION PROGRAM**

WHEREAS, the contract with the current rental inspection consultant expired December 31, 2021; and

WHEREAS, the City of Newton determined that utilizing a consultant to provide rental inspections continues to be the most cost-effective approach to the Rental Housing Inspection Program; and

WHEREAS, the City of Newton issued a Request for Qualifications for Rental Inspection Services and received three responses;

WHEREAS, Iowa Inspections, LLC provided the lowest bid for inspection fees; and

WHEREAS, Iowa Inspections, LLC provides International Code Council certified staff; and

WHEREAS, Iowa Inspections, LLC has been the City of Newton's contracted inspection service provider for the past two years and is familiar with Newton;

NOW, THEREFORE, BE IT RESOLVED that Iowa Inspections, LLC is selected as the Inspection Service Provider for the Newton Rental Housing Inspection Program for a term expiring on December 31, 2024, and that the Mayor is hereby authorized to sign the contract between the City of Newton and Iowa Inspections, LLC.

PASSED this _____ day of January, 2022.

APPROVED this _____ day of January, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution approving a contract with Iowa Inspections LLC to conduct inspections for the Commercial Business/Property Inspection Program

Summary: This resolution provides the contract between Iowa Inspections and City of Newton for commercial business/property inspections.

Financial Impact: Estimated \$55,000 in expense from City paid inspection fees.



Report Number: 22-007

Date: January 3, 2022

Lead Department:
Fire Department

Recommendation:
Approve

BACKGROUND

The City of Newton started the Commercial Business/Property Inspection program on January 1, 2021. The new program is administered through the Fire Department and utilizes a contract inspector to provide the inspections. This program is constructed to be very similar to the Rental Housing program that was started in 2019 to provide consistency across property inspection programs in Newton.

In 2019, the City conducted a very thorough bid process to select the Rental Housing program contracted inspector. At that time, Iowa Inspections LLC was selected to be the contract inspector and has served in that capacity until today. The performance and responsiveness of Iowa Inspections LLC has been very good. The Community Development Department conducted another competitive process for inspection services and Iowa Inspections, LLC was their top choice. To keep the program in line with the Rental Housing program and to provide consistency with pace and results achieved the Fire Department requests adopting a contract with Iowa Inspections LLC to be the Commercial Business/Property Inspection program contracted inspector. The new contract will automatically renew each year until such time it is terminated by either party. The Contract can be terminated with a 30 day written notice by either party.

RECOMMENDATION

Staff recommends adoption of the resolution to contract with Iowa Inspections LLC to continue providing contract inspections for the Commercial Business/Property Inspection program.

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

Matt Muckler
City Administrator

**RESOLUTION APPROVING A CONTRACT WITH IOWA
INSPECTIONS LLC TO CONDUCT INSPECTIONS FOR THE
COMMERCIAL BUSINESS/PROPERTY INSPECTION
PROGRAM**

WHEREAS, the City of Newton implemented a new commercial business/property inspection program starting January 1, 2021; and

WHEREAS, the program is administered by the Fire Department and will utilize the services of a contracted inspector; and

WHEREAS, the City of Newton completed a very thorough initial bid process in 2019 and an additional RFQ in 2021 for the rental housing program contracted inspector; and

WHEREAS, the City of Newton selected services of Iowa Inspections LLC as the contracted inspector; and

WHEREAS, the performance of Iowa Inspections LLC has been very good and contracting with them to perform commercial inspections provides consistency of code application for properties;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, the contract between the City of Newton and Iowa Inspections LLC of Ackworth, Iowa is hereby approved.

PASSED this _____ day of January 2022.

APPROVED this _____ day of January 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

IOWA INSPECTIONS, LLC

TO: City of Newton, Iowa
101 W 4th Street S
Newton, Iowa 50208

FROM: Iowa Inspections, LLC
11855 200th Lane
Ackworth, Iowa 50001

RE: Contract for Commercial Safety Inspections for the City of Newton, Iowa

This agreement, entered into this _____ day of January, 2022 by and between THE CITY OF NEWTON, IOWA (CITY) and Iowa Inspections, LLC (CONTRACTOR), witnessed:

In order to accomplish the objectives of the Newton Commercial Business Inspection Program:

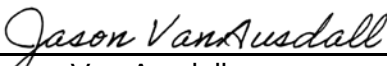
1. The CONTRACTOR, Iowa Inspections, LLC will serve as the inspection service for commercial properties within the City of Newton.
2. The CITY will maintain a database of commercial businesses within the City of Newton and notify owners of renewal due date and inspection requirements.
3. The CONTRACTOR will provide timely scheduled inspections, which are conducted in accordance with the city code and the Commercial Business Inspection Program Administrative Policy.
4. Fee Schedule (following the provisions of the adopted ordinance):

- | | | |
|---------------------------------|------------------------------|---------|
| • Regular Commercial Inspection | (3000 sq. ft. or less) | = \$100 |
| • Medium Commercial Inspection | (3001 to 6000 sq. ft.) | = \$200 |
| • Large Commercial Inspection | (6001 to 9000 sq. ft.) | = \$300 |
| • X-Large Commercial Inspection | (9001 sq. ft. and up) | = \$400 |
| • Reinspections | = same fee schedule as above | |

There are no other fees associated with the provision of this service, and inspection fees shall not increase for the duration of this contract. Inspections will be invoiced monthly.

5. When the business complies with the provisions of the Newton City Code, the adopted building/fire codes and the Commercial Business Administrative Policy, the CONTRACTOR shall notify the CITY that the business complies.
6. This contract is effective upon date of execution through the calendar year, at which point it will automatically renew for another year.
 - a. The CITY may terminate this agreement by giving a 30-day notice by certified mail to the CONTRACTOR at:
Iowa Inspections, LLC
11855 200th Lane
Ackworth, Iowa 50001
 - b. The CONTRACTOR may terminate this agreement by giving a 30-day notice by certified mail to the City Manager.

IN WITNESS, WHEREOF THE PARTIES HERETO HAVE CAUSED THIS AGREEMENT TO BE EXECUTED THIS _____ DAY OF _____, 2022.



Jason Van Ausdall
Iowa Inspections, LLC

Michael L. Hansen, Mayor
CHIEF ELECTED OFFICIAL

City of Newton Council Report



Item:

Resolution approving pre-payment of costs for utility relocation work needed to adjust existing fiber optic and copper communications lines ahead of the construction of the Newton Airport Taxiway Relocation Project.

Report Number: 22-008

Date:

January 3, 2022

Summary:

Approval to prepay Windstream for their needed work to adjust private communication lines ahead of the actual taxiway reconstruction project in spring of 2022.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

This utility relocation cost of \$10,386.00 is part of the project's overall 90% FAA share and 10% local match, leaving this portion of the City's \$1,038.60 cost share to be paid from the proposed FY-23 General Fund Bonds and remaining 2019-A bond funds. This agreement's out-of-pocket costs are not new, as they were included in the total project out-of-pocket costs included in Resolution 2021-134 approved on May 17, 2021.

Background:

Included in the latest Airport Improvement Plan (AIP) for the Newton Municipal Airport is a taxiway relocation project. This project (Newton Airport Taxiway Relocation Project) reconstructs the old taxiway at the north end of the airfield at a location meeting FAA geometry requirements.

On May 17, 2021 City Council approved Resolution 2021-134 which approved an application for FAA funding assistance for this project, along with awarding a contract for the actual construction work contingent upon receipt of said assistance. That resolution stated that the City's 10% local match on all project costs (design, engineering, construction, and anticipated additional FAA fees including localizer flight check, FAA field observation, & misc. utility adjustments) will be \$325,865.00; and said out-of-pocket cost will be paid from the proposed FY-23 General Fund Bonds as shown in the recently approved Capital Improvement Plan (CIP), along with \$23,378 in remaining 2019-A bond funds.

Immediately northwest of the recently completed airport apron expansion project in 2020, proposed Taxiways B and B-2 are to be constructed as part of the Newton Airport Taxiway Relocation Project. At the intersection of these two proposed taxiways are two communications

lines owned by Windstream, one a fiber optic line and the other an older copper line. These lines serve various locations and systems within the airfield, and critical to protect. Due to the shallow depth of these lines once grading work begins, the lines must be lowered to avoid grade conflicts during construction. Windstream, in working with the project's design engineer, has prepared a proposal to complete said work at a total cost of \$10,386. The work requires an upfront payment of 100% of Windstream's costs. Once this payment is made, the City's project engineer will prepare a reimbursement application for 90% of said payment, of which staff will submit to the FAA for reimbursement in a very short time frame.

Recommendation:

City Staff recommends that Council approve this resolution authorizing the Community Services Director to make prepayment of \$10,386.00 to Windstream for the needed utility relocation work.

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 2022- _____

**RESOLUTION APPROVING PRE-PAYMENT OF COSTS FOR UTILITY
RELOCATION WORK NEEDED TO ADJUST EXISTING FIBER OPTIC
AND COPPER COMMUNICATIONS LINES AHEAD OF THE
CONSTRUCTION OF THE NEWTON AIRPORT TAXIWAY RELOCATION
PROJECT.**

WHEREAS, the taxiway relocation project at the Newton Airport was identified in the Airport Improvement Plan as a project needing to be completed; as the old, deteriorating taxiway at the north end of the airfield does not meet current FAA geometry requirements; and

WHEREAS, on May 17, 2021 City Council approved Resolution 2021-134 which approved an application for FAA funding assistance for this project, along with awarding a contract for the actual construction work contingent upon receipt of said assistance; and

WHEREAS, said resolution stated that the City's 10% local match on all project costs (design, engineering, construction, and anticipated additional FAA fees including localizer flight check, FAA field observation, & misc. utility adjustments) will be \$325,865.00; and

WHEREAS, at the intersection of proposed taxiways B and B-1 are two communications lines owned by Windstream, one a fiber optic line and the other an older copper line, with both lines serving various locations and systems within the airfield; and

WHEREAS, due to the shallow depth of these lines once grading work begins, the lines must be lowered to avoid grade conflicts during construction; and

WHEREAS, Windstream, in working with the project's design engineer, has prepared a proposal to complete said work at a total cost of \$10,386; with said work requiring an upfront payment of 100% of Windstream's costs; and

WHEREAS, once this payment is made, the City's project engineer will prepare a reimbursement application for 90% of said payment, of which staff will submit to the FAA for reimbursement in a very short time frame.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that this resolution authorizing the Community Services Director to make prepayment of \$10,386.00 to Windstream for the needed utility relocation work for the Newton Airport Taxiway Relocation Project is hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that said utility relocation costs of \$10,386.00 shall be paid from the proposed FY-23 General Fund Bonds and remaining 2019-A bond funds.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that staff is directed to submit a reimbursement request to the FAA following the prepayment, leaving the City's 10% local match of this work at \$1,038.60.

PASSED this _____ day of January, 2022.

APPROVED this _____ day of January, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk