



Newton City Council Agenda

July 15, 2024 - 6:00 PM

View the City Council Meeting:

In Person

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

Television

Mediacom Channel
12/85/121.12

Online

newtongov.org/cablecast

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Presentation

2. National League of Cities - Homeserve service line protection program - Jody Rhone, Utilities Director & Ashley Shiwarski, Sr. Director, Business Development HomeServe

Citizen Participation

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

Consent Agenda

4. July 1, 2024 Regular City Council Meeting Minutes
5. Approve Liquor Licenses for the following: Newton Lodge #1270, B.P.O. Elks- LF0000274, 111 East 2nd Street, S
6. Certify Firefighter List
7. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-07)
8. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-08)
9. Resolution approving Task Order 24-03 with Strand Associates Engineering for application assistance in completing the 2024 National Pollutant Discharge Elimination System (NPDES) permit
10. Resolution approving Westwood Creek pump repairs
11. Resolution approving Second amendment to contract with IEDA on \$600,000 Downtown Housing Grant
12. Resolution authorizing the Iowa State University Child Passenger Safety Survey in the City of Newton Parks System

13. Resolution approving payment to Axon, LLC for Police Department in-car and body camera system
14. Resolution approving payment to MyGov, LLC. for nuisance reporting software
15. Resolution approving a conflict waiver with Ahler's and Cooney P.C. and the City of Pella for law enforcement services at Iowa Speedway events
16. Resolution setting a public hearing for the sale of City-owned property at 315, 319, and 321 East 8th Street South in Newton, Jasper County, Iowa
17. Approve Bills

Public Hearing

18. Public Hearing on a Resolution awarding contract for the 2024-01 Downtown Streetscape Improvements Project
 - N 2nd Ave E between 1st St N and E 4th St N, along with E 2nd St N and E 3rd St N between 1st Ave E and N 2nd Ave E, has had several asphalt resurfacing projects over the last 65 years, with the previous resurfacing project occurring between 36 and 38 years ago.
 - The asphalt surface needs rehabilitation. Four of the five blocks have been widened to approximately 55 feet, eliminating the streetscape and causing poor street drainage.
 - The street will be reconstructed 40 feet wide (measured face of curb to face of curb) with parallel parking and new sidewalks. Returning the street to near its original width will improve street drainage and provide a grass area between the curb and the sidewalk for aesthetic improvement, pedestrian streetscape lighting, and snow storage.
19. Resolution awarding contract for the 2024-01 Downtown Streetscape Improvements Project
20. Public Hearing on a Resolution awarding contract for the 2024 HMA Resurfacing Project
 - S 8th Ave has had several asphalt resurfacing projects over the last 65 years, with the most recent occurring in 1993.
 - With the expansion of the Newton Sanitary Landfill (NSL) convenience center, HMA is needed to finish the project. In addition, the landfill has seen extra traffic over the last ten years, requiring resurfacing of the entrance drive and other paved areas.
 - The project will include milling and overlaying sections of S 8th Ave East and West and HMA improvements to the Newton Sanitary Landfill.
 - City staff recommends awarding the project to the lowest responsive, responsible bidder, Manatt's Inc. of Newton, Iowa, with a bid of \$279,175.85.
21. Resolution awarding contract for the 2024 HMA Resurfacing Project

Ordinance

22. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title V, Chapter 53: Stormwater Utility
- At the October 19, 2020, City Council Meeting, the Newton City Council approved the creation of a Stormwater Utility Ordinance, which was the result of the City of Newton's need for funds to be dedicated to the sole purpose related to stormwater activities and to decrease the practice of diverting street funds away from streets and towards stormwater improvements.
 - The ordinance established the Equivalent Residential Unit (ERU) of Four Thousand (4,000) square feet of impervious area as the official unit of measurement and an initial ERU rate of \$4.00. The ERU rate increased to \$4.25 on July 1, 2022 and to \$4.50 on July 1, 2023. The initial ordinance did not include additional rate increases after July 1, 2023, and no increase was implemented on July 1, 2024.
 - City Council considered nine different alternatives at Council Meetings on June 17, 2024 and July 1, 2024 and approved the first reading of an ordinance on July 1, 2024 that would increase stormwater rates by 6% in fiscal year (FY) 26, by 4% in FY27 & FY28, and by 3% in FY29 & FY30.

Resolution

23. Resolution approving change order #3 for the WPC Plant Improvements Project
- Council previously approved a contract for \$5,897,300.00 on October 24, 2022, to Woodruff Construction LLC. for the WPC Plant Improvements Project. This project included multiple upgrades to the Water Pollution Control Treatment Plant, as well as the Southwest Pump Station.
 - Change order #3 includes multiple items that have been combined into a single change order.
 - The total amount of change order #3 is a deduct of (\$97,365.04)
24. Resolution Authorizing Temporary Positions in the Utility Billing Division of the Administration Department
- The Utility Billing division in the Administration Department currently has 4 employees. Two long-term employees with 55 years of experience will be retiring by February 1, 2026. In order to properly train and prepare the office for these retirements, the proposed succession plan for hiring temporary employees is recommended.
 - By February 1, 2026, after all retirements, staffing in this office will be back to normal with 4 employees.
25. Resolution Authorizing Amendments to the City of Newton Employee Handbook Regarding Clothing Allowances

- The recommended changes amend the Fire Supervisor's clothing allowance to match the Firefighters union contract by paying out the clothing allowance annually versus accruing funds, which eliminates the additional administrative tracking.
- Additionally, due to the reorganization of Community Services into Community Development, Sec. 3 would be amended, eliminating any Community Services reference and adding Parks & Recreation language.

26. Resolution adopting the nuisance abatement contractor rate

- The City continues to work towards better curb appeal and improved aesthetics within the community.
- The City abates violations that remain non-compliant through the use of private contractors after the initial warning period.
- Staff is purposing the contractor abatement rate be increased from \$60 per hour to \$100 per hour with a 1-hour minimum to help offset the rising operational costs.

Mayor/Council Comments

27. Mayor and Council Comments

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.

Find us online: www.newtongov.org

RECOMMENDATION: It is recommended that Mayor and City Council authorize the Administration, or their designee, to enter into the royalty Marketing agreement with Utility Service Partners, Inc. (USP) for an initial term of three (3) years, subject to City Attorney review with an additional (1) year renewal.

BACKGROUND: The National League of Cities (NLC) Service Line Warranty Program, offered by Utility Service Partners, a HomeServe Company, was conceived in partnership with the National League of Cities to educate property owners about their service line responsibilities and to help residents avoid the out-of-pocket expense for unanticipated and potentially costly service line repairs and replacements. Our program, the only one of its kind endorsed by the NLC and the Iowa League of Cities and, will help the City of Newton achieve its goals by:

- Providing homeowners affordable protection against significant and unexpected costs to remedy leaking/broken/ clogged water lines, sewer lines, and in-home plumbing lines.
- Ensuring the delivery of timely, high-quality repair services in adherence to all applicable codes
- Providing exemplary service that reflects positively on the City.
- The program generates an ongoing, sustainable source of revenue for partner municipalities and stimulates the local economy by using fully vetted local contractors to complete the repairs.
- The City will receive a royalty 10% of the premiums collected.

COVERAGE: NLC Service Line Warranty Program offers three complete and separate voluntary programs. There is never a service fee/deductible or annual or lifetime limit. Residents can cancel the warranties at any time.

Exterior Water Service Line: Includes service to locate, excavate and repair/replace a leaking exterior water service line. Covered repairs include, but are not limited to leaks, breaks, corrosion, blockages, root intrusion, and other types of damage (such as from freezing) that impair or limit the intended function of the system. Includes thawing of frozen water lines. Includes restoration of ground surface features after excavation for service line repair, including filling, raking, reseeding, reinstallation of existing soft landscaping and shrubbery, and patching of paved surfaces.

Exterior Sewer Service Line: Includes services to locate, excavate and repair/replace a leaking exterior sewer service line. Covered repairs include, but are not limited to leaks, breaks, corrosion, blockages (due to fats, oils and grease), root intrusion, and other types of damage (such as from freezing) that impair or limit the intended function of the system. Includes restoration of ground surface features after excavation for service line repair, including filling, raking, reseeding, reinstallation of existing soft landscaping and shrubbery, and patching of paved surfaces.

Internal Plumbing and Drainage: Coverage includes the emergency breakdown costs of repairing or replacing interior water, sewer, and drainage pipe materials, valves and other plumbing-related material, including unblocking, repair and replacement. Repair of clogged toilets.

Product	Monthly	Annual Coverage Limit	Annual Service Calls/Per Call Coverage	Royalty for the City
External Water Line	\$7.99	Unlimited	Unlimited Calls \$8,500 Per Call	10% of the premiums collected
External Sewer Line	\$12.99	Unlimited	Unlimited Calls \$8,500 Per Call	10% of the premiums collected
In-Home Plumbing	\$12.99	Unlimited	Unlimited Calls \$3,000 Per Call	10% of the premiums collected

IMPLEMENTATION: The NLC Service Line Program will utilize the City logo to brand the materials used to educate City residents/customers about our repair service plans. Program marketing literature clearly discloses that the Program and the City are separate entities and that the program is voluntary for residents. The NLC Service Line Warranty Program will create all marketing materials with input from the City and will submit all marketing/communications materials to the City for final approval.

ENROLLMENT AND BILLING: The NLC Service Line Program offers residents simple options if they choose to enroll either via mail, phone, or web. We handle all customer billing and residents can choose annual, quarterly, or monthly billing and may pay by check, direct debit/ACH, or credit card. Once we receive the enrollment application, customers receive a welcome letter which includes their service agreement terms and conditions, their payment details, a reiteration of their policy coverage, and our toll-free customer service number. Customers also receive a welcome call from customer service as an additional, personalized confirmation of the program. We handle all customer billing, and a homeowner can enroll or cancel at any time.

FINANCIAL IMPACT: No cost to the City to participate and the City would receive 10% of the premiums collected, paid annually.

NLC Service Line Warranty Program

by



Ashley Shiwarski
Sr Director, Business Development
Ashley.Shiwarski@homeserveusa.com
412-874-9454



NLC Service Line Warranty Program by HomeServe



Offering
services for
over 20 years



4.8 out of 5 stars
customer
satisfaction



Program endorsed
since 2010

“The National League of Cities is proud to partner with this highly reputable and reliable program. Their exemplary record of customer service and transparency is what has driven the success of this partnership over the years.”

*Clarence Anthony, Executive Director
National League of Cities*



HomeServe Key Statistics*

- Over **4.8 million** customers
- Over **8.5 million** policies
- Over **1,200** municipal and utility partnerships
- Job serviced **every 34 seconds**
- Customer savings to date:
over \$2 Billion

* As of January 2023



Aging Infrastructure

Challenging for cities and homeowners

Lateral lines are subjected to the same elements as public lines

- Ground shifting, fluctuating temperatures, tree root penetration, corrosion, and more

Out of sight, out of mind

- Water and sewer lines located outside, usually underground

Failed lines waste thousands of gallons of water

- Presents a potential environmental hazard

Common homeowner misconceptions

- City is responsible for maintenance of the water and sewer lines on their property
- Repairs are covered by their homeowner's policy



Homeowners are unprepared for emergencies and expect solutions from the city/utility



78% of homeowners believe the utility provider should educate them on repairs and preventative measures. (Ipsos Public Affairs/HomeServe 2019)



56% of Americans can't cover a \$1,000 emergency expense with savings. (Bankrate 2022)



60% of homeowners with annual household incomes under \$50,000 a year reported **having \$500 or less or no money set aside** for a home repair emergency. (Harris Poll/HomeServe 2021)



Solution for Cities and their Residents



Residents

Optional low-cost protection against potentially expensive water, sewer, plumbing repairs



Educates residents about their responsibility for exterior lines



Municipalities/Utilities



Reduces calls to the Municipality/Utility



Timely repairs reduce water loss from line breaks - use of local contractors infuses money into the local economy



Turnkey program - provides marketing, billing, claims, customer service



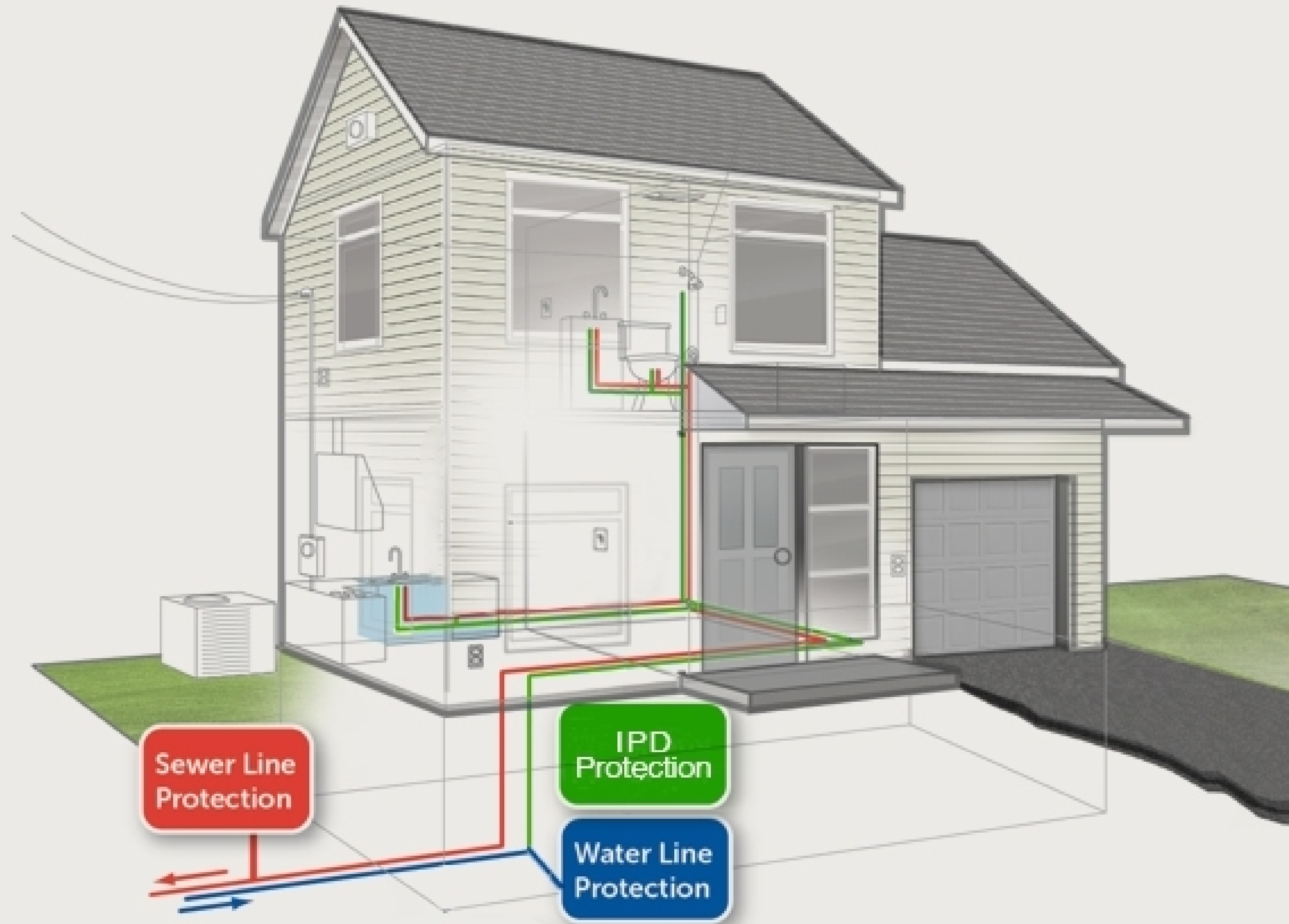
No cost for the municipality/utility to participate

Only Service Line Program endorsed by the National League of Cities and Iowa League of Cities

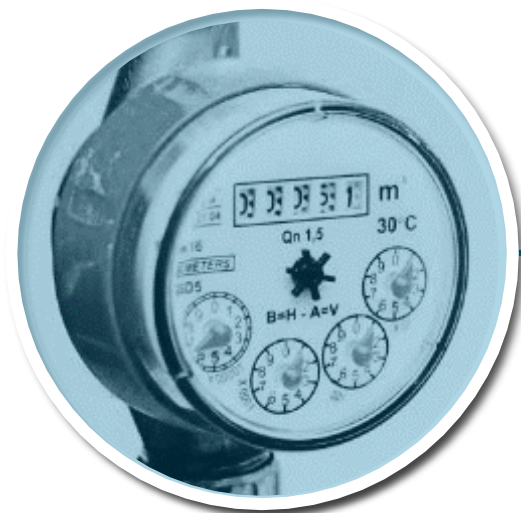
NLC Service Line Warranty Program



Endorsed by



Optional Homeowner Protection



External Water Line

Up to \$8,500 per incident to repair/replace broken, cracked, or clogged exterior lines



External Sewer Line

Up to \$8,500 per incident to repair/replace broken, cracked, or clogged exterior lines



In-home Plumbing & Drain

Up to \$3,000 per incident on all water, sewer, and drain lines inside the home after point of entry



No annual or lifetime limits, deductibles, service fees, forms, or paperwork



No pre-inspection - 30 day waiting period



Homeowner opt in or out at any time - no penalty



Locally based, fully licensed and vetted contractors



Toll-free emergency number available 24 hours a day, 365 days a year



Guaranteed repairs

Homeowner Education

- No public funds used in marketing, distribution, or administration of the program
- Direct mail only – Limited to 3 mailing campaigns per year
- Partner must review and approve marketing material before each and every campaign
- Marketing clearly states city does not provide program and is voluntary for homeowner
- Easy enrollment options – consumer choice of mail, phone or web

Revenue Share

- Non-tax revenue share for the City
- Cities utilize funds for important initiatives including:
 - ✓ Infrastructure improvements
 - ✓ Low-income assistance/community charities
 - ✓ Partially offset rate increases



HomeServe in Iowa

Key Statistics



127

municipal partners



68K

customers with 107K
protection plans



33K

jobs completed in the State
of Iowa



\$39M

savings for Iowa homeowners



Partner of the Iowa
League of Cities



Affinity Partner of
the Iowa Rural Water
Association



Over 1200 Partners, Including 127 in Iowa

- *Des Moines Water Works*
- *City of Iowa City*
- *City of Carlisle*
- *City of Mason City*
- *City of State Center*
- *City of McCausland*
- *City of Fairfield*
- *City of Lake Park*
- *City of Independence*
- *City of Cherokee*
- *City of Holstein*
- *City of Lewis*
- *City of Griswold*
- *City of Bettendorf*
- *City of Norwalk*
- *Marshalltown Water Works*
- *City of Wayland*
- *City of West Liberty*
- *City of Avoca*
- *City of Estherville*
- *City of Farragut*
- *City of West Branch*
- *City of Council Bluffs*
- *City Of DeSoto*
- *City of Garwin*
- *City of Harlan*
- *City of Marshalltown*
- *City of Rock Valley*
- *City of Rolfe*
- *City of Sheffield*
- *City of Melbourne*
- *City of Rhodes*
- *City of Belmond*
- *City of Cresco*
- *City of DeWitt*
- *City of Jesup*
- *City of Plymouth*
- *City of Exira*
- *City of Ackley*
- *City of Corydon*
- *City of Hampton*
- *City of Polk City*
- *City of Albia*
- *City of Colfax*
- *City of Roland*
- *Chariton Water*
- *City of Grundy Center*
- *City of Missouri Valley*
- *City of Reinbeck*
- *City of Ely*
- *City of Mystic*
- *City of Panora*
- *Muscatine Power & Water*
- *City of Aurelia*
- *City of Lime Springs*
- *City of Lovilia*
- *City of Tipton*
- *City of Creston*
- *City of Manly*
- *City of Madrid*
- *City of Eldridge*
- *City of Eldora*
- *City of Sergeant Bluff*
- *City of Sac City*
- *City of Dayton*
- *City of Leland*
- *City of Eagle Grove*
- *City of Lake City*
- *City of Bloomfield*
- *City of Sheldon*
- *City of Clarion*
- *City of Manning*
- *City of Frederika*
- *City of Prairie City*
- *City of Hedrick*
- *Waterloo Water Works*
- *City of Grand Mound*
- *City of Swaledale*
- *City of Maquoketa*
- *City of Richland*
- *City of Gilmore City*
- *City of Oakland*
- *City of Everly*
- *City of Carson*
- *City of Badger*
- *City of Sloan*
- *City of Whiting*
- *City of La Porte City*
- *City of Spencer*
- *City of Birmingham*
- *City of Van Meter*
- *City of Sidney*
- *City of Camanche*
- *City of Earlham*
- *City of Walker*
- *City of Waukon*
- *City of Thornton*
- *City of Salix*
- *City of Woolstock*
- *City of Allison*
- *City of Eldon*
- *City of Clinton*
- *City of Holland*
- *City of Hinton*
- *City of Shellsburg*
- *Sioux City Water & Sewer*
- *Ottumwa Water & Hydro*
- *City of Hawarden*
- *Woodbine Power & Light*
- *City of Armstrong*
- *City of Indianola*
- *City of Manchester*
- *City of New Hampton*
- *City of Stratford*
- *City of Union*
- *City of St. Ansgar*
- *City of Dallas Center*
- *City of Akron*
- *City of Palo*
- *City of Mount Ayr*
- *City of Grinnell*
- *City of Riverdale*
- *City of Alta*
- *Osceola Water Works*
- *City of Winterset*
- *City of Stacyville*
- *City of Red Oak*

**NLC Service Line
Warranty Program**

by



Questions?

For more information contact:

Ashley Shiwarski

Sr. Director, Business Development

Ashley.Shiwarski@homeserveusa.com

412-874-9454



NEWTON CITY COUNCIL MEETING MINUTES
JULY 1, 2024, 6:00 PM

Pledge

Pledge of Allegiance

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

Call to Order

1. Roll Call

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

Proclamation

2. Parks and Recreation Month

Mayor George proclaimed July as Parks and Recreation Month

3. Newton Fest Recognition

Mayor George recognized Danielle Rodgers and Victoria Jordan for their dedicated commitment to the event by going above and beyond to make it a success.

Citizen Participation

4. Lisa Osborn owns property at 1221 N 11th Ave E. She spoke about an emergency cleanup of mud that eroded out onto the street from the flooding on May 21st. Jonathan VanHemert, 1316 W 13th St S spoke regarding the progress on the Splash Pad project. Miranda Caldwell, 724 W 12th St S, spoke regarding her wish to be appointed to the vacant Ward 4 seat on the council. Steve Mullan, 1246 S 20th Ave W, spoke regarding his wish to be appointed to the vacant Ward 4 seat on the council.

Resolution

5. Resolution approving appointment to vacant Ward 4 Council Seat

Ballets were issued to the council to vote on which candidate would be appointed to the vacant Ward 4 seat. There were four votes for Mullan, one vote for Caldwell. Moved by Hallam, seconded by Ervin to adopt the Resolution appointing Mullan. AYES: Five. NAYS: None. Resolution 2024-224 adopted.

Consent Agenda

Moved by Dalton, seconded by Hallam to approve consent agenda items 6-18. AYES: Six. NAYS: None. Consent Agenda was adopted.

6. June 17, 2024 Regular City Council Meeting Minutes
7. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-07)
Resolution 2024-225 adopted.
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-06)
Resolution 2024-226 adopted.
9. Resolution approving a 28e agreement with the City of Knoxville for law enforcement services at the Iowa Speedway
Resolution 2024-227 adopted.
10. Resolution approving payment to Lexipol, LLC for police policy management and training
Resolution 2024-228 adopted.
11. Resolution accepting completion of the Maytag Park Mini-Pitch PCC Pad Project
Resolution 2024-229 adopted.
12. Resolution authorizing the purchase of a utility vehicle for the Water Treatment Plant
Resolution 2024-230 adopted.
13. Resolution authorizing the purchase of Water Meters and Radio Read End Points
Resolution 2024-231 adopted.
14. Resolution Authorizing Additional Fund Transfers in FY 23/24
Resolution 2024-232 adopted.
15. Resolution approving an extension to the completion date for the downtown improvement grant at 105 West 2nd Street North
Resolution 2024-233 adopted.
16. Resolution approving an extension to the completion date for the Downtown

Improvement Grant at 120 North 2nd Avenue West
Resolution 2024-234 adopted.

17. Resolution approving change order #1 for the Westwood Clubhouse Site Grading Project
Resolution 2024-235 adopted.

18. Approve Bills

Public Hearing

19. Public Hearing on a resolution adopting the FY25 through FY29 Capital Improvement Plan (CIP)
Mayor George stated that this is the time and place for a Public Hearing on the above Resolution. There were no written comments. Moved by Ervin, seconded by Hallam to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.
20. Resolution adopting the FY25 through FY29 Capital Improvement Plan (CIP)
Moved by Hallam, seconded by Mills to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-236 adopted.

Ordinance

21. Third Consideration of an Ordinance amending the Code of Ordinances, Title XV Land Usage by adding Chapter 159 Commercial Business Property Code
Moved by Simbro, seconded by Mills to approve the third consideration of the Ordinance. AYES: Six. NAYS: None. Third Consideration of the Ordinance was approved. Moved by Dalton, seconded by Mills, to adopt the Ordinance. AYES: Six. NAYS: None. Ordinance 2449 was adopted.
22. First Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title V, Chapter 53: Stormwater Utility
Two options were presented to the council. A twenty-five cent rate increase each year for five years, effective July 1, 2025-2029. Alternatively, the Council could recommend a 6% rate increase effective July 1, 2025, followed by a 4% increase in FY26 and FY27, and then a 3% increase in FY28 and FY29 to the ERU for residential and non-residential properties. Moved by Ervin, seconded by Hallam to approve the first consideration of the Ordinance increasing the rate using the alternate option: a 6% rate increase effective July 1, 2025, followed by a 4% increase in FY26 and FY27, and then a 3% increase in FY28 and FY29 to the ERU. AYES: Five. NAYS: Simbro. First Consideration of the Ordinance was approved.

Resolution

23. Resolution approving a hiring incentive for certified police officer candidates
Moved by Dalton, seconded by Hallam to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-237 adopted.
24. Resolution approving change orders #1 and #2 for the Downtown Spray Park & Gathering Space Project
Moved by Simbro, seconded by Hallam to adopt the Resolution. Public Works Director Grife and Engineer Justin Nickel explained the changes needed. AYES: Five. NAYS: Ervin. Resolution 2024-238 adopted.
25. Resolution to accept proposal and authorize the purchase of two Type III module ambulances.
Moved by Ervin, seconded by Mills to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-239 adopted.
26. Resolution Approving the Addition of 6 Disc Golf Holes to the Woodland Park Disc Golf Course
Moved by Ervin, seconded by Dalton to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-240 adopted.

Staff Report

27. Succession Planning in Utility Billing - Katrina Davis, Administrative Services Manager
Administrative Services Manager, Katrina Davis explained the proposal to add a temporary Utility Meter Reader position starting immediately. The current Utility Meter Reader will train this new person. Once training is complete, approximately Oct 1st of 2024, the current Meter Reader would move into a temporary Administrative Assistant position, eliminating the temporary Meter Reader position. Then, in Oct 2025, when the Administrative Assistant retires, another Administrative Assistant will be hired to replace her. In January 2026, after the Utilities Office manager retires, one of the three Admin Assistants will be promoted and will leave the 2 original Admin Assistants and eliminate the temporary position.

28. Police Department Mid-Year Update - Chris Wing, Police Captain
Captain Wing provided the Mid-Year statistics for the Police Department, including crimes against persons, which are 133 compared to 2023 at 170; crimes against property at 132 compared to 2023 at 149 and incidents reported at 698 compared to 2023 at 745. 539 parking tickets have been issued YTD. 90 animals have been taken in, of which 20 were transferred to Central Iowa ARL and 42 were returned to their owners. 58 of the 90 were taken in due to dogs at large resulting in 45 citations. There have been 200 nuisance cases started and 525 grass cases. \$23,719.81 in total abatements have been assessed to the property owners. YTD 3 notices of violations have been issued for fireworks.

Mayor/Council Comments

29. Mayor and Council Comments
The Mayor and Council reminded everyone of the many July 4th activities going on in town and the upcoming Indy race weekend. The council thanked Steve and Miranda for their interest in the Ward 4 seat.

Closed Session

30. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2024
At 7:08 P.M., it was moved by Mills, seconded by Ervin to go into closed session. The city attorney advised the council that they had legal authority to do so. AYES: Six. NAYS: None. The motion passed. Mayor George announced a five minute recess to clear the chambers.

Return to Open Session

31. Return to Open Session
Council returned to open session at 8:38 P.M. with all members present.

Adjourn

Moved by Dalton, seconded by Mills to adjourn the meeting at 8:38 P.M. Motion unanimously carried by voice vote.

Katrina Davis, City Clerk

Evelyn George, Mayor



**City of Newton Civil Service Commission
Firefighter Candidate List**

We the undersigned members of the City of Newton Civil Service Commission hereby certify the following candidate list for the purpose of appointment the City of Newton Fire Department. The following candidate list, in alphabetical order, shall expire one (1) year from the date of certification, or upon exhaustion.

Firefighter Candidates

Samuel Gerst
Daniel Ratchford
Nathan Schiltz

Date: July 15, 2024

Signed:

Dave Zellinger

Teresa Ray

Gary Johnson

Witness by:

Katrina Davis
Secretary of the Civil Service Commission

Date:

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-07)

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.

Financial Impact:

Cost Recovery: \$3,368.31

Report Number: 2024-667

Date:

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

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 \$3,368.31.

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 24-07).

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 24-07)**

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. 24-07 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 24-07, 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 July 31, 2024, 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 July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 24-07: 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
Sandra Kale c/o Randy Reed	826301004	1221 N 11TH AVE E	Newton	\$53,840	\$363.31	\$75.00	\$438.31	TRACT 422' X 637.8' LOT 2 NW SW	5/21/2024
Crown Court LLC	835133028	1702 1st Ave E	Newton	\$487,310	\$180.00	\$75.00	\$255.00	PARCEL A-3 & PARCEL B, PT OF LOT 3 SD NE NW 35-80-19	5/13/2024
Harold Livengood	833453002	1100 Woodland Drive	Newton	\$259,930	\$150.00	\$75.00	\$225.00	ELM PARK AMENDED PLAT LOT 4 SECTION G EX E 20'	5/13/2024
Kenneth Kirk	827476005	901 N 8th Ave E	Newton	\$74,740	\$570.00	\$75.00	\$645.00	NORTH EAST ADD E 1/2 LOT 3 EX TR 90' X 132' IN NW COR	5/15/2024
Allen Majors	834327004	518 E 2nd St S	Newton	\$148,760	\$60.00	\$75.00	\$135.00	CLAUSSEN'S SD LOT 4 BLK 2	5/15/2024
Paul Mattingly	835401024	1906 S 7th Ave E	Newton	\$93,690	\$120.00	\$75.00	\$195.00	AURORA HEIGHTS SD LOT 12 BLK B	5/22/2024
Robert Spinney	826352024	601 E 13th St N	Newton	\$83,910	\$90.00	\$75.00	\$165.00	EMERSON HOUGH PLACE LOT 12 BLK B	5/22/2024
John White	827481013	1010 N 5th Ave E	Newton	\$98,920	\$60.00	\$75.00	\$135.00	BROWN'S SD LOT 11 BLK D	5/15/2024
Randy Cline	835426029	701 E 24th St S	Newton	\$85,640	\$90.00	\$75.00	\$165.00	AURORA HEIGHTS SD LOT 14 BLK O	5/28/2024
Daniel Daniels	833276002	718 S 2nd Ave W	Newton	\$126,240	\$60.00	\$75.00	\$135.00	WEST NEWTON LOT 5 BLK B & 16.5' ALLEY ADJ ON N	5/28/2024
Alika Lynn	833283023	702 S 5th Ave W	Newton	\$88,930	\$90.00	\$75.00	\$165.00	WEST NEWTON LOTS H & J BLK D	5/28/2024
Brenda Nelson	827477015	510 E 9th St N	Newton	\$52,060	\$200.00	\$75.00	\$275.00	LONG'S SD LOT 23	5/29/2024
Linda Rice	835402011	514 E 20th St S	Newton	\$138,150	\$90.00	\$75.00	\$165.00	AURORA HEIGHTS SD LOT 11 BLK E	5/28/2024
Regina Roush	835254014	314 E 20th St S	Newton	\$122,220	\$60.00	\$75.00	\$135.00	AURORA HEIGHTS SD LOT 23 BLK F	5/28/2024
Cedar Rapids Bank & Trust Company	833283010	623 S 4th Ave W	Newton	\$125,880	\$60.00	\$75.00	\$135.00	WEST NEWTON LOT G BLK D	5/28/2024
TOTAL:							\$3,368.31		

City of Newton Council Report

**Item:**

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-08)

Summary:

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

Financial Impact:

Cost Recovery: \$2,760.00

Report Number: 2024-670

Date:

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abated violations that remained non-compliant after the initial warning period. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

Recommendation:

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

Matt Muckler, City Administrator

RESOLUTION 2024- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 24-08)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 24-08: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 24-08: Assessment for the Expenses for Nuisance Abatement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 24-08: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 24-08: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 24-08: 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
Michael Ault	835204007	200 E 20th St N	Newton	\$177,830	\$90.00	\$75.00	\$165.00	FAIRMEADOWS ADD PHASE 2 LOT 54	6/5/2024
Farrell Properties Inc	835283003	204 E24th St S	Newton	\$16,440	\$120.00	\$75.00	\$195.00	PARK PLACE CONDOMINIUMS LOCATED ON PT PARCEL B BLK Q AURORA HEIGHTS SD EX LOT 9 BLK Q LYING WITHIN PARCEL B	6/3/2024
Golden Hammer Contractors Inc	834279017	900 S 5th Ave E	Newton	\$22,570	\$360.00	\$75.00	\$435.00	LUSK'S SD LOT C	5/30/2024
Golden Hammer Contractors Inc	834281034	1106 S 5th Ave E	Newton	\$21,440	\$360.00	\$75.00	\$435.00	JONES' SD E 1/2 OF S 178' LOT A BLK U	5/29/2024
Manuel Hidanovic	834276022	306 E 8th St S	Newton	\$39,260	\$60.00	\$75.00	\$135.00	EASTSIDE SD W 111' 10" LOT 2	6/5/2024
Integrity Properties	827326002	1020 1st St N	Newton	\$82,910	\$60.00	\$75.00	\$135.00	BIGELOW'S SD LOT 3	5/28/2024
Lee Silva	833282002	308 W 8th St S	Newton	\$89,660	\$60.00	\$75.00	\$135.00	WEST NEWTON S 55' LOT 8 BLK C & N 1/2 OF ALLEY ON S	6/3/2024
Rodney Taber	827107004	1525 1st St N	Newton	\$103,450	\$240.00	\$75.00	\$315.00	NELSON'S SD LOT 18	5/30/2024
Matthew Townsend	827154005	1115 1st St N	Newton	\$106,370	\$60.00	\$75.00	\$135.00	MYER'S SD LOT 31	6/5/2024
US Bank National Association	834154001	121 1st Ave W	Newton	\$33,490	\$60.00	\$75.00	\$135.00	ORIGINAL PLAT W 44.25' LOT 4 BLK 20	5/28/2024
VB Properties LLC	833432025	723 W 6th St S	Newton	\$85,920	\$75.00	\$75.00	\$150.00	W C GUNNS SD E 75' LOT 26	6/5/2024
Ian Westbrook	827304015	827 1st St N	Newton	\$153,440	\$180.00	\$75.00	\$255.00	AINSWORTH & WHEELER'S SD, LOT 2 OF LOT U EX W 180.5'	5/28/2024
Westward Tax Service V	1303202004	619 S 13th Ave E	Newton	\$10,290	\$60.00	\$75.00	\$135.00	LISTER'S ACRES E 1/2 LOT 5 EX W 2' OF N 1/2 & E 2' OF S 1/2 OF W 1/2 LOT 5	6/6/2024
TOTAL:							\$2,760.00		

City of Newton Council Report

**Item:**

Resolution approving Task Order 24-03 with Strand Associates Engineering for application assistance in completing the 2024 National Pollutant Discharge Elimination System (NPDES) permit

Summary:

approving professional services agreement with Strand Associates Engineering for 2024 NPDES application assistance.

Financial Impact:

Hourly basis, estimated \$8,000.00 utilizing Water Pollution Control Funds.

Report Number: 2024-636

Date:

July 15, 2024

Lead Department:

Utilities

Recommendation:

Approve

Background:

The City of Newton Water Pollution Control Treatment Plant is required by federal law to submit a new NPDES permit every five years. Iowa DNR was delegated authority to administer the NPDES program by the EPA in 1978. Under Iowa's NPDES program, all facilities that discharge pollutants from any point source into waters of the United States or waters of the state are required to obtain an NPDES or operation permit, respectively. The permits require compliance with all federal and state standards and may require additional controls based on local conditions.

The term pollutant includes any type of industrial, municipal, and agricultural waste discharged into water. Pollutants can enter waters from a variety of pathways including agricultural, domestic, and industrial sources. These sources are categorized as either point sources or non-point sources. Point source discharges include those from publicly owned treatment works (POTWs), from industrial facilities, and from urban runoff. Pollutant contributions may come from both direct and indirect sources. Direct sources discharge wastewater directly into a receiving waterbody, whereas indirect sources discharge wastewater to a POTW, which in turn discharges into a receiving waterbody.

Publicly owned treatment works (POTWs) must obtain and comply with an NPDES permit. If the concentration of pollutants leaving a POTW is too high, or if a POTW's discharges endanger public health or the environment, the facility violates its permit and can be fined and/or required to upgrade.

Fox/Strand Engineering, now Strand Associates Engineering has a long history of providing professional engineering services for Newton's WPCP, therefore is very familiar with the operation of the WPCP.

The scope of services in this task order include: Application assistance with completing the required 2024 NPDES permit.

Recommendation:

approve Task Order 24-03 with Strand Associates Engineering of Ames, Iowa for professional services, with assistance in completing the 2024 NPDES permit renewal application

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

Matt Muckler, City Administrator

RESOLUTION NO. 2024-_____

**RESOLUTION APPROVING TASK ORDER 24-03 WITH STRAND ASSOCIATES
ENGINEERING FOR APPLICATION ASSISTANCE IN COMPLETING THE 2024
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT**

WHEREAS, the City of Newton Water Pollution Control Treatment Plant is required by federal law to submit a new NPDES permit every five years; and

WHEREAS, Iowa DNR was delegated authority to administer the NPDES program by the EPA in 1978. Under Iowa's NPDES program, all facilities that discharge pollutants from any point source into waters of the United States or waters of the state are required to obtain an NPDES or operation permit, respectively; and

WHEREAS, the permits require compliance with all federal and state standards and may require additional controls based on local conditions; and

WHEREAS, the term pollutant includes any type of industrial, municipal, and agricultural waste discharged into water. Pollutants can enter waters from a variety of pathways including agricultural, domestic, and industrial sources; and

WHEREAS, these sources are categorized as either point sources or non-point sources. Point source discharges include those from publicly owned treatment works (POTWs), from industrial facilities, and from urban runoff; and

WHEREAS, pollutant contributions may come from both direct and indirect sources; and

WHEREAS, direct sources discharge wastewater directly into a receiving waterbody, whereas indirect sources discharge wastewater to a POTW, which in turn discharges into a receiving waterbody; and

WHEREAS, publicly owned treatment works (POTWs) must obtain and comply with an NPDES permit; and

WHEREAS, if the concentration of pollutants leaving a POTW is too high, or if a POTW's discharges endanger public health or the environment, the facility violates its permit and can be fined and/or required to upgrade; and

WHEREAS, Fox/Strand Engineering, now Strand Associates Engineering has a long history of providing professional engineering services for Newton's WPCP, therefore is very familiar with the operation of the WPCP; and

WHEREAS, Strand Associates Engineering provided a task order for application assistance in completing the required 2024 NPDES permit on a time and material basis, estimated at \$8,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that Task Order 24-03 with Strand Associates Engineering of Ames, Iowa, based on an hourly basis, estimated at \$8,000.00 for application assistance of the 2024 NPDES permit, is hereby accepted. Sewer Enterprise Funds will be utilized to pay for this service.

PASSED this _____ day of July 2024.

APPROVED this _____ day of July 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk



FINAL COPY

Strand Associates, Inc.®
414 South 17th Street, Suite 107
Ames, IA 50010
(P) 515.233.0000
www.strand.com

Task Order No. 24-03
City of Newton, Iowa (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated May 30, 2023

Project Information

Services Name: 2024 Newton National Pollutant Discharge Elimination System (NPDES) Permit Application Assistance

Scope of Services

ENGINEER will assist OWNER with the preparation of the Iowa Department of Natural Resources wastewater treatment system NPDES permit renewal application. Permit fees and all lab sampling and testing costs shall be paid separately by OWNER.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order on an hourly rate basis plus expenses an estimated fee of \$8,000.

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of July 15, 2024. Services are scheduled for completion on June 30, 2025.

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

OWNER:

CITY OF NEWTON, IOWA

Joseph M. Bunker
Corporate Secretary

Date

Evelyn George
Mayor

Date

NOT FOR
SIGNATURE

City of Newton Council Report

**Item:**

Resolution approving Westwood Creek pump repairs

Summary:

Bid received from Electric Pump, Des Moines, Iowa to repair damage sustained to Westwood Creek Pump during the floodwaters as a result of the May 21st storms.

Financial Impact:

Bid of \$12,102.38 to be paid utilizing insurance funds.

Report Number: 2024-658

Date:

July 15, 2024

Lead Department:

Community Development

Recommendation:

Approve

Background:

Westwood Creek Pump was installed and maintained by Electric Pump, Des Moines, Iowa.

Staff recommends that the company move forward with the appropriate repairs with the company that is familiar with the existing system.

Recommendation:

Staff recommends approving the bid of \$12,102.38 from Electric Pump, Des Moines, Iowa, for the repairs necessary to the Westwood Creek Pump.

Matt Muckler, City Administrator

RESOLUTION 2024- _____

RESOLUTION APPROVING WESTWOOD CREEK PUMP REPAIRS

WHEREAS, following the May 21, 2024 storm, Westwood Golf Course sustained damage to the Creek Pump from flood waters; and

WHEREAS, Staff has worked with the manufacturer on a bid to repair the damage; and

WHEREAS, these proposed repairs would bring the Westwood Creek Pump back to working order; and

WHEREAS, the bid of \$12,102.38 would be covered by insurance funds;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the bid from Electric Pump, Des Moines, Iowa, is approved.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving Second amendment to contract with IEDA on \$600,000 Downtown Housing Grant

Summary:

Second amendment to the agreement between City of Newton and IEDA. The amendment extends the completion deadline.

Financial Impact:

None.

Report Number: 2024-659**Date:**

July 15, 2024

Lead Department:

Community Development

Recommendation:

Approve

Background:

The City of Newton applied for and was awarded a \$600,000 Downtown Housing Grant to support the residential component of the adaptive reuse project by Christensen Development at Legacy Plaza. The residential component is to be completed in October 2024.

The amendment to the agreement between the City of Newton and IEDA extends the completion deadline to December 31, 2024.

Recommendation:

Staff recommends approval

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

**RESOLUTION APPROVING SECOND AMENDMENT TO CONTRACT
WITH IEDA ON \$600,000 DOWNTOWN HOUSING GRANT**

WHEREAS, the State of Iowa has received \$100 million in American Rescue Plan Act funds that Governor Kim Reynolds has designated for qualifying housing projects throughout the state; and

WHEREAS, the Iowa Economic Development Authority awarded the City of Newton a Downtown Housing Grant in an amount not to exceed \$600,000 for the housing project at 403 West 4th Street North;

WHEREAS, the City of Newton entered into a contract with Iowa Economic Development Authority by Resolution 2022-204 (for Grant Award No. 22- ARPDH-041); and

WHEREAS, it is desirable to amend the project completion deadline to December 31, 2024;

NOW THEREFORE, BE IT RESOLVED that the contract amendment between the Iowa Economic Development Authority and the City of Newton for Grant Award No. 22-ARPDH-041 is hereby approved and the Mayor shall sign the amended contract.

PASSED this ____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis
City Clerk

**AMENDMENT TWO
TO
GRANT AGREEMENT BETWEEN
THE IOWA ECONOMIC DEVELOPMENT AUTHORITY
AND
CITY OF NEWTON**

AGREEMENT NUMBER: **22-ARPDH - 041**
AMENDMENT NUMBER: **TWO**
EFFECTIVE DATE: **June 1, 2024**

WHEREAS, on July 2, 2024 the Iowa Economic Development Authority (“Authority”), 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315, and City of Newton (“Subrecipient”) 101 West 4th Street South; Newton, IA 50208 respectively, entered into that certain Grant Agreement Number **22-ARPDH - 041** (“Grant Agreement”) setting out the terms and conditions for the Downtown Housing Grant (“Grant”) for Subrecipient’s Project; and

WHEREAS, the IEDA and Subrecipient wish to amend the Grant Agreement to modify the project completion date;

NOW, THEREFORE, the parties amend the Grant Agreement as follows:

1. Page 1, Term of Agreement

TERM OF AGREEMENT: June 14, 2022 – December 31, 2024

2. Article 5.1 Work and Services

The Subrecipient shall perform work and services as described in Exhibit A. The work and services described shall be completed no later than December 31, 2024.

Except as otherwise revised above, the terms, provisions, and conditions of the Grant Agreement executed by IEDA and Subrecipient on July 2, 2024, remain unchanged and are in full force and effect:

Signature Page Follows

FOR SUBRECIPIENT:

SIGNATURE

PRINT/TYPE NAME, TITLE

Date

FOR IEDA:

Deborah Durham, Director

Date

City of Newton Council Report

**Item:**

Resolution authorizing the Iowa State University Child Passenger Safety Survey in the City of Newton Parks System

Summary:

Authorizing ISU car seat survey effort

Financial Impact:

None.

Report Number: 2024-660

Date:

July 15, 2024

Lead Department:

Community Development

Recommendation:

Approve

Background:

Iowa State University is working with the Governor's Traffic Safety Bureau on a Statewide Child Passenger Safety Survey, and has selected Newton as one of the potential locations where the survey will be conducted.

Iowa State University has requested to utilize parking areas within Newton City Parks to conduct the survey with a certified passenger safety technician. Public participation in the survey will be voluntary, and citizens will be asked if they would like to participate before any additional steps are taken. The outcomes of the survey are informational only. Education about car seat installation and safety will be provided to participants as part of the effort.

This resolution authorizes the use of parking areas in the City of Newton parks system for this effort.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION AUTHORIZING THE IOWA STATE
UNIVERSITY CHILD PASSENGER SAFETY SURVEY IN
THE CITY OF NEWTON PARKS SYSTEM

WHEREAS, Iowa State University is seeking permission to utilize parking areas in the Newton Parks System for the purpose of conducting a Child Passenger Safety Survey; and

WHEREAS, Iowa State University is collaborating with the Governor’s Traffic Safety Bureau on the effort; and

WHEREAS, the Child Passenger Safety Survey is optional for citizens to participate in and is designed to provide education on car seat safety;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Iowa State University is authorized to conduct the Child Passenger Safety Survey within the Newton Parks System and that City Staff is authorized to coordinate the details of said effort.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving payment to Axon, LLC for Police Department in-car and body camera system

Summary:

Approve contracted payment to Axon, LCC for Police video system

Financial Impact:

\$18,652.22

Report Number: 2024-646

Date:

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City Council approved a 5-year purchase agreement in 2023 for a new video system for the Police Department that includes body cameras, cloud storage and upgraded software. The next contracted payment is due in August 2024 in the amount of \$18,652.22.

Recommendation:

Staff recommends approval of this resolution.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION APPROVING A PAYMENT TO AXON ENTERPRISES, LLC FOR POLICE VIDEO EQUIPMENT AND SERVICE

WHEREAS, the City Council approved a 5-year purchase agreement in 2023 for a new video system for the Police Department that includes body cameras, cloud storage and upgraded software;

WHEREAS, the next payment of the agreement is due in August 2024 in the amount of \$18,652.22

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the \$18,652.22 payment to Axon Enterprises, LLC utilizing 2023A bond funds.

PASSED this _____ day of _____, 2024.

APPROVED this _____ day of _____, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving payment to MyGov, LLC. for nuisance reporting software

Summary:

Annual payment to MyGov, LLC for nuisance software

Financial Impact:

\$10,318

Report Number: 2024-647

Date:

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City contracted with MyGov, LCC in 2022 for the development and maintenance of software used for reporting and processing nuisance and other code enforcement complaints. The annual payment of \$10,318 is due on July 31, 2024.

Recommendation:

Staff recommends approval of this resolution.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION APPROVING A PAYMENT TO MYGOV, LLC FOR NUISANCE REPORTING SOFTWARE

WHEREAS, the City Council approved software agreement in 2022 with MyGov, LLC for nuisance reporting software;

WHEREAS, the next payment of the agreement is due on July 31, 2024 in the amount of \$10,318

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the \$10,318 payment to MyGov, LLC utilizing FY25 Police Department general funds.

PASSED this _____ day of _____, 2024.

APPROVED this _____ day of _____, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving a conflict waiver with Ahler's and Cooney P.C. and the City of Pella for law enforcement services at Iowa Speedway events

Summary:

Approve a conflict waiver due to both cities being represented by Ahler's and Cooney P.C.

Financial Impact:

N/A

Report Number: 2024-648**Date:**

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The Iowa Speedway hosts several large scale events annually requiring additional law enforcement personnel. Due to these events growing larger, there is a need for increased law enforcement personnel. The City has contracted with other municipal corporations in the past and desires to do so with the City of Pella. The City of Pella is represented by Ahler's and Cooney P.C. for legal services, as is the City of Newton. Prior to approving a 28e agreement for enforcement services at the Iowa Speedway between the City of Pella and the City of Newton, it's desired that a conflict waiver be approved by the City Council of each respective city to ensure appropriate representation. City Attorney Matt Brick has reviewed the conflict waiver and approves of the language and use.

Recommendation:

Staff recommends approval of this resolution.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION APPROVING A CONFLICT WAIVER WITH AHLER’S AND COONEY
P.C. AND THE CITY OF PELLA FOR LAW ENFORCEMETN SERVICES AT IOWA
SPEEDWAY EVENTS

WHEREAS, the City has a continuing need to provide law enforcement to, in, and around the Iowa Speedway and is not always able to obtain enough volunteer officers to provide law enforcement services during events, concerts, races and rallies held at the Iowa Speedway solely through the City Police Department;

WHEREAS, other Municipal Corporations and law enforcement departments of said Municipal Corporations are willing and able to provide voluntary law enforcement services during certain events, concerts, races and rallies held at the Iowa Speedway upon request by the Police Department; and

WHEREAS, the City and City of Pella desire an Agreement for the use of their law enforcement agency personnel at the Iowa Speedway during events, concerts, races and rallies; and

WHEREAS, prior to approving that agreement, the City and the City of Pella desire the approval of a conflict waiver with Ahler’s and Cooney P.C. as they are a shared legal representative for both cities; and

WHEREAS, each Municipal Corporation has reviewed the terms of the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that the City hereby approves the conflict waiver with the City of Pella and Ahler’s and Cooney P.C.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk



Ahlers & Cooney, P.C.
Attorneys at Law

100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

Phone: 515-243-7611

Fax: 515-243-2149

www.ahlerslaw.com

Kristine Stone

515.246.0314

kstone@ahlerslaw.com

June 24, 2024

Shane McSheehy
Police Chief
City of Pella
614 Main Street
Pella, IA 50219

Rob Burdess
Police Chief
City of Newton
101 W 4th St S
Newton, IA 50208

Sent via email only: smcsheehy@cityofpella.com; robb@newtongov.org

RE: 28E Agreement for Law Enforcement

Dear Chief McSheehy and Chief Burdess:

Ahlers & Cooney, P.C. represents the City of Pella ("Pella") as City Attorney and the City of Newton ("Newton") in labor and employment matters. We understand Pella and Newton are interested in entering into a 28E Agreement for law enforcement services at the Iowa Speedway (the "Agreement").

As City Attorney for Pella, our Firm has been asked to review the Agreement between Pella and Newton on behalf of Pella. The Agreement will outline the rights and responsibilities of each party as it relates to the provision of certain law enforcement services at the Iowa Speedway. Our representation in this regard will include, but not be limited to, reviewing and revising the terms and conditions of the Agreement. We understand Newton is being represented by its own City Attorney in this matter and will not rely on our Firm for any legal advice or representation regarding the Agreement. Should Newton seek our advice regarding the Agreement, we will not be able to provide it.

Based on our preliminary review of this matter, we do not expect the interests of Pella will be adverse to those of Newton. However, since Newton is a current client of our Firm, any work that we perform for Pella that would be adverse to Newton will create a conflict of interest. Therefore, we cannot represent Pella in this matter unless the Pella City Council and the Newton City Council agree to waive the conflict.

In the event there are actual disagreements of substance or content between the Parties, we will decline to advise either party with respect to such issue. Should an issue arise for which the Parties cannot reach agreement on your own, we would need to withdraw from further representation of either party with respect to the Agreement.

Please be aware that the Rules of Professional Conduct require that we represent all of our clients with diligence and that we protect and maintain their confidences. Accordingly, we

will not disclose or use any confidential information that we may have acquired about Pella in our prior or ongoing representation of Pella to Newton. Similarly, we will not disclose or use any confidential information that we have acquired about Newton as a result of our representation of Newton to Pella. This conflict waiver merely allows us to represent Pella in the review of the Agreement between Pella and Newton.

In deciding whether to consent, each party should consider how our representation of the Authority as described above could or may affect them. For example, clients that are asked to waive or consent to conflicts should consider whether there is any material risk that their attorney will be less diligent on their behalf due to the conflict. Similarly, clients should consider whether there is any material risk that their confidential information or other proprietary matters will be used adversely to them due to the conflict. Although Pella and Newton are not required to do so, we recommend that they each seek the advice of a lawyer outside of our Firm if they have any questions or concerns about whether they should sign this conflict waiver.

We do not believe that our obligations of loyalty and confidentiality to Pella and Newton will impair our ability to represent Pella in the review and revision of the Agreement or to represent Newton in other unrelated matters including, but not limited to, labor and employment matters. We believe our Firm will continue to provide competent and diligent representation to both clients. Although we are asking Pella and Newton to waive this conflict of interest so that we can represent the Pella in the drafting of the Agreement, Pella and Newton are not obligated to do so.

We are sending this conflict waiver to both parties simultaneously for consideration, and are pleased to answer any further questions that either of you may have about this matter. If in order, please present this to your respective governing bodies and respond to this request by either signing and returning this waiver letter or informing us that Pella or Newton declines to waive this conflict of interest. We will only be able to represent the parties in this matter if both parties are in agreement regarding this limited representation.

Sincerely,

AHLERS & COONEY, P.C.

By *Kristine Stone*

Kristine Stone

June 24, 2024

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The City Council of the City of Pella hereby waives and consents to any actual, potential, or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of City of Newton in its capacity of labor and employment counsel for the City.

Dated this _____ day of _____, 2024.

City Council of the City of Pella:

By: _____
Mayor

June 24, 2024

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The City Council of the City of Newton hereby waives and consents to any actual, potential, or perceived conflict of interest associated with Ahlers & Cooney, P.C.'s representation of the City of Pella in the above-referenced matter.

Dated this _____ day of _____, 2024.

City Council of the City of Newton:

By: _____
Mayor

City of Newton Council Report

**Item:**

Resolution setting a public hearing for the sale of City-owned property at 315, 319, and 321 East 8th Street South in Newton, Jasper County, Iowa

Summary:

Setting a date to hold a public hearing on the corrected legal description for sale of City owned property to VL Construction.

Financial Impact:

None

Report Number: 2024-666

Date:

July 15, 2024

Lead Department:

Community Development

Recommendation:

Approve

Background:

Action of setting a date to hold a public hearing on the corrected legal description for sale of City owned property to VL Construction.

This action was previously taken in June, but as staff prepared for the closing, it was discovered the notice of public hearing had not been published in the newspaper in accordance with State of Iowa Code. It is necessary to take the steps to ensure that all State code requirements are met.

Recommendation:

Approve.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION SETTING A PUBLIC HEARING FOR THE SALE OF CITY-OWNED PROPERTY AT 315, 319, AND 321 EAST 8TH STREET SOUTH IN NEWTON, JASPER COUNTY, IOWA

WHEREAS, the City of Newton owns a property located at

THE SOUTH 38 FEET OF LOT 8 IN BLOCK 1, OF THE SUB-DIVISION OF BLOCK 2, OF SOUTHEAST ADDITION, BEING IN AND FORMING A PART OF THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS THE SAME APPEARS ON PLAT RECORDED IN BOOK 167 AT PAGE 415 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; AND

THE SOUTH 49.61 FEET OF THE NORTH 115.61 FEET OF LOT 8 IN BLOCK 1 OF THE SUB-DIVISION OF BLOCK 2 OF SOUTHEAST ADDITION TO NEWTON, JASPER COUNTY, IOWA; AND

THE NORTH 66 FEET OF LOT 8 AND PART OF LOT 7, DESCRIBED AS COMMENCING AT A POINT LOCATED ON THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 13.92 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7, THENCE RUN EAST TO THE SAID SOUTHEAST CORNER OF SAID LOT 7, THENCE NORTH TO THE NORTHEAST CORNER OF SAID LOT 7, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 9.92 FEET THENCE IN A SOUTHERLY DIRECTION TO THE POINT OF BEGINNING, SAID LOT 8 AND SAID PART OF LOT 7 HEREINBEFORE DESCRIBED ALL BEING IN BLOCK 1, OF THE SUB-DIVISION OF BLOCK 2, OF SOUTHEAST ADDITION, BEING IN AND FORMING A PART OF THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS THE SAME APPEARS ON PLAT RECORDED IN BOOK 167 AT PAGE 415 IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

WHEREAS, it is necessary to hold a public hearing prior to acting upon a purchase/redevelopment agreement for said property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that a public hearing shall be held on August 5, 2024 at 6:00 p.m., at Newton City Hall, 101 West 4th Street South, to receive and accept purchase proposals and Public Notice in substantially the following form shall be given:

PUBLIC NOTICE

The City Council of Newton, Iowa will hold a Public Hearing at 6:00 p.m. August 5, 2024, at Newton City Hall, 101 West 4th Street South, regarding the sale of the following property at 315, 319, and 321 East 8th Street South, legally described as: THE SOUTH 38 FEET OF LOT 8 IN BLOCK 1, OF THE SUB-DIVISION OF BLOCK 2, OF SOUTHEAST ADDITION, BEING IN AND FORMING A PART OF THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS THE SAME APPEARS ON PLAT RECORDED IN BOOK 167 AT PAGE 415 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; AND THE SOUTH 49.61 FEET OF THE NORTH 115.61 FEET OF LOT 8 IN BLOCK 1 OF THE SUB-DIVISION OF BLOCK 2 OF SOUTHEAST ADDITION TO NEWTON, JASPER COUNTY, IOWA; AND THE NORTH 66 FEET OF LOT 8 AND PART OF LOT 7, DESCRIBED AS COMMENCING AT A POINT LOCATED ON THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 13.92 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7, THENCE RUN EAST TO THE SAID SOUTHEAST CORNER OF SAID LOT 7, THENCE NORTH TO THE NORTHEAST CORNER OF SAID LOT 7, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 9.92 FEET THENCE IN A SOUTHERLY DIRECTION TO THE POINT OF BEGINNING, SAID LOT 8 AND SAID PART OF LOT 7 HEREINBEFORE DESCRIBED ALL BEING IN BLOCK 1, OF THE SUB-DIVISION OF BLOCK 2, OF SOUTHEAST ADDITION, BEING IN AND FORMING A PART OF THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS THE SAME APPEARS ON PLAT RECORDED IN BOOK 167 AT PAGE 415 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; Additional information about the property is available at the Community Development Department, (641)-792-6622.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Disbursements 7-16-24

Vendor	Department	Description	Amount
Acco Unlimited Corp	Maytag Pool	Supplies	\$ 3,280.75
Acushnet Company	Golf	Merchandise	\$ 1,227.84
Ahlers & Cooney P C	Legal Service	Service	\$ 150.00
Air Products and Chemicals Inc	Water Treatment Plant	Supplies	\$ 3,907.28
Airgas USA LLC	Fire	Supplies	\$ 179.41
Allan J Coleman Co	Water Pollution Control	Supplies	\$ 429.26
Alliant Energy/IPL	All	Utilities	\$ 92,887.97
Amazon Capital Service	All	Supplies	\$ 3,031.29
American Legal Publishing Corporation	Administration	Service	\$ 709.60
Ascendance Truck Centers	City Garage	Supplies	\$ 315.56
Ascheman, Philip	Police	Service	\$ 165.00
Axon Enterprise Inc	Police/Fire	Supplies	\$ 5,973.48
Badger Meter	Water Distribution	Supplies	\$ 35.15
Baker & Taylor	Library	Supplies	\$ 1,012.22
Bing Bang	All	Service	\$ 3,825.00
Black Clover Enterprises LLC	Golf	Merchandise	\$ 372.99
Black Hills Energy	Maytag Pool/Parks	Service	\$ 1,303.98
Bolton & Menk Inc	All	Service	\$ 48,249.50
Bound Tree Medical LLC	Fire	Supplies	\$ 2,220.33
Brady, Jolene	Administration	Reimbursement	\$ 294.38
Braun Intertec Corporation	Streets	Service	\$ 315.00
Brisel, Dustin	Police	Reimbursement	\$ 40.00
Britton, Julie	Police	Reimbursement	\$ 80.00
Brooks, Ashley	Utility Billing	Refund	\$ 15.16
Burdess, Rob	Police	Reimbursement	\$ 120.00
Caldwell Brierly & Chalupa PLLC	D&D	Service	\$ 2,831.70
Card Service	All	Service	\$ 1,891.74
Carolina Software	Landfill	Service	\$ 500.00
CDW Government Inc	Administration	Supply	\$ 51.73
Center Point Large Print	Library	Supplies	\$ 195.79
Chemsearch	Water Distribution	Supplies	\$ 391.95
Cintas	All	Service	\$ 608.98
Civic Systems LLC	Finance	Service	\$ 8,328.00
Civicplus	Administration	Service	\$ 1,934.44
Clay, Jerri	Finance	Training	\$ 552.89
Co-Line Welding Inc	Maytag Pool	Supplies	\$ 165.00
Computer Resource Specialists	Police	Supplies	\$ 43.11
Consolidated Electrical Distributor	Water Treatment Plant	Supplies	\$ 262.70
Contech Engineered Solutions	Tort Liability RESO 2024-192	Supplies	\$ 11,088.12
Continental Research	City Garage	Supplies	\$ 279.67
Contractor Solutions	Water Pollution Control	Service	\$ 2,000.00
Costa Oil Newton	Fire	Service	\$ 172.99
D&W Tree Service	Tort Liability/Parks	Service	\$ 4,000.00
Damman, Lisa	Utility Billing	Refund	\$ 73.35
Dannen, Ryan	D&D	Service	\$ 2,410.00
DMACC - Ankeny Campus	All RESO 2020-068	Service	\$ 1,895.75
Dodd Trash Hauling & Recycling	Cemetery/Garbage	Service	\$ 1,932.35
Dolan Consulting Group	Police	Service	\$ 125.00

Eden Brothers	Water Distribution	Supplies	\$ 5,587.97
Electrical Eng & Equipment	Street Lighting	Supplies	\$ 2,269.25
EMSLRC	Maytag Pool	Service	\$ 115.00
EZ Lease	Water Pollution Control/Fire	Supplies	\$ 251.01
Fastenal	City Garage	Supplies	\$ 212.17
Fink, Keith	Engineering	Reimbursement	\$ 3,019.00
Fisher, Mike	Police	Reimbursement	\$ 80.00
Forbes Office Solutions	All	Postage	\$ 351.33
Freedom Buildings Inc	Tort Liability	Service	\$ 5,572.00
Galls LLC	Fire/Police	Supplies	\$ 250.90
Garcia, Jose	Police	Reimbursement	\$ 120.00
GCSAA Membership	Golf	Membership	\$ 465.00
General Traffic Controls Inc	Police	Service	\$ 2,690.00
Gilbert Lawn Care and Snow Removal LLC	Library/City Center	Service	\$ 1,793.00
Girard & Associates	Fire	Service	\$ 1,350.00
Global Industrial	Police	Supplies	\$ 1,288.74
Graham, Malissa & Patrick	Utility Billing	Refund	\$ 48.84
Grainger Inc	Water Pollution Control	Supplies	\$ 146.10
Gralnek-Dunitz	Water Pollution Control	Supplies	\$ 30.86
Gray, Maison	Utility Billing	Refund	\$ 10.43
Gregg Young Auto Center	Police	Service	\$ 382.31
Hach Co	Water Treatment Plant	Supplies	\$ 342.70
Hamilton Glass	City Garage	Service	\$ 67.00
Harden, Jacob	Police	Reimbursement	\$ 120.00
Hawkins Water Treatment	Water Treatment Plant/Water Pollution Control	Supplies	\$ 8,774.37
HLW Engineering Group	Landfill	Service	\$ 525.50
Home Depot Pro	Parks	Supplies	\$ 1,008.23
IMWCA	All	Service	\$ 21,927.00
Integrity Cleaning	Police	Service	\$ 142.50
Iowa Audio Video	Library	Service	\$ 1,762.60
Iowa County Attorneys Association	Police	Service	\$ 75.00
Iowa Department of Natural Resources	Water Treatment Plant	Service	\$ 30,717.75
Iowa Prison Industries	Cemetery/Traffic Control	Service	\$ 1,724.72
Iowa Stormwater Education Partnership	Storm Water	Service	\$ 1,150.00
ITL Patch	Police	Supplies	\$ 333.40
Jasper Construction Service	Water Distribution	Supplies	\$ 296.16
Jasper County Environmental Health	Maytag Pool	Service	\$ 493.00
Johnson Aviation	Airport	Reimb	\$ 55.78
Key Cooperative	All	Supplies	\$ 16,864.20
Lamb, Angie	Utility Billing	Refund	\$ 10.42
Lavelly, Dillon	Police	Reimbursement	\$ 40.00
Lewis, Sara	Utility Billing	Refund	\$ 26.70
Lexipol LLC	Police RESO 2024-228	Service	\$ 10,348.70
Liberty Tire Service LLC	Landfill	Supplies	\$ 160.00
Lyman, Rick	Police	Service	\$ 2,350.00
MacQueen Equipment LLC	Fire RESO 2024-214	Supplies	\$ 29,934.72
Mahaska Bottling Co	Golf/Pool	Concessions	\$ 2,299.14
Manatts - Brooklyn	Water Distribution RESO 2024-028	Service	\$ 334,342.16
Manatts - D.M.	Street	Supplies	\$ 4,996.06
Martin Marietta Materials	Landfill	Supplies	\$ 3,311.37
Martin's Flag Company	Fire	Supplies	\$ 514.95
McCall Monument	Cemetery	Supplies	\$ 100.00
Mcdanel, Emily	Utility Billing	Refund	\$ 49.59

MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 237.72
MercyOne Occupational Health Clinic	Police	Service	\$ 967.00
Metro Waste Authority	Landfill	Service	\$ 9,131.81
Microbac Laboratories Inc	Water Distribution/Water Pollution Control	Service	\$ 4,878.75
Mid Country Machinery	Landfill	Supplies	\$ 3,326.84
Mid-America Pump & Supply Inc	Water Treatment Plant	Supplies	\$ 1,739.90
Midwest Automatic Fire	Maytag Pool	Service	\$ 143.55
Mississippi Lime Company	Water Treatment Plant	Supplies	\$ 22,158.46
MTI Distributing Inc	All	Supplies	\$ 7,498.72
Municipal Supply Inc	Golf Clubhouse/Water Distribution	Supplies	\$ 2,161.74
PowerPlan	City Garage	Supplies	\$ 306.64
NAPA Auto Parts	All	Supplies	\$ 3,096.10
News Printing Company	All	Service	\$ 1,100.67
Newton Apparel	Police	Supplies	\$ 164.00
Newton Classic Car Wash	Police	Service	\$ 545.00
Newton News	Fire	Supplies	\$ 132.00
Niemann Ace Hardware 650	All	Supplies	\$ 300.77
O'Reilly Auto Parts	Water Distribution	Supplies	\$ 6.60
Parkhill, Madison & Breton	Utility Billing	Refund	\$ 18.35
Parkview Animal Hospital	Animal Control	Service	\$ 2,600.00
Per Mar Security Service	Street/Airport	Service	\$ 265.20
Phelps Uniform Specialists	City Center/Fire	Service	\$ 113.25
Preferred Pest Control Inc	Library	Service	\$ 382.20
Premier Office Equipment	All	Service	\$ 564.96
Quill Corporation	Community Marketing/Library	Supplies	\$ 71.27
RACOM Corporation	Police	Supplies	\$ 188.00
Ray, Randy	D&D/Police	Service	\$ 1,368.60
Reeves Heating & Cooling	All	Service	\$ 902.12
Regal Plastic Supply	Police	Supplies	\$ 220.00
Riggs Printing Inc	Parks	Supplies	\$ 50.00
Ryan's Tire & Auto	Fire/City Garage	Service	\$ 1,374.00
Sande Construction and Supply	Maytag Pool RESO 2023-244	Service	\$ 75,885.82
Schimberg Co	Water Treatment Plant	Supplies	\$ 1,235.45
Shinkle, Andrew	Police	Reimbursement	\$ 120.00
Spahn & Rose Lumber Co	Street	Supplies	\$ 354.15
State Hygienic Laboratories	Water Distribution	Service	\$ 21.00
Streeter, Candace	Finance	Training/Mileage	\$ 204.69
Streichers	Police	Supplies	\$ 9.00
T2 Systems Inc	Police	Service	\$ 2,799.68
Target Solutions Learning LLC	Fire	Service	\$ 6,196.34
Theisen's	All	Supplies	\$ 1,653.43
Thomas Bus Sales Inc	Parks	Supplies	\$ 240.00
Thomas, Holly	Utility Billing	Refund	\$ 73.35
TK Elevator	City Center	Service	\$ 211.89
Town & Country Wholesale Co	Golf/Maytag Pool	Concessions	\$ 3,785.07
Turfwerks	Parks	Supplies	\$ 47.46
Two Rivers Cooperative	All	Fuel	\$ 11,437.21
UBBEN Building Supply	Engineering	Supplies	\$ 784.36
United Rentals (North America) Inc	Airport	Supplies	\$ 1,483.59
United States Cellular	Water Distribution/Library	Service	\$ 399.78
UnityPoint Clinic-Occupational	Engineering	Service	\$ 84.00
Utility Equipment Co	Water Distribution	Supplies	\$ 421.26
Van Diest Supply Co	Parks/Golf	Supplies	\$ 1,017.69

Van Maanen Electric Inc	Airport/Water Treatment Plant	Supplies	\$ 2,925.83
Veenstra & Kimm Inc	Building	Service	\$ 11,393.00
Warnick Mechanical	Tort Liability	Service	\$ 8,710.00
Waste Solutions of Iowa	Parks/Golf	Service	\$ 701.00
Weber, Erica Mamlock & Gage	Utility Billing	Refund	\$ 26.70
Wells Fargo Financial Leasing Inc	Utility Billing	Service	\$ 206.38
Windstream	Parks/Pool/Library	Utility	\$ 513.97
Wing, Chris	Police	Reimbursement	\$ 80.00
Winters, Nathan	Police	Reimbursement	\$ 40.00
Woodruff Construction LLC	2021 Sewer Revenue Bonds RESO 2022-285	Service	\$ 20,292.00
YourMembership.com Inc	Police	Servoce	\$ 199.00
Zimco Supply Company	Golf	Supplies	\$ 1,734.00
Zoll	Fire	Supplies	\$ 1,569.48
Total			\$ 935,644.84

Pre-Authorized Payments

Accujet LLC	I & I Program RESO 2024-128	Service	\$ 75,846.34
AT & T Mobility	Police	Service	\$ 262.62
Black Hills Energy	All	Utility	\$ 1,621.51
Doll Distributing	Golf	Concessions	\$ 1,164.70
Iowa Beverage System	Golf	Concessions	\$ 831.60
Johnson Brothers of Iowa	Golf	Concessions	\$ 1,130.25
Newton City Band	Parks RESO 2023-355	Service	\$ 600.00
Stranko, Jeremy	Parks RESO 2023-355	Service	\$ 600.00
T-Mobile	Police	Service	\$ 396.90
Verizon	Disaster Service	Service	\$ 35.01
Windstream	All	Utility	\$ 2,197.90
Total:			\$ 84,686.83

City of Newton Council Report

**Item:**

Public Hearing on a Resolution awarding contract for the 2024-01 Downtown Streetscape Improvements Project

Summary:

Award contract to Manatts INC for the 2024-01 Downtown Streetscape Improvements Project

Financial Impact:

\$831,115.90 from Central TIF Bond Funds

Report Number: 2024-668**Date:**

July 15, 2024

Lead Department:

Public Works

Recommendation:

Approve

Background:

N 2nd Ave E between 1st St N and E 4th St N, along with E 2nd St N and E 3rd St N between 1st Ave E and N 2nd Ave E, has had several asphalt resurfacing projects over the last 65 years, with the previous resurfacing project occurring between 36 and 38 years ago. The asphalt surface needs rehabilitation. Four of the five blocks have been widened to approximately 55 feet, eliminating the streetscape and causing poor street drainage.

The street will be reconstructed 40 feet wide (measured face of curb to face of curb) with parallel parking and new sidewalks. Returning the street to near its original width will improve street drainage and provide a grass area between the curb and the sidewalk for aesthetic improvement, pedestrian streetscape lighting, and snow storage.

The following submitted bids were received and opened on July 9, 2024:

Company's	Bid Price
Manatts Inc	\$831,115.90
TK Concrete Inc.	\$882,513.00
Caliber Concrete Inc	\$943,404.53

The lowest responsive, responsible bidder is Manatts Inc, Brooklyn IA, in the amount of \$831,115.90. The engineer's construction cost estimate was \$998,453.00. This project has a completion date of November 30, 2024

Recommendation:

Award the project to the lowest responsive, responsible bidder, Manatts Inc. of Brooklyn, Iowa, utilizing \$831,115.90 of Central TIF Bond Funds

Matt Muckler, City Administrator

RESOLUTION NO. 2024-_____

RESOLUTION AWARDING CONTRACT FOR THE
2024-01 STREETScape IMPROVEMENTS PROJECT

WHEREAS, N 2nd Ave E between 1st St N and E 4th St N, along with E 2nd St N and E 3rd St N between 1st Ave E and N 2nd Ave E, has had several asphalt resurfacing projects over the last 65 years, with the previous resurfacing project occurring between 36 and 38 years ago; and

WHEREAS, the asphalt surface needs rehabilitation; and

WHEREAS, Four of the five blocks have been widened to approximately 55 feet, eliminating the streetscape and causing poor street drainage; and

WHEREAS, the street will be reconstructed 40 feet wide (measured face of curb to face of curb) with parallel parking and new sidewalks. Returning the street to near its original width will improve street drainage and provide a grass area between the curb and the sidewalk for aesthetic improvement, pedestrian streetscape lighting, and snow storage; and

WHEREAS, city staff had identified the need for the streetscape improvement during the recently completed Capital Improvement Process; and

WHEREAS, sealed bids were received and opened on July 9, 2024; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manatts Inc of Brooklyn IA, for the 2024-01 Streetscape Improvements Project based on the low responsive, responsible bid received in the amount of \$831,115.90.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Manatts Inc, in the amount Eight Hundred and Thirty-one Thousand and One Hundred Fifteen Dollars and Nighty Cents (\$831,115.90) for the 2024-01 Streetscape Improvements Project, as described in the plans and specifications, is hereby accepted with the cost to be paid from Central TIF Bond Funds; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Manatts Inc of Brooklyn IA, for the 2024-01 Streetscape Improvements Project as described by the plans and specifications filed in the office of the City Clerk, be signed by the Mayor and City Clerk on behalf of the City.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Public Hearing on a Resolution awarding contract for the 2024 HMA Resurfacing Project

Summary:

Award a contract to Manatt's Inc. for the 2024 HMA Resurfacing Project

Financial Impact:

\$142,754.30 Road Use Tax Bond Funds; \$136,421.55 Landfill Enterprise Funds

Report Number: 2024-651**Date:**

July 15, 2024

Lead Department:

Public Works

Recommendation:

Approve

Background:

S 8th Ave has had several asphalt resurfacing projects over the last 65 years, with the most recent occurring in 1993. The asphalt surface of S 8th Ave E & W is mostly acceptable, with some areas requiring resurfacing.

With the expansion of the Newton Sanitary Landfill (NSL) convenience center, HMA is needed to finish the project. In addition, the landfill has seen extra traffic over the last ten years, causing the entrance drive and other paved areas to need resurfacing.

The project will include milling and overlaying sections of S 8th Ave, along with five new ADA Ramps. Work at the Newton Sanitary Landfill will include full-depth HMA patching, a 2" overlay, and a 7" HMA placement.

Two Bids were received and opened on July 2, 2024; the total construction costs ranged from \$279,175.85 to \$295,399.69. The bids are as follows:

Company	Bid Price
Manatt's, Inc., Newton, IA	\$279,175.85
Alliance Construction Group, Urbandale, IA	\$295,399.69

The lowest responsive, responsible bidder is Manatt's Inc. of Newton, IA, with a bid of \$279,175.85. The engineer's construction cost estimate was \$336,542.00. This project has a completion date of November 15, 2024, and will be paid for with a combination of Road Use Tax Bond Funds and Landfill Enterprise Funds.

Recommendation:

City staff recommends awarding the project to the lowest responsive, responsible bidder, Manatt's Inc. of Newton, Iowa, with a bid of \$279,175.85.

Matt Muckler, City Administrator

RESOLUTION NO. 2024-_____

**RESOLUTION AWARDING CONTRACT FOR THE
2024 HMA RESURFACING PROJECT**

WHEREAS, S 8th Ave has had several asphalt resurfacing projects over the last 65 years, with the most recent occurring in 1993. The asphalt surface of S 8th Ave E & W is mostly acceptable, with some areas requiring resurfacing.; and

WHEREAS, with the expansion of the Newton Sanitary Landfill (NSL) convenience center, HMA is needed to finish the project. In addition, the landfill has seen extra traffic over the last ten years, causing the entrance drive and other paved areas to need resurfacing; and

WHEREAS, the project will include milling and overlaying sections of S 8th Ave, along with five new ADA Ramps. Work at the Newton Sanitary Landfill will include full-depth HMA patching, a 2" overlay, and a 7" HMA placement; and

WHEREAS, sealed bids were received and opened on July 2, 2024; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manatt's, Inc. of Newton, IA, for the 2024 HMA Resurfacing Project based on the lowest responsive, responsible bid received in the amount of \$279,175.85,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid received from Manatt's. Inc of Newton, IA, in the amount of Two Hundred and Seventy-Nine Thousand, One Hundred and Seventy-Five Dollars and Eighty-Five Cents (\$279,175.85) for the 2024 HMA Resurfacing Project, as described in the plans and specifications, is hereby accepted and will be funded from Road Use Tax Bond Funds (\$142,754.30), Landfill Enterprise Funds (\$136,421.55); and

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Manatts Inc of Newton, IA for the 2024 HMA Project as described by the plans and specifications filed in the office of the City Clerk, be signed by the Mayor and City Clerk on behalf of the City.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title V, Chapter 53: Stormwater Utility

Summary:

Adjusting stormwater utility rates for the next five years.

Financial Impact:

When fully implemented, the new rate would bring in an estimated additional \$140,023 annually for a total projected revenue of \$787,327 in stormwater funds for FY30 (up from the current annual revenue of \$647,304).

Report Number: 2024-623**Date:**

July 15, 2024

Lead Department:

Public Works

Recommendation:

Approve

Background:

At the October 19, 2020, city council meeting, the Newton City Council approved the creation of a Stormwater Utility Ordinance, which was the result of the City of Newton's need for funds to be dedicated to the sole purpose related to stormwater activities, such as administering the design, construction, maintenance, and operation of the utility system, including capital improvements. These items may also include but are not limited to acquiring, constructing, leasing, owning, operating, maintaining, extending, expanding, replacing, cleaning, dredging, repairing, conducting, managing, and financing such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and other facilities relating to collection, runoff, treatment, and retention.

Since the ordinance's creation, numerous projects have been completed or are under construction, including the completion of a Storm Water Capital Improvement Planning Study, additional storm water improvements on the Union Drive Reconstruction Project, stormwater improvements on the W 4th St S Reconstruction Project, Fairmeadows North Plat 7 stormwater improvements, and numerous infrastructure improvements completed by Public Works Operations staff.

The ordinance established the Equivalent Residential Unit (ERU) as the equivalent of Four Thousand (4,000) square feet of impervious area as the official unit of measurement.

The ERU rate for residential and non-residential properties was as follows:

Commencing January 1, 2021, the ERU rate shall equal \$4.00

Commencing July 1, 2022, the ERU rate shall equal \$4.25

Commencing July 1, 2023, the ERU rate shall equal \$4.50

The initial ordinance did not include additional rate increases, and future increases will be determined by ordinance of the City Council. Nine different alternatives were considered by the Council at two City Council Meetings on June 17, 2024 and July 1, 2024. At the July 1, 2024 City Council Meeting, Council approved the first reading of an ordinance that would enact a 6% rate increase effective July 1, 2025, followed by a 4% increase in FY27 and FY28, and then a 3% increase in FY29 and FY30 to the ERU for residential and non-residential properties as follows:

Commencing July 1, 2025, the ERU rate shall equal \$4.77
Commencing July 1, 2026, the ERU rate shall equal \$4.96
Commencing July 1, 2027, the ERU rate shall equal \$5.16
Commencing July 1, 2028, the ERU rate shall equal \$5.31
Commencing July 1, 2029, the ERU rate shall equal \$5.47

Recommendation:

Approval of the Ordinance increasing stormwater utility rates by varying percentages over a five-year period. If adopted, a new rate would go into effect each July 1st between July 1, 2025 and July 1, 2029.

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

Matt Muckler, City Administrator

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016,
TITLE V PUBLIC WORKS, BY ADDING CHAPTER 53 STORMWATER UTILITY.**

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 V, is hereby amended by adding the following new Chapter 53 Stormwater Utility:

CHAPTER 53, STORMWATER UTILITY

- 53.001 Purpose
- 53.002 Definitions
- 53.003 Creation of a Stormwater Utility
- 53.004 Responsibility for Stormwater Management and Drainage System
- 53.005 Powers of the Utility Management and Drainage System
- 53.006 Organization
- 53.007 Requirements for On-Site Stormwater
- 53.008 Establishment of the Equivalent Residential Unit ("ERU") Square Foot Equivalent
- 53.009 Determination of ERU
- 53.010 Stormwater Utility Charge and Billing Procedures
- 53.011 ERU Rate
- 53.012 Powers of Director of the Stormwater Utility
- 53.013 Appeals
- 53.014 Exemptions to Stormwater Service Charges

General Provisions

53.001 PURPOSE.

In order to protect, maintain and enhance the environment of the City and the health, safety and welfare of the public by controlling discharges and pollutants into the City's stormwater system. This chapter establishes a policy, procedure, and enforcement mechanism for managing and controlling the quantity and quality of stormwater runoff, within the city limits of Newton, Iowa. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.

The function of the Stormwater Utility is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management including design, planning, regulations, construction and education.

The city finds, determines and declares that the stormwater drainage system provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of stormwater for quality and quantity management that minimize impacts on receiving waters.

53.002 DEFINITIONS.

AGRICULTURAL PROPERTY(IES) shall mean those lots or parcels of real estate used as a "farm", as defined by the state of Iowa and listed on Jasper County Assessor's website. Agricultural properties may or may not contain a dwelling unit(s) and/or other buildings or structures.

CITY means the City of Newton, Iowa.

CITY ADMINISTRATOR means the City Administrator of the City or his/her designee.

CLASSIFICATION OF REAL ESTATE shall be classified as defined in the Iowa Administrative Code chapter 71, 701-71 Assessment Practices And Equalization, 701-71.1 Classification of real estate.

COMMERCIAL PROPERTY(IES) shall mean those properties which have been classified by the state of Iowa and listed on Jasper County Assessor's website as primarily used for commercial purposes. Commercial properties shall also include properties with mixed commercial and residential uses.

DEVELOPED PROPERTY A property altered from its natural state by the construction or installation of a structure thus increasing the amount of rainwater or surface water runoff.

DIRECTOR shall mean the Public Works Director / director of the stormwater utility.

EQUIVALENT RESIDENTIAL UNIT (ERU) Shall mean the average impervious area of a residential property within the city, and shall be used as the basis for determining stormwater utility charges to residential properties as set forth in this division.

EXEMPT PROPERTIES Shall mean those properties classified as exempt from property taxes by the County Assessor.

FACILITY means the premises on which industrial, commercial and/or land disturbing activity occurs.

GROUNDWATER Subsurface water or water stored in pores, cracks, and crevices in the ground.

IMPERVIOUS AREA The number of square feet of hard surfaced areas which either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from what would be present under natural conditions as undeveloped property. This includes, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.

INDUSTRIAL PROPERTIES shall mean those properties which have been classified as primarily used for industrial purposes as defined by the state of Iowa and listed on Jasper County Assessor's website.

MULTI-FAMILY RESIDENTIAL shall mean those properties which have been classified as primarily used for multi-family purposes as defined by the state of Iowa and listed on Jasper County Assessor's website. These properties containing a structure or structures which contain(s) multi-family residential units, designed for occupancy by multiple families for the purpose of residing in, including but not limited to Mobile home parks, Manufactured home communities, Land-leased communities, assisted living facilities, and other property primarily used or intended for human habitation containing three or more separate dwelling units.

OCCUPANT The person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

OWNER The legal owner(s) of record as shown on the tax rolls of the city of Newton, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.

RESIDENTIAL Developed property containing a structure which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Residential units include all single-family and duplex properties for the purpose of residing in, within the city of Newton.

STORM DRAIN SYSTEM means publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to any roads with drainage systems, municipal streets, gutters, discharges, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs or other drainage structures.

STORMWATER means any surface, flow, runoff, snowmelt runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM SEWER A sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

STORMWATER DRAINAGE SYSTEM All manmade facilities, structures, and natural watercourses owned by the city of Newton, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

STORMWATER FACILITIES Various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.

STORMWATER MANAGEMENT The tasks required to control stormwater runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

STORMWATER MANAGEMENT SYSTEMS Address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

STORMWATER UTILITY The utility established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

SURFACE WATER Water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

UNDEVELOPED PROPERTY Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

USER The owner and/or occupant of any developed property within the limits of the city of Newton, and any person who uses property which maintains connection to, discharges to, or otherwise receives services from the city for stormwater management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

UTILITY CHARGES The periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the city of Newton stormwater utility. Utility charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed land.

WATERCOURSE A natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

53.003 CREATION OF A STORMWATER UTILITY.

The function of the Stormwater Utility is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management including design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.

There is hereby established a stormwater utility within the City of Newton, Iowa which shall be responsible for creating revenue for stormwater management throughout the City's corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities. Such utility shall be under the operational direction of the Public Works Director or his/her designee. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the stormwater utility district.

The City shall establish a Stormwater Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

In order to manage additions and improvements to the city stormwater systems, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs. It is determined and declared to be necessary and conducive to the public health, welfare, safety and convenience of the City and its residents that charges be levied and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or subsurface waters, directly or indirectly, to the City stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair and replacement, including the payment of debt service, for construction and repair of the stormwater drainage system and flood protection improvements comprising the stormwater utility.

53.004 RESPONSIBILITY FOR STORMWATER MANAGEMENT AND DRAINAGE SYSTEM.

The City stormwater management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made that are located within public streets, rights-of-way, and easements within the political boundaries of the City of Newton which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities.

Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Newton and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of Newton. The City of Newton expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

53.005 POWERS OF THE UTILITY MANAGEMENT AND DRAINAGE SYSTEM.

The stormwater management utility shall have the following powers, duties and responsibilities:

1. Prepare ordinances as needed to implement this division and place them for consideration and adoption by the City Council, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities.
2. Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements.
3. Administer and enforce this chapter and all ordinances, regulations and procedures related to design, construction, maintenance, operation and alteration of the utility system, including, but not limited to the quantity, quality and/or velocity of the stormwater conveyed hereby.
4. Inspect private systems as necessary to determine the compliance of such systems with this chapter and any ordinances or regulations adopted by this chapter.
5. Review plans, approve or deny, inspect and accept extensions to the stormwater drainage system.
6. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines, and other revenues of the utility, and to make recommendations regarding adjustment to such fees, charges, fines and other revenues.
7. Prepare and file an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending and replacing portions of the system.

8. Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a stormwater management system.

53.006 ORGANIZATION.

The City Council shall be the governing body of the stormwater management utility. The stormwater management utility shall be under the direction, management and control of the Public Works Director, who shall function as its director. In that capacity, the director or the director's designee shall supervise the day-to-day operation of the stormwater management utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted by the City Council and shall carry out the policy directives of the City Council acting in its role as governing body of the stormwater management utility.

53.007 REQUIREMENTS FOR ON-SITE STORMWATER.

- A. All property owners and developers of developed real estate property within the City of Newton shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City, State, and Federal laws and regulations.
- B. Pursuant to Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and complete such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

53.008 ESTABLISHMENT OF THE EQUIVALENT RESIDENTIAL UNIT("ERU") SQUARE FOOT EQUIVALENT.

For purposes of this chapter, the Equivalent Residential Unit (ERU) shall be the equivalent to Four Thousand (4,000) square feet of impervious area as measured from aerial photography.

53.009 DETERMINATION OF ERU.

Any property, lot, parcel of land, building or premises that is a tributary directly or indirectly to the stormwater system of the city, shall be subject to a fee based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the city of Newton will be assigned an equivalent residential unit (ERU) or a multiple thereof, as calculated in this section, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

Residential and Multi-Family Residential Property

Single-Family Residential Property. The stormwater utility charge for single-family properties shall be one hundred percent (100%) of one ERU rate per month.

Multi-Family Properties.

The stormwater utility charge for all multi-family residential units shall be one ERU times the number of residential units for the first twenty (20) units, plus 50% ERU rate for each unit after the first twenty units until a maximum cap of 60 units is met. For instance, the stormwater utility charge for a two-family residential property shall be 2 times the ERU rate per month, the stormwater utility charge for three-family residential properties shall be 3 times the ERU rate per month and the stormwater utility charge for an 80 unit multi-family residential property shall be 20 at 100% ERU value, remaining 40 to reach the maximum cap of 60 units at 50% ERU value rate per month.

Agricultural Property

The stormwater utility charge for Agricultural properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Commercial Property

The stormwater utility charge for Commercial properties, or a structure containing both residential and Commercial uses, shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Exempt Property

The stormwater utility charge for Exempt properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Industrial Property

The stormwater utility charge for Industrial properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate up to the maximum cap of seven hundred and fifty (750) ERUs.

53.010 STORMWATER UTILITY CHARGE AND BILLING PROCEDURES.

All contributors and users shall pay a stormwater utility charge monthly as calculated pursuant to this Ordinance. For purposes of this Ordinance, the storm water utility charge which shall be payable monthly, shall be determined by multiplying the ERU applicable under Section 53.010 by the ERU rate specified in section 53.011.

The stormwater utility charge shall commence upon the earlier of the following:

- A. The issuance of a certificate of occupancy. Ninety (90) days after construction is halted, provided construction is at least 50% complete in the judgment of the director.
- B. Ninety (90) days after construction is completed, even if no certificate of occupancy has been issued.
- C. Once the property has water meter installed.

The determination of the stormwater utility charge shall be the responsibility of the Director, or his/her designee. All stormwater utility charges are due and payable under the same terms and conditions provided for payment of a combined service account as outlined in Section 52.115 of this Code.

The owner of the premises served and the tenant or occupant thereof shall be jointly and severally liable for stormwater utility charges for the premises.

Stormwater utility charges remaining unpaid and delinquent shall constitute a lien against the premises served and shall be certified as delinquent to the County Treasurer for collection in the same manner as property taxes, or such services may be discontinued and shall not be reinstated until all claims are settled. Service may be discontinued by means of the discontinuance of the water service in the same manner provided by the rules and regulations of the Water Department in the case of delinquent water bills.

53.011 ERU RATE.

The ERU rate to be applied monthly to residential and nonresidential properties shall be as follows:

~~Commencing January 1, 2021, the ERU rate shall equal \$4.00.~~

~~Commencing July 1, 2022, the ERU rate shall equal \$4.25.~~

~~Commencing July 1, 2023, the ERU rate shall equal \$4.50.—~~

Commencing July 1, 2025, the ERU rate shall equal \$4.77.

Commencing July 1, 2026, the ERU rate shall equal \$4.96.

Commencing July 1, 2027, the ERU rate shall equal \$5.16.

Commencing July 1, 2028, the ERU rate shall equal \$5.31.

Commencing July 1, 2029, the ERU rate shall equal \$5.47.

The monthly rate for each fiscal year thereafter shall be determined by ordinance of the city council prior to July 1st of each year.

53.012 POWERS OF THE DIRECTOR.

Stormwater service charges incurred pursuant to this ordinance may be collected by the stormwater utility director or designee who is also responsible for the regulation, collection, rebating and refunding of such stormwater charges.

53.013 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

An appeal must be filed in writing with the City of Newton, City Administrator. In the case of service charge appeals, the appeal shall include information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

In response to an appeal, the City Administrator may adjust the stormwater ERU applicable to a property in conformance with the general purpose and intent of this chapter.

The Zoning Board of Adjustment will act as a Board of Appeals to hear grievances arising from the decision of the City Administrator. The Zoning Board of Adjustment shall have no authority to waive requirements of this chapter and will only determine as to whether the requirements of this chapter were properly applied.

Written notice of an appeal shall be submitted to the Zoning Board of Adjustment, care of the Newton City Planner, and shall include appellant name, subject property address, appellant address (if different than subject property), and grounds for the appeal. The Zoning Board of Adjustment will hold a public hearing on the matter within 30 days of receipt of the written notice of appeal. All decisions of the Zoning Board of Adjustment shall be final.

53.014 EXEMPTIONS TO STORMWATER SERVICE CHARGES.

The following areas are exempt from stormwater utility service charges:

- 1. Undeveloped property as defined in this Ordinance.
- 2. Public Streets, alley ways, and highways are exempt from utility charges or connection fees.
- 3. Railroad rights-of-way (tracks) shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

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 _____2024, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

(SEAL)

Evelyn George, 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 _____, 2024 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2024.

Dated this ____ day of _____, 2024.

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving change order #3 for the WPC Plant Improvements Project

Summary:

Approving change order #3 to Woodruff Construction

Financial Impact:

Change order #3 is a net deduct of (\$97,365.04). This project was paid from 2021 WPC Revenue bonds, to be paid back from WPC revenue.

Report Number: 2024-637

Date:

July 15, 2024

Lead Department:

Utilities

Recommendation:

Approve

Background:

Council previously approved a contract for \$5,897,300.00 on October 24, 2022 to Woodruff Construction LLC. for the WPC Plant Improvements Project. This project included multiple upgrades to the Water Pollution Control Treatment Plant, as well as the Southwest Pump Station.

Change order #3 includes multiple items, that have been combined into a single change order. The items are as follows; Item 1 – emergency power generator reduced fuel tank capacity = deduct (\$5,255.00), Item 2 – added a valve to thermophilic digester overflow line = add \$1,066.90, item 3 – added 2” foam to digester lid = add \$10,212.50, item 4 – installed curbs to roof over two access hatches on gas digester cover = add \$2,334.90, item 5 – project included 60’ vertical feet of digester sludge clean out, actual was only 52’ = deduct (\$10,800.00), item 6 – location change of new electrical transformer, due to underground utility conflict, additional conduit and wiring = add \$6,679.96, item 7 – removal of bearing pump shaft beams were included in original project scope, beams were not in conflict with new style pumps = deduct (\$29,951.10), item 8 – remove insulation and roofing material, prep and paint gas digester cover = add \$29,951.10, item 9 – additional fee for larger crane, not warranted = deduct (\$90,719.00), item 10 – removal of excess sludge SW Pump Station, utilizing special equipment = add \$3,199.55, item 11 - \$200,000.00 allowance, based on actual quantities = deduct (\$39,385.95)

Change order item #3:

The total amount of change order #3 is a deduct of (\$97,365.04)

Recommendation:

Approval of the change order #3 from Woodruff Construction LLC. of Fort Dodge, Iowa in the deduct amount of (\$97,365.04).

Matt Muckler, City Administrator

RESOLUTION 2024- _____

RESOLUTION APPROVING CHANGE ORDER #3 FOR THE
WPC PLANT IMPROVEMENTS PROJECT

WHEREAS, City Council previously approved a contract for \$5,897,300.00 on October 24, 2022 to Woodruff Construction LLC. for the WPC Plant Improvements Project; and

WHEREAS, one portion of that project includes the removal, rehabilitation and replacement of the digester covers; and

WHEREAS, this project included multiple upgrades to the Water Pollution Control Treatment Plant, as well as the Southwest Pump Station; and

WHEREAS, change order #3 includes multiple items, that have been combined into a single change order; and

WHEREAS, the total amount of change order #3 is a deduct of (\$97,365.04); and

NOW, THEREFORE, BE IT RESOLVED, that change order #3 to Woodruff Construction, LLC. of Fort Dodge, IA is a deduct from previously approved contract amount of Ninety-Seven Thousand, Three Hundred and Sixty-Five Dollars and four Cents (\$97,365.04) for the WPC Plant Improvements Project, is hereby accepted.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Change Order No. 3

for

**Treatment Plant & SW Pump
Station Improvements**

Newton, Iowa

2022

	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa. STEVEN A. VAN DYKE, P.E. DATE License number P16044 My license renewal date is December 31, 2025. Pages or sheets covered by this seal: All.
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Date of Issuance: July __, 2024

Effective Date: July __, 2024

Owner: City of Newton, Iowa

Owner's Contract No.: N/A

Contractor: Woodruff Construction, LLC

Contractor's Project No.:

Engineer: Strand Associates

Engineer's Project No.: 2423-20B

Project: Treatment Plant & SW Pump Station Improvements

Contract Name: N/A

The Contract is modified as follows upon execution of this Change Order:**Descriptions:**

Item 1 The emergency power generator is not available with a fuel tank of the size specified. In lieu of providing the specified fuel storage by other means, the Contractor has offered a credit of \$5,255.00 to allow use of the smaller fuel storage capacity.

Deduct \$5,255.00 for this change.

Item 2 While preparing for removal of the digester covers, it was found that a valve was required on the overflow line from the thermophilic digester. The Owner provided the valve and much of the connection hardware. The Contractor performed the work on a time and materials basis.

Add \$1,066.90 for this change.

Item 3 2-inches of foam board insulation was specified for the gas holder digester cover. During cover rehabilitation work, it was discovered that there is 4-inch tall steel band lip that extends above the cover around the entire perimeter. Install an additional 2-inches of insulation board on the digester cover to make up the difference.

Add \$10,212.50 for this change.

Item 4 Install curbs to roof over the two access hatches on the gas holder digester cover.

Add \$2,334.90 for this change.

Item 5 The project includes an allowance of 60 vertical feet of digester sidewall depth for digester cleanout and land application. The actual sidewall depth of sludge removed and land applied was 52 feet. The adjustment price for this item is \$1,350.00 per foot.

Deduct \$10,800.00 for this change.

Item 6 During construction, it was determined that is underground piping in the area on the north side of the Dewatering Building that conflicts with the design location for the new utility transformer. Install the new transformer on the west side of the existing transformers to avoid the conflict. This change requires that the new emergency generator be installed approximately 8.5 feet west of the original design location, and this change resulted in additional wiring, conduit and installation costs.

Add \$6,679.96 for this change.

Item 7 Removal of the two pump shaft bearing beams at the Southwest Pump Station is shown on Sheet P10. These beams are not required for the new pump style being installed as part of this project. The Contractor has offered a deduct amount to leave these beams in place, as they do not result in any conflicts with the new pumps or piping.

Deduct \$4,680.00 for this change.

Item 8 Remove the installed roofing and insulation materials. Complete surface preparation to remove glue and other materials, and then apply paint in accordance with the project specifications for the other two painted covers.

Add \$29,951.10 for this change.

Item 9 Additional payment for the need of a larger than anticipated crane was included in Change Order 1 in the amount of \$90,719.00. The basis for this claim was that the gas holder cover weighed significantly more than anticipated based on the weight indicated in the original cover shop drawings. Since that time, it was discovered that the cover weight shown in the shop drawings was based on the concrete ballast portion of the cover being fully submerged. When taking this into account, the actual unsubmerged cover weight closely matches the shop drawing values. Therefore, there was no change in conditions that warrants a change order for the larger crane.

Deduct \$90,719.00 for this change.

Item 10 A large amount of sludge was found in the bottom of the wet well at the Southwest Pump Station. This material had to be removed to install the piping for the new pumps. A special vacuum truck was required to remove the material.

Add \$3,199.55 for this change.

Item 11 In Change Order 2, the Digester Cover Repair Allowance was increased from \$50,000 to \$200,000. The final amount due under this allowance is \$160,614.05.

Deduct \$39,385.95 for this change.

Attachments: *None*.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$5,897,300.00	Original Contract Times: Substantial Completion: <u>June 3, 2024</u> Ready for Final Payment: <u>July 3, 2024</u> days or dates
Increase from previously approved Change Orders: \$247,113.09	[Increase] [Decrease] from previously approved Change Orders No. <u> </u> to No. <u> </u> : Substantial Completion: <u>N/A</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$6,144,413.09	Contract Times prior to this Change Order: Substantial Completion: <u>June 3, 2024</u> Ready for Final Payment: <u>July 3, 2024</u> days or dates
[Increase] [Decrease] of this Change Order: \$97,365.04	[Increase] [Decrease] of this Change Order: Substantial Completion: <u>0 days</u> Ready for Final Payment: <u>0 days</u> days or dates
Contract Price incorporating this Change Order: \$6,047,048.05	Contract Times with all approved Change Orders: Substantial Completion: <u>June 3, 2024</u> Ready for Final Payment: <u>July 3, 2024</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)		Contractor (Authorized		
Title: <u>Project Manager</u>	Title _____	Title _____	Title _____	Title _____	Title _____
Date: _____	Date _____	Date _____	Date _____	Date _____	Date _____

City of Newton Council Report

**Item:**

Resolution Authorizing Temporary Positions in the Utility Billing Division of the Administration Department

Summary:

Resolution Authorizing Temporary Positions in the Utility Billing Division of the Administration Department

Financial Impact:

Projected FY25 \$46,079 / FY26 \$32,196 / FY27 Savings of \$35,893 divided equally between Water Fund and Water Pollution Control fund. Will continue to see savings beyond FY27

Report Number: 2024-645**Date:**

July 15, 2024

Lead Department:

Administration

Recommendation:

Approve

Background:

Currently the Utility Billing area of the Administration Department has 4 employees as stated below:

TITLE	CURRENT	RANGE	DIRECT REPORT	Years of Experience
Administrative Supervisor	1	Range 5	Finance Officer	28 years
Administrative Assistant	1	Range 3	Administrative Supervisor	27 years
Administrative Assistant	1	Range 3	Administrative Supervisor	5 years
Utility Meter Reader	1	Range 2	Administrative Supervisor	8 months

The Administrative Supervisor and one Administrative Assistant are both long term employees with over 55 years of experience. Both have given retirement dates, one in October 2025 and the other in January of 2026. In order to prepare and properly train the 2 remaining employees on all job duties, it is being proposed to have a temporary Utility Meter Reader position until September 30, 2024. This will allow for hiring and training with the current Utility Meter Reader.

July 15, 2024 thru September 30, 2024

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	2	2	Range 3	Administrative Supervisor
Utility Meter Reader	1	2	Range 2	Administrative Supervisor

On October 1, 2024, after a new Utility Meter Reader position has been hired and trained, one Meter Reader position will be eliminated and a temporary Administrative Assistant position will be added (current Utility Meter Reader) until the retirement in January of 2026. This will allow for training on all office procedures with the experienced staff before retirements.

October 1, 2024 thru January 2026

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	2	3	Range 3	Administrative Supervisor
Utility Meter Reader	2	1	Range 2	Administrative Supervisor

With the retirement of the last long-term employee in January of 2026, staffing would be back to its current levels on February 1, 2026.

February 1, 2026

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	3	2	Range 3	Administrative Supervisor
Utility Meter Reader	1	1	Range 2	Administrative Supervisor

Recommendation:

Staff recommends approval of the recommendation to authorize temporary positions in the Utility Billing area of the Administration department.



Matt Muckler, City Administrator

RESOLUTION NO. 2024- _____

RESOLUTION AUTHORIZING TEMPORARY POSITIONS IN THE UTILITY BILLING DIVISION OF THE ADMINISTRATION DEPARTMENT

WHEREAS, the Utility Billing division of the Administration department has 4 employees and 2 with 55 years of experience have announced their retirements in October of 2025 and January of 2026; and

WHEREAS, to ensure that as much knowledge as possible is passed on to the remaining employees in this area, it is proposed to add a temporary Utility Meter Reader position as stated below until September 30, 2024; and

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	2	2	Range 3	Administrative Supervisor
Utility Meter Reader	1	2	Range 2	Administrative Supervisor

WHEREAS, on October 1, 2024 when training is complete for the new Utility Meter Reader, it is proposed to move the current Utility Meter Reader position to a temporary Administrative Assistant position to learn all aspects of the Utility billing office until retirements as stated below until February 1, 2026; and

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	2	3	Range 3	Administrative Supervisor
Utility Meter Reader	2	1	Range 2	Administrative Supervisor

WHEREAS, when both retirements are complete on February 1, 2026, staffing in the Utility Billing office will return to normal levels with no temporary positions as stated below:

TITLE	CURRENT	PROPOSED	RANGE	DIRECT REPORT
Administrative Supervisor	1	1	Range 5	Finance Officer
Administrative Assistant	3	2	Range 3	Administrative Supervisor
Utility Meter Reader	1	1	Range 2	Administrative Supervisor

NOW THEREFORE, BE IT RESOLVED that the above stated succession plan for the Utility Billing office be approved.

PASSED this 15th day of July, 2024

APPROVED this _____ day of July, 2024

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution Authorizing Amendments to the City of Newton Employee Handbook Regarding Clothing Allowances

Summary:

Changes to the Clothing Allowance in the City of Newton's Employee Handbook

Financial Impact:

Paid from Department Budgeted Accounts

Report Number: 2024-661

Date:

July 15, 2024

Lead Department:

Administration

Recommendation:

Approve

Background:

The Fire department currently provides a clothing allowance for Fire Supervisory staff in the same manner as the Fire Union. Staff recommends amending the clothing allowance for Fire Supervisors in the employee handbook to match the July 1st change in the Newton Association of Professional Fire Fighters union contract by paying out the allowance versus accruing funds. This change eliminates the additional administrative tracking:

Sec. 2 Fire - All Fire supervisors ~~shall receive a uniform credit in the amount of \$615 a year. Any portion, which is not utilized by an employee, may be carried over into the next year. It may not be carried over into a third year. Upon termination of employment, the employee will be entitled to a clothing allowance payout. Annual allowance will be pro-rated monthly to include the month of departure. Fire supervisors are entitled to the unused previous year carry-over balance. The uniform credit may be used to purchase any article of clothing allowed by the department's Uniform Code. Fire supervisors may continue to purchase uniform articles anytime during the year shall receive a clothing allowance, based upon the following schedule, with one-half (1/2) (\$400) to be paid in the first payroll after September 1, and one-half (1/2) (\$400) to be paid in the first payroll after March 1, of each year. Any accrued and unused uniform credit will be paid in the uniform allowance payment in the first payroll issued on or after September 1, 2024.~~ Office Staff employees shall receive an allowance for the cost of required work-related outerwear not to exceed \$265 to be paid on the first pay check after July 1st.

Due to the reorganization of Community Services into Community Development the following changes are recommended:

Sec. 3 Public Works/Community Services Parks & Recreation/Utilities - Employees shall receive an allowance for the cost of overshoes and work related outerwear not to exceed \$265 to be paid on the first pay check after July 1st. Public Works and Community Services Parks & Rec: If the employee's supervisor deems that wearing safety shoes and work-related outerwear is necessary for the employee's job, the total allowance will be the same amount as provided for in the Teamster's bargaining unit agreement as opposed to this section.

Recommendation:

Staff recommends approval of the proposed changes to the City of Newton Employee Handbook.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION AUTHORIZING AMENDMENTS TO THE CITY OF
NEWTON EMPLOYEE HANDBOOK REGARDING CLOTHING
ALLOWANCES

WHEREAS, the Fire department currently provides a clothing allowance for Fire Supervisory staff in the same manner as the Fire Union, and

WHEREAS, staff recommends amending the clothing allowance for Fire Supervisors in the employee handbook to match the July 1st change in the Newton Association of Professional Fire Fighters union contracts as follows:

Sec. 2 Fire - All Fire supervisors ~~shall receive a uniform credit in the amount of \$615 a year. Any portion, which is not utilized by an employee, may be carried over into the next year. It may not be carried over into a third year. Upon termination of employment, the employee will be entitled to a clothing allowance payout. Annual allowance will be pro-rated monthly to include the month of departure. Fire supervisors are entitled to the unused previous year carry-over balance. The uniform credit may be used to purchase any article of clothing allowed by the department's Uniform Code. Fire supervisors may continue to purchase uniform articles anytime during the year shall receive a clothing allowance, based upon the following schedule, with one-half (1/2) (\$400) to be paid in the first payroll after September 1, and one-half (1/2) (\$400) to be paid in the first payroll after March 1, of each year. Any accrued and unused uniform credit will be paid in the uniform allowance payment in the first payroll issued on or after September 1, 2024;~~ and

WHEREAS, Due to the reorganization of Community Services into Community Development the following changes are recommended:

Sec. 3 Public Works/Community Services~~Parks & Recreation/Utilities~~ - Employees shall receive an allowance for the cost of overshoes and work related outerwear not to exceed \$265 to be paid on the first pay check after July 1st. Public Works and Community Services~~Parks & Rec.~~: If the employee's supervisor deems that wearing safety shoes and work-related outerwear is necessary for the employee's job, the total allowance will be the same amount as provided for in the Teamster's bargaining unit agreement as opposed to this section.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, approval of the proposed changes to the City of Newton Employee Handbook.

PASSED this _____ day of July, 2024

APPROVED this _____ day of July, 2024

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution adopting the nuisance abatement contractor rate

Summary:

Schedule of fees for the abatement of nuisance properties

Financial Impact:

Cost Recovery

Report Number: 2024-669

Date:

July 15, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abates violations that remain non-compliant after the initial warning period. This is done through the use of private contractors, the City is purposing the contractor abatement rate be raised from \$60 per hour to \$100 per hour with a 1 hour min. This raise is necessary to help offset the rising operational cost to contractor and to encourage current contractors to continue services.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

RESOLUTION 2024-_____

RESOLUTION ADOPTING THE NUISANCE ABATEMENT
CONTRACTOR RATE

WHEREAS, the City of Newton charges fees for various application and services;
and

WHEREAS, the costs incurred by the City of Newton to hire private contractors for the purpose of abating properties found to be in violation of City of Newton Code Chapter 94 shall be off-set by fees:

Fee Schedule

Nuisance Abatement Contractor rate	\$100 per hour / 1 hour min
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WHEREAS, the City is purposing the contractor abatement rate be raised from \$60 per hour to \$100 per hour with a 1 hour min. This raise is necessary to help offset the rising operational cost to contractor and to encourage current contractors to continue services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa that the Nuisance Abatement Contractor Rate is approved.

PASSED this _____ day of July, 2024.

APPROVED this _____ day of July, 2024

(Seal)

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk