

Agenda: Newton City Council

City Council Meeting

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

February 7, 2022 6:00 p.m.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentations | 2. Kevin Foley, Executive Director, Des Moines Airport Authority – Des Moines International Airport Terminal Project |
| | 3. Gunnar Olson, Communications and Strategy Manager with the Des Moines Area Metropolitan Planning Organization (MPO) and Tanya Michener, Associate Director with the Newton Development Corporation (NDC) – Mid-Iowa Planning Alliance (MIPA) |
| | 4. Dan Nieland, Community and Economic Development Coordinator, Iowa State University Extension and Outreach – Wild Cat Country Fest |
| Citizen Participation | 5. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 6. January 17, 2022 Regular City Council Meeting Minutes |
| | 7. January 17, 2022 Budget Workshop Minutes |
| | 8. January 24, 2022 Special City Council Meeting Minutes |
| | 9. Approve Liquor Licenses for the following: Special Class C Liquor License for DMACC, 403 W 4 th St N February 17-22; New Star Mart, 702 1 st Ave E, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Newton 66 #963, 1806 S 12 th Ave W, Class C Beer Permit, Sunday Sales; Fareway Stores, Inc. #848, 120 N 3 rd Ave E, Class E Liquor License, Class B Wine Permit, Class C Beer Permit. |
| | 10. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule No. 22-01). (Council Report 22-022) |
| | 11. Resolution approving a five year (5) renewal contract for email security and security awareness training with Barracuda Networks, Inc. (Council Report 22-023) |

12. Resolution approving agreement with the property owner of 1319 W 4th St S for non-standard improvements in the City right-of-way. (Council Report 22-024)
13. Resolution amending the purchase of a FTIR Chemical Analyzer. (Council Report 22-025)
14. Resolution setting a public hearing and inviting proposals for the sale of property at 1117 North 3rd Avenue East, 211 East 12th Street North, 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East in Newton. (Council Report 22-026)
15. Resolution setting a public hearing on the proposed maximum property tax dollars for Fiscal Year July 1, 2022 – June 30, 2023. (Council Report 22-027)
16. Approve Bills

Ordinances

17. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 300 block of East Twenty-Third Street South. (Council Report 22-017)
 - The City received safety concerns regarding parking in the 300 blk. of E 23rd St. S. This section of roadway is 31 feet wide and is not wide enough to safely accommodate parking on both sides and free passage of emergency vehicles during school pick up and drop off operations.
 - The Traffic Safety Committee reviewed the situation and recommends restricting parking during school days from 7AM – 4PM on the west side of E 23rd St S from the south curb line of S 3rd Ave E south 425 feet to a posted sign.
 - 8 surveys were sent to adjoining properties with 3 residents being in favor and 2 opposed. Staff recommends approval of the ordinance.

Resolutions

18. Resolution approving the purchase and up-fit services for two 2022 Ford Police Interceptor SUVs and one 2022 Ford Ranger truck for \$120,300. (Council Report 22-028)
 - The Police Department replaces two Ford Interceptor SUV patrol vehicles annually and is also in need of a truck to perform animal control and other code enforcement duties.
 - Gregg Young Ford of Newton, IA submitted a bid of \$102,162 for the purchase of two Ford Interceptor SUVs and one Ford Ranger truck. Iowa Emergency Vehicle Installs submitted an estimate of \$18,138 to up-fit these vehicles with emergency equipment.
 - Staff recommends approval to purchase three vehicles and upfit services for \$120,300 utilizing 2022 ARPA funds.
19. Resolution approving the purchase of code enforcement software and services from MyGov, LLC. (Council Report 22-029)

- The City's current code enforcement software is outdated and does not meet the needs for efficient operations.
 - MyGov, LLC of Dallas, TX submitted a proposal for new software in the amount of \$5938.24.
 - The new software will provide enhanced citizen reporting and tracking as well as back end management features.
20. Resolution Approving a 3 Year Commitment to Provide Funding to Newton Development Corporation for the NTT IndyCar Series. (Council Report 22-030)
- Hy-Vee, Penske Motorsports, and the NTT IndyCar Series announced on August 19, 2021 that the Hy-VeeDeals.com 250 will be held on Saturday, July 23, 2022 and the Hy-Vee Salute to Farmers 300 will be held on Sunday, July 24, 2022 at the Iowa Speedway. The IndyCar doubleheader will take place each year for the next three years.
 - In order to encourage tourism in Newton and to partner with the event organizers, the City has been asked by the NTT IndyCar Series to contribute \$33,000 annually towards the event.
 - The City would provide this funding to the Newton Development Corporation, who would provide these funds and coordinate partnership activities with the NTT IndyCar Series.
21. Resolution approving Newton's membership to the Mid-Iowa Planning Alliance. (Council Report 22-031)
- The Mid-Iowa Planning Alliance (MIPA) would provide economic development and planning support, such as grant writing and grant administration.
 - The initial cost for the first 15 month period is \$2,955.00. The annual cost after that is \$0.15 per capita, or \$2,364.00.
 - It is anticipated that by joining the planning alliance, benefits greater in value than the annual cost, will be realized by the community through grant awards and staffing assistance on planning and economic development projects.
22. Resolution accepting ownership of property located in the Southeast Quarter of the Southeast Quarter Section 25, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa. (Council Report 22-032)
- The new owners of a larger parcel of property, located mostly in unincorporated Jasper County and in the vicinity of East 31st Street North and North 4th Avenue East, wish to deed the sliver of land from this larger parcel which resides inside the Newton Corporate Limits.
 - The resolution accepts the land, which is approximately 0.05 acres in size.
23. Resolution approving the acquisition of real estate at 506 W. 7th St. N., Newton, Jasper County, Iowa for the D&D Program. (Council Report 22-033)

- The property at 506 West 7th Street North has been offered to the City of Newton. The subject property is adjacent to other property under the City's ownership.
- The purchase price of 506 West 7th Street North is \$5,000.

Discussion

24. Proposed Park Bond Referendum

Mayor/Council Comments

25.

Adjourn

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

www.NewtonGov.org

REGULAR CITY COUNCIL MEETING MINUTES
JANUARY 17, 2022, 6:00 P.M.
CITY COUNCIL CHAMBERS

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

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

Mayor Hansen proclaimed January 17, 2022, as Martin Luther King Jr Day in Newton, Iowa. Mayor Hansen also paid tribute by recognizing the life and public service of L.D. Palmer from the Newton WaterWorks.

Matt Hansen, Manager of Customer Operations, Alliant Energy, updated council on the downtown H-structure removal project.

During citizen participation Fred Rhodes, 1099 S 52nd Ave E, and rental property owner, spoke regarding the Rental Inspection program and the changes in the guidelines since its inception. He asked that council review the approved inspection list. Jeff Davis, Dave McNeer, and Julie Prendergast also rental property owners, echoed concerns including scheduling issues.

Moved by Hallam, seconded by Ervin to approve consent agenda items 6-15.

6. January 3, 2022 Regular City Council Meeting Minutes
7. January 3, 2022 Budget Workshop Minutes
8. Approve Cigarette Permit for New Casey's 3954, 4343 S 15th Ave E.
9. Approve Liquor Licenses for the following: American Legion Newton Post No 111, 1101 W 4th St S, Class C Liquor License (LC0018906), Outdoor Service, Sunday Sales; Baqara Special Event January 20, 2022, 403 W 4th St N, Class C Liquor License.
10. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-01). Resolution 2022-010 adopted.
11. Resolution Approving a Property Tax Rebate for Des Moines Area Community College Property Located Within the North Central Urban Renewal Area. Resolution 2022-011 adopted.
12. Resolution approving replacement of three (3) street lights damaged by strong winds. Resolution 2022-012 adopted.
13. Resolution amending previous Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2125 W 20th St S. Resolution 2022-013 adopted.
14. Resolution Adjusting the Fee Schedule for the Newton Fire Department Ambulance Service. Resolution 2022-014 adopted.
15. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution to Approve Urban Renewal Plan Amendment for the 1st Avenue East Urban Renewal Area. There were no written comments. Moved by Wade, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Wade, seconded by Trotter to adopt the resolution. AYES: Six. NAYS: None. Resolution 2022-015 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution Approving Development Agreement with Hopkins Properties, L.L.C., Authorizing Annual Appropriation Tax Increment Payments, and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. There were no written comments. Moved by Wade, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Wade, seconded by Dalton to adopt the resolution. AYES: Six. NAYS: None. Resolution 2022-016 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution accepting purchase agreement for property at 410 South 6th Avenue West in Newton, Iowa. There were no written comments. Moved by George, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Trotter, seconded by Hallam to adopt the resolution. AYES: Six. NAYS: None. Resolution 2022-017 adopted.

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

Moved by Ervin, seconded by Trotter to adopt the Resolution to approve the creation of a temporary administrative assistant position in the Police Department and eliminating a temporary administrative assistant position in the Fire Department. AYES: Six. NAYS: None. Resolution 2022-018 adopted.

Moved by Ervin, seconded by Dalton to adopt the Resolution amending the Snow Removal Policy to allow for vehicle impoundment during citywide snow removal and downtown hauling operations. Michael Adams and Diane Dillman, residents of the Hotel Maytag, spoke about the downtown parking situation

during snow hauling. Dawn Bleeker, Theater Owner, asked about revisiting the time frames. AYES: Six. NAYS: None. Resolution 2022-019 adopted.

Moved by Hallam, seconded by Ervin to adopt the Resolution Approving 28E Project Agreement Reimbursement #10 to the Des Moines Area Community College Relating to the DMACC Newton Campus Expansion Project. AYES: Six. NAYS: None. Resolution 2022-020 adopted.

Brian Laube, Community Services Director lead a discussion on the proposed park bond referendum. He asked for feedback regarding the recommended projects to include. Laube will bring a recommendation back to council for approval.

During Mayor/Council comments Mayor Hansen thanked George for chairing while he was out. He welcomed new council members and looks forward to the upcoming year. Wade announced that the food truck fee was not on the agenda and asked Muckler to share. Muckler indicated that staff recommendation was to go through the first year of the program and come back with actual cost to present to the council before implementing any fees.

Moved by Trotter, seconded by George to adjourn the meeting at 7:58 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

BUDGET WORKSHOP MEETING MINUTES
JANUARY 17, 2022, IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING @ 8:06
P.M. CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 8:06 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor Hansen presided. Present Council Members: Hallam, Dalton, George, Ervin, Trotter, Wade. Absent: None.

City Administrator, Matt Muckler presented unique features & highlights of the FY23 Annual Budget Process and options to lower the tax levy which are not recommended.

Council had discussion on where to set the levy for the FY23 Annual Budget. Staff will review what a 20% General reserve fund balance looks like compared to the current 25%.

Lisa Frasier, Finance Officer reviewed the general fund revenue estimate and employee compensation proposals.

Community Services Director, Brian Laube presented on the CIP.

Muckler spoke on the General fund non-salary expenditures proposal and Frasier presented the non-salary expenditures for all other funds proposal.

Moved by George, seconded by Dalton to adjourn the meeting at 9:32 PM.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

SPECIAL CITY COUNCIL MEETING MINUTES
JANUARY 24TH, 2022, 12:00 PM
ELECTRONIC MEETING/COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 12:00 P.M. on the above date via in person and an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Mike Hansen presided. Present Council Members: Hallam, Dalton, George (via zoom), Ervin (via zoom), Trotter (via zoom) and Wade (via zoom). Absent: None.

Moved by Hallam, seconded by Ervin to go approve a Resolution Approving Agreement for Interim Management Services of Newton WaterWorks. AYES: Six. NAYS: None. Resolution 2022-021.

Moved by Dalton, seconded by Trotter to adjourn the meeting at 12:09 PM.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-01).

Report Number: 22-022

Date:

February 7, 2022

Summary:

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

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$530.00

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$530.00. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

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

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-01).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 22-01)**

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. 22-01 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 22-01, 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 March 9, 2022, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

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

PASSED this _____ day of February, 2022.

APPROVED this _____ day of February, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-01: 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
Justin Campbell	826452004	2007 N 5th Ave E	Newton	\$99,960	\$60.00	\$75.00	\$135.00	RODGER'S FARM ADD LOT 24	11/17/2021
Deann Schafer	835201007	209 E 19th St N	Newton	\$103,550	\$150.00	\$75.00	\$225.00	FAIRMEADOWS ADD PHASE 1, LOT 7	11/17/2021
Rakesh Teckchandani	827326044	926 1st St N	Newton	\$83,310	\$95.00	\$75.00	\$170.00	BIGELOW'S SD LOTS 11-12-13	12/10/2021
Total							\$530.00		

City of Newton Council Report

Item: Resolution approving a five year (5) renewal contract for email security and security awareness training with Barracuda Networks, Inc.

Summary: The City currently contracts with Barracuda Networks, Inc. for email security. This would extend the service for 5 more years.

Financial Impact: \$11,600



Report Number: 22-023

Date: February 07, 2022

Lead Department:
Administration Department

Recommendation:
Approve

BACKGROUND

The City has contracted with Barracuda Networks, Inc. for email security since 2012. This resolution would extend the email service and add security awareness training, including simulated threat emails for 5 more years.

Email attacks are getting more complex and dangerous. Many email threats today use social engineering tactics to target users and bypass email security gateways. Barracuda Email Protection provides protection against all 13 email threat types, from spam and ransomware to socially engineered threats such as spear phishing, business email compromise, and account takeover.

Barracuda is now adding Security awareness training to our services which creates real-world simulation and training content aligned with threat types. Users will learn to spot business email compromise, impersonation attacks and other top email threats.

RECOMMENDATION

Staff recommends City Council's approval of the Resolution contracting with Barracuda Networks, Inc for a 5 year term. The total cost would be \$11,660.00 paid to the reseller ConvergeOne from the general fund. An annual renewal would average \$4953 per year.

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

Matt Muckler
City Administrator

RESOLUTION NO 2022 - _____

**RESOLUTION APPROVING A FIVE YEAR (5) RENEWAL
CONTRACT FOR EMAIL SECURITY AND SECURITY
AWARENESS TRAINING WITH BARRACUDA NETWORKS, INC**

WHEREAS, The City has contracted with Barracuda Networks, Inc. for email security since 2012; and

WHEREAS, Email attacks are getting more complex and dangerous; and

WHEREAS, Barracuda Email Protection provides protection against all 13 email threat types, from spam and ransomware to socially engineered threats such as spear phishing, business email compromise, and account takeover; and

WHEREAS, Barracuda is now adding Security awareness training to our services which creates real-world simulation and training content aligned with threat types. Users will learn to spot business email compromise, impersonation attacks and other top email threats

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Newton, Iowa that the City of Newton contracts with Barracuda Networks, Inc for email security and security awareness training for a 5 year term totaling \$11660 paid to reseller ConvergeOne.

PASSED this _____ day of February 2022.

APPROVED this _____ day of February 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina A. Davis, City Clerk

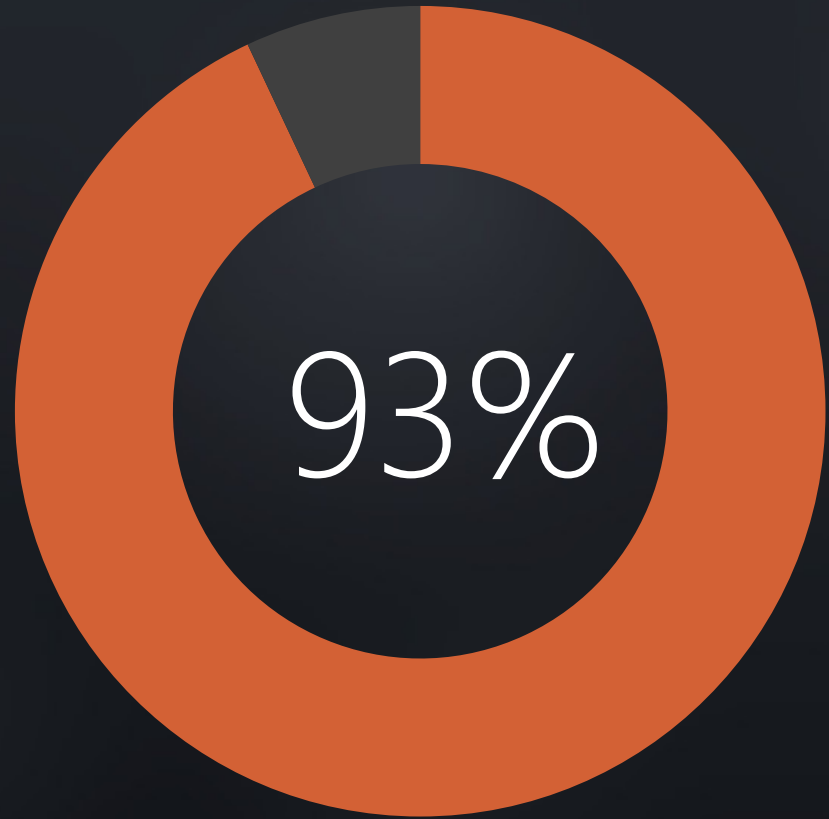
Barracuda Email Protection



Securing the gateway is still **necessary**, but
no longer sufficient



Social Engineering
represents 93% of all
email breaches

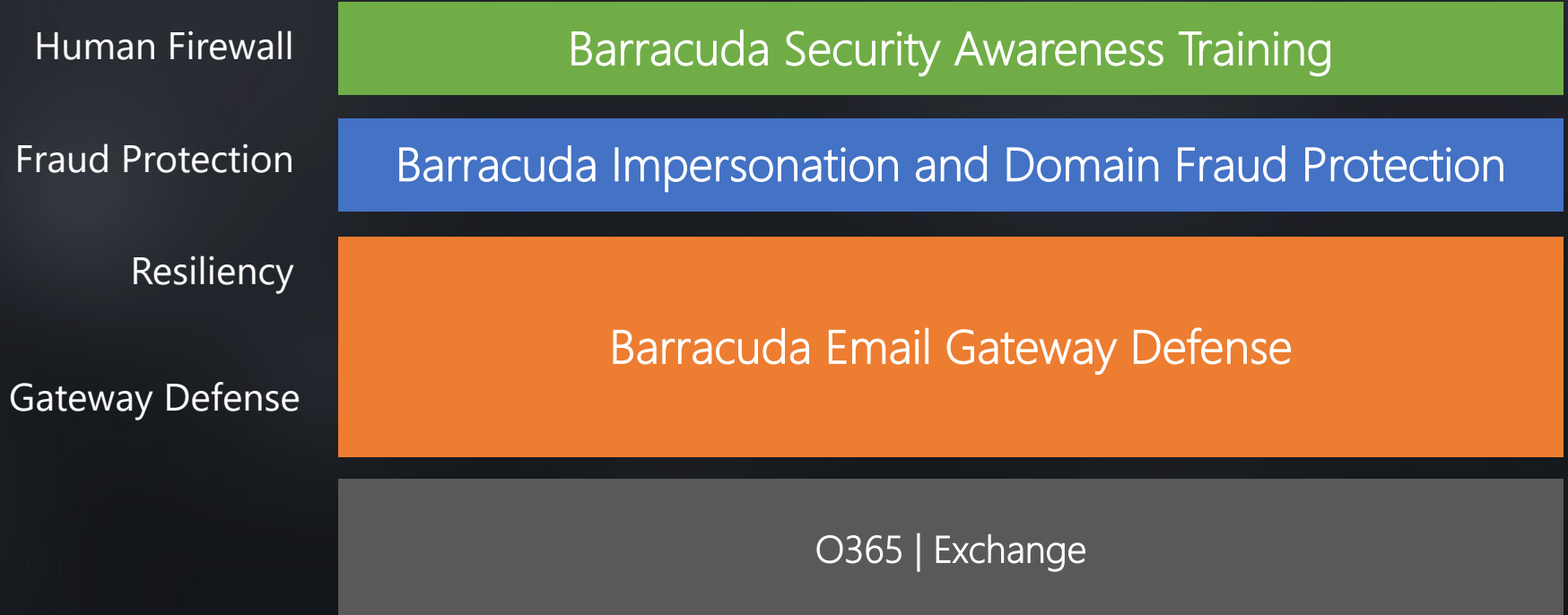


Over 95% of Microsoft 365 mailboxes harbor malicious emails

Threats like ransomware, spear phishing, and account takeover put your organization and employees at significant risk.

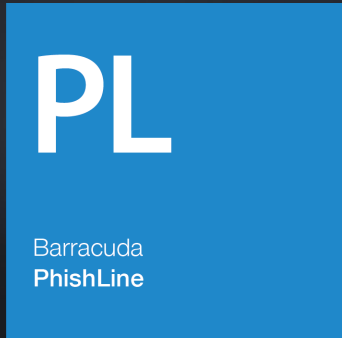


Barracuda Email Protection



Security Awareness Training (formerly known as Phishline)

Test & Train Users



- Turns users from liability to an asset
- Pre-built templates for quick time to value
- Different classes of attack to reflect the real world
- Modular training courses
- Games and Quizzes
- Assess campaign effectiveness



Confidential

Barracuda Email Protection

1 Year purchase with annual renewals (Assumes 10% annual increase)

Email Security + Security Awareness Training @130 user license	Year 1	Year 2	Year 3	Year 4	Year 5
	\$4,056.00	\$4,462	\$4,908	\$5,399	\$5,938
Total 5 Year TCO					\$24,762.29

Multi-Year Purchase Email Protection

ESS + SAT + 130 users	5 Year
Total Investment	\$11,660.00
Savings	(\$13,102.29)

Upfront Cost

or

VAR Technology Finance Proposal

(This is not a contract; executable contracts to follow)

VAR Technology Finance is pleased to offer this proposal for the technology solution that City of Newton wishes to acquire from Barracuda Networks, Inc.. For over 25 years, we have provided simple, fast and cost-effective acquisition options to more than 50,000 customers ranging from small entrepreneurial organizations to large Fortune 500 corporations. We hope to be your high performance partner in acquiring your technology.

Equipment/Software Cost \$11,660.00 (Not including tax)

Equipment/Software Description Barracuda Licenses

Term	Period	Purchase Option	Payment
☐ 60 Months	Annually	IPA	\$2,735.46

Annual Payment



Confidential

Thank You



Confidential

City of Newton Council Report

**Item:**

Resolution approving agreement with the property owner of 1319 W 4th St S for non-standard improvements in the City right-of-way.

Summary:

Allow construction of a handrail in City right-of-way.

Financial Impact:

None.

Report Number: 22-024

Date:

February 7, 2022

Lead Department:

Public Works

Recommendation:

Approve

Background:

The owners of the property at 1319 W 4th St S have constructed a handrail along the stairs to assist customers on the NE corner of their lot.

Current City of Newton specifications do not specifically allow the construction of hand rails perpendicular to City streets and sidewalks in the ROW. The owners of the property have agreed to the City's non-standard use agreement with conditions including, but not limited to, the removal of the handrail should it become a nuisance in the future.

If the City accepts the agreement, the owners will be committed to the terms of the agreement and the standards contained within.

Recommendation:

City staff recommends approval of the agreement with the property owners for the non-standard improvements in City right-of-way.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

RESOLUTION APPROVING AGREEMENT WITH THE PROPERTY OWNER OF 1319 W 4TH ST S FOR NON-STANDARD IMPROVEMENTS IN THE CITY RIGHT-OF-WAY

WHEREAS, the owner of the property at 1319 W 4th St S has constructed a handrail along the stairs to assist customers on the NE corner of their lot in the Right-of Way.

WHEREAS, although current City of Newton specifications do not specifically allow the construction of handrails perpendicular to City streets and sidewalks; the owner of the property has agreed to the City's non-standard use agreement with conditions including, by not limited to, the removal of the Handrail should it become a nuisance in the future; and

WHEREAS, if the City accepts the agreement, the owner will be committed to the terms of the agreement and the standards contained within.

NOW, THEREFORE, BE IT RESOLVED, that the non-standard use agreement between the City of Newton and Jeffrey L. & Celene D. Roush is hereby accepted.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the non-standard use agreement between the City of Newton and said owners is to be signed by the Mayor and City Clerk on behalf of the City, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby directed to execute the said non-standard use agreement with the owner.

PASSED this _____ day of February, 2022.

APPROVED this _____ day of February, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Prepared By: Brandon Schakel – City of Newton Public Works Department

Taxpayer: Jeffrey L. & Celene D. Roush

Legal Description: Beginning 33 feet West of the Northeast Corner of Lot 3 in the Subdivision of the North Fractional Half of the Northeast Quarter of Section 4, Township 79 North, Range 19 West of the 5th P.M.; Jasper County, Iowa run thence West 200 feet, thence South 100 feet, thence East 200 feet, thence North 100 feet to the place of beginning, EXCEPT that part thereof lying Easterly of a line beginning at a point 17 feet Westerly from the Southeast Corner of the above-described tract of land on the South line thereof, thence to a point 12 feet Westerly from the Northeast Corner of said tract of land on the North line thereof.

Parcel No: 1304230011

AGREEMENT BETWEEN CITY OF NEWTON AND PROPERTY OWNERS DESIRING NON-STANDARD IMPROVEMENTS IN CITY RIGHT-OF-WAY

The City of Newton, Iowa, a municipal corporation under the laws of the State of Iowa, hereinafter called "City," and the following named property owner(s): **Jeffrey L. & Celene D. Roush** hereinafter called "Owner(s)," hereby agree as follows:

1. Owner(s) own the following described property, hereinafter called "property".
Address: **1319 W 4th St S Newton, IA 50208**

Legal Description: Beginning 33 feet West of the Northeast Corner of Lot 3 in the Subdivision of the North Fractional Half of the Northeast Quarter of Section 4, Township 79 North, Range 19 West of the 5th P.M.; Jasper County, Iowa run thence West 200 feet, thence South 100 feet, thence East 200 feet, thence North 100 feet to the place of beginning, EXCEPT that part thereof lying Easterly of a line beginning at a point 17 feet Westerly from the Southeast Corner of the above-described tract of land on the South line thereof, thence to a point 12 feet Westerly from the Northeast Corner of said tract of land on the North line thereof.

2. Owners desire to install, construct, repair or replace non-standard improvements in City right-of-way adjacent to said property. "Non-standard improvement" is defined as:

"An improvement which shall include but not be limited to a Sidewalk Patio in the Public Right-of-Way; brick, patterned concrete, concrete pavers and other similar materials installed within City right-of-way for pedestrian sidewalk and driveway purposes, including borders on portland cement concrete sidewalks or driveway. Also included in this definition are paved driveways installed within City right-of-way that are not constructed to the dimensions, materials, or other requirements as specified in the City of Newton's current driveway standard details and specifications."

The non-standard improvements owners and/or tenant(s) wish to make in the City right-of-way are described as follows:

Handrailling on the NE side of the property

3. For and in consideration of City's permission to complete said non-standard improvements, Owner(s) agree to the conditions specified hereinafter and agree to undertake all of the responsibilities specified hereinafter.
4. City reserves and maintains all right to use and occupy the right-of-way area proposed to be the site of said non-standard improvements, including but not limited to the right to install streets, sidewalks, street signage and utilities. In the event that said non-standard improvements are subsequently damaged, displaced or destroyed by City's or City's franchised utilities use and occupancy of City's right-of-way, Owner(s) shall not be entitled to make any claim for damages whatsoever as a consequence of such action by City or by any utility franchised by City.
5. Owner(s) shall be responsible for normal periodic maintenance of said non-standard improvements, at Owner(s) cost. In the event any non-standard improvements become a nuisance, becomes damaged by accident or act of God, interferes or impedes the installation or maintenance of street, sidewalk, street signage, utilities or any other public works, or in any other way violates the Newton City Code or Code of Iowa, City shall give written notice to Owner(s) of the corrective or removal action required, and if Owner(s) fail or refuse to take such corrective action within ten (10) days, City reserves and maintains the right to remove said non-standard improvements. Under emergency circumstances or when public safety is endangered, City or any utility franchised by City may take immediate corrective or removal action without notice to Owner(s). In either event, Owner(s) shall not be entitled to make any claim for damages whatsoever as a consequence of such action by City or by any utility franchised by City, and City shall maintain right to recover costs of corrective or removal action by billing Owner or, if costs remain unpaid, by certifying the costs of such corrective or removal action to the County Assessor and County Treasurer for collection against Owner(s) property in the same manner as property taxes.

6. Owner(s) further agree to indemnify, defend and hold City harmless from any and all claims by third parties, City's employees, agents and subcontractors, and all employees, agents, assignees, subcontractors or licensees of Owner(s), arising directly or indirectly out of placement, maintenance, or use of non-standard improvements

7. Owner(s) agree to construct, maintain, and remove non-standard improvement in accordance with the terms of this agreement and in conformance with the following:

8. This agreement shall be a covenant running with Owner(s) land, and shall expire 99 years from the date of approval by the City of Newton.

Owner [Signature] Date 1-25-2022 Owner [Signature] Date 1-25-2022

STATE OF IOWA :

ss

JASPER COUNTY:

On this 25 day of January, 2022, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jeffrey L. Roush and Celene D. Roush, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Brandon Schakel
Notary Public in and for the State of Iowa
(Typed Name) Brandon Schakel
My Commission Expires: January 19, 2023

RECOMMENDED FOR APPROVAL:

Public Works Director

Date

ACCEPTANCE, APPROVAL AND EXECUTION BY CITY

CITY OF NEWTON

Dated: _____

By: Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

STATE OF IOWA :

ss

JASPER COUNTY:

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared _____ to me personally known, who being by me duly sworn, did say that he is the Mayor of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of the City Council; and that the said _____ as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

(Printed Name) _____
Notary Public in and for the State of Iowa
My Commission Expires: _____



City of Newton Council Report

Item: Resolution amending the purchase of a FTIR Chemical Analyzer.

Summary: Fire Department was authorized by Resolution #2021-270 to purchase equipment from Laurus Systems, Inc.; the actual purchase of the equipment is from CAM2 Technologies, LLC.

Financial Impact: None.



Report Number: 22-025

Date: February 7, 2022

Lead Department: Police Department

Recommendation:
Approve

Background: The Fire Department is, in partnership with Jasper County, providing hazardous materials response to the residents of Jasper County. The Fire Department accepted a grant in October from the Iowa Homeland Security Grant Program for the purchase of this equipment.

The Fire Department was authorized by City Council Resolution #2021-270 to purchase the equipment from Laurus Systems, Inc. of Elliot City, Maryland in the amount of \$55,000; however, the actual purchase of the equipment is from CAM2 Technologies, LLC of Danbury, Connecticut in the amount of \$54,990.

RECOMMENDATION

City Staff recommends approval of the resolution to purchase the FTIR Chemical Analyzer from CAM2 Technologies, LLC of Danbury, Connecticut in the amount of \$54,990.

A handwritten signature in black ink, appearing to read "Matt Muckler", is written over a light blue horizontal line.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

RESOLUTION AMENDING THE PURCHASE OF A FTIR CHEMICAL ANALYZER.

WHEREAS, the Fire Department is, in partnership with Jasper County, providing hazardous materials response to the resident of Jasper County; and

WHEREAS, the Fire Department accepted a grant in October from the Iowa Homeland Security Grant Program for the purchase of this equipment; and

WHEREAS, the Fire Department was authorized by City Council Resolution #2021-270 to purchase the equipment from Laurus Systems, Inc. of Elliot City, Maryland in the amount of \$55,000; and

WHEREAS, the actual purchase of the equipment is from CAM2 Technologies, LLC of Danbury, Connecticut in the amount of \$54,990; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, the purchase of the FTIR Chemical Analyzer be approved; from CAM2 Technologies, LLC of Danbury, Connecticut in the amount of \$54,990;

PASSED this _____ day of February 2022.

APPROVED this _____ day of February 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution setting a public hearing and inviting proposals for the sale of property at 1117 North 3rd Avenue East, 211 East 12th Street North, 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East in Newton

Summary: In order to sell the cleared property at these addresses, the City Council must first set a public hearing.

Financial Impact: No cost.



Report Number: 22-026

Date: February 7, 2022

Lead Department:
Community Development

Recommendation:
Approve

Summary: As part of the D&D Program, the City acquired the property located at 1117 North 3rd Avenue East and 211 East 12th Street North and cleared the land for redevelopment. The property is known as "The Hatchery Site". There has been expressed interest in the property. In addition, the City acquired and cleared the properties at 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East. There has been expressed interest in these properties as well.

Iowa Code Chapter 364.7 requires cities to set public hearings before disposing of any property. Public notice would then be published in the *Newton News* and all interested parties would be able to submit proposals for the lot.

The attached Resolution sets a public hearing for the regular Council meeting on March 21, 2022 for the sale of the Hatchery Site. Because at least part of the subject properties are located within an Urban Renewal Area, there is required to be a 30 day notice for the public hearing. The notice must be published in the local paper no later February 18, 2022. Proposals will be accepted until 4:00 pm on March 11, 2022.

Recommendation: City Staff recommends approval.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION SETTING A PUBLIC HEARING AND INVITING PROPOSALS FOR
THE SALE OF PROPERTY AT 1117 NORTH 3RD AVENUE EAST, 211 EAST 12TH
STREET NORTH , 115 EAST 4TH STREET NORTH 124 EAST 4TH STREET NORTH,
AND 411 NORTH 2ND AVENUE EAST IN NEWTON**

WHEREAS, the City of Newton owns a property located at 1117 North 3rd Avenue East, 211 East 12th Street North, 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East, legally described as:

LOT ONE EXCEPT COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE, RUN THENCE SOUTH TWO HUNDRED SEVENTY FEET, THENCE EAST ONE HUNDRED THIRTY-FIVE, THENCE NORTH TWO HUNDRED SEVENTY FEET, THENCE WEST ONE HUNDRED THIRTY-FIVE FEET TO THE POINT OF BEGINNING, AND ALL OF LOTS TWELVE AND FIFTEEN OF MERSHON'S ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT BOOK "B", AT PAGE 227 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; ALSO COMMENCE AT THE NORTHWEST CORNER OF THE SOUTH TWENTY-ONE FEET OF SAID LOT ONE, RUN THENCE SOUTH ONE HUNDRED FIFTY-THREE FEET TO THE SOUTHWEST CORNER OF SAID LOT FIFTEEN, THENCE WEST THIRTY FEET, THENCE NORTH ONE HUNDRED FIFTY-THREE FEET, THENCE EAST THIRTY FEET TO THE POINT OF BEGINNING.

ALSO

LOTS TEN AND ELEVEN IN MERSHON'S ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT BOOK B, AT PAGE 227 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; ALSO COMMENCE AT THE NORTHEAST CORNER OF SAID LOT TEN, RUN THENCE EAST THIRTY FEET, THENCE SOUTH NINETY-THREE FEET, THENCE WEST THIRTY FEET, THENCE NORTH TO THE PLACE OF BEGINNING.

THE NORTH ONE HUNDRED FIFTY-TWO FEET OF LOT 6 OF LOT B OF THE SUBDIVISION OF BLOCK D OF COE'S SUB-DIVISION IN NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK "D", PAGE 75 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY.

LOT THIRTEEN, BLOCK "D" OF COE'S SUBDIVISION TO NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT RECORDED IN PLAT BOOK B, PAGE 604 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY, IOWA.

LOT TWELVE IN BLOCK "D" IN COE'S SUBDIVISION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT 11 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA AS SAME APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT 10 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT NINE OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK "B", AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT EIGHT OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT 6 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK "B" AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

LOT "A" OF EVAN'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 223 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

AND

LOTS 13 AND 14 OF MERSHON'S ADDITION, CITY OF NEWTON, JASPER, COUNTY, IOWA.

AND

LOT FOUR (4) OF THE SUBDIVISION OF OUTLOT TWENTY-FOUR (24), ORIGINAL TOWN PLAT, CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK B, PAGE 213 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY.

AND

COMMENCING AT THE SOUTHEAST CORNER OF LOT C IN BLOCK 13, ORIGINAL PLAT, CITY OF NEWTON, JASPER COUNTY, IOWA, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SAID LOT C, 66 FEET, THENCE WEST 71 FEET, THENCE SOUTH 66 FEET TO THE SOUTH LINE OF SAID LOT C, THENCE EAST TO THE PLACE OF BEGINNING.

AND

LOT 3 IN THE SUBDIVISION OF OUTLOT TWENTY-FOUR (24) IN THE ORIGINAL TOWN, NOW CITY, OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT RECORDED IN PLAT BOOK B PAGE 213 OF THE RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF JASPER COUNTY, IOWA.

WHEREAS, said real estate is not needed for public purposes, and

WHEREAS, Iowa Code Chapter 364.7 requires cities to set and hold a public hearing before selling or disposing of real estate, and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:

Section 1: That the Public Notice in substantially the following form shall be given that a Public Hearing be held at 6:00 pm on March 21, 2022, in the City Council Chambers of City Hall, 101 West 4th Street South to consider the sale of property at 1117 North 3rd Avenue East, 211 East 12th Street North, 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East, Newton:

PUBLIC NOTICE

The City Council of Newton, Iowa will hold a Public Hearing at 6:00 p.m. on March 21, 2022, at City Hall, 101 West 4th Street South, to consider proposals for purchase of the property located 1117 North 3rd Avenue East, 211 East 12th Street North, 115 East 4th Street North, 124 East 4th Street North, and 411 North 2nd Avenue East, Newton: The property is legally described as: LOT ONE EXCEPT COMMENCING AT THE NORTHWEST CORNER OF SAID LOT ONE, RUN THENCE SOUTH TWO HUNDRED SEVENTY FEET, THENCE EAST ONE HUNDRED THIRTY-FIVE, THENCE NORTH TWO HUNDRED SEVENTY FEET, THENCE WEST ONE HUNDRED THIRTY-FIVE FEET TO THE POINT OF BEGINNING, AND ALL OF LOTS TWELVE AND FIFTEEN OF MERSHON'S ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT BOOK "B", AT PAGE 227 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; ALSO COMMENCE AT THE NORTHWEST CORNER OF THE SOUTH TWENTY-ONE FEET OF SAID LOT ONE, RUN THENCE SOUTH ONE HUNDRED FIFTY-THREE FEET TO THE SOUTHWEST CORNER OF SAID LOT FIFTEEN, THENCE WEST THIRTY FEET, THENCE NORTH ONE HUNDRED FIFTY-THREE FEET, THENCE EAST THIRTY FEET TO THE POINT OF BEGINNING; ALSO LOTS TEN AND ELEVEN IN MERSHON'S ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT BOOK B, AT PAGE 227 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; ALSO COMMENCE AT THE NORTHEAST CORNER OF SAID LOT TEN, RUN THENCE EAST THIRTY FEET, THENCE SOUTH NINETY-THREE FEET, THENCE WEST THIRTY FEET, THENCE NORTH TO THE PLACE OF BEGINNING; THE NORTH ONE HUNDRED FIFTY-TWO FEET OF LOT 6 OF LOT B OF THE SUBDIVISION OF BLOCK D OF COE'S SUB-DIVISION IN NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK "D", PAGE 75 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY; LOT THIRTEEN, BLOCK "D" OF COE'S SUBDIVISION TO NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT RECORDED IN PLAT BOOK B, PAGE 604 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY, IOWA; LOT TWELVE IN BLOCK "D" IN COE'S SUBDIVISION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT 11 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA AS SAME APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT 10 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT NINE OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK "B", AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT EIGHT OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT 6 OF THE SUBDIVISION OF BLOCK "D" OF COE'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK "B" AT PAGE 604 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; LOT "A" OF EVAN'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK B, AT PAGE 223 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; AND LOTS 13 AND 14 OF MERSHON'S ADDITION, CITY OF NEWTON, JASPER, COUNTY, IOWA; AND LOT FOUR (4) OF THE SUBDIVISION OF OUTLOT TWENTY-FOUR (24), ORIGINAL TOWN PLAT, CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK B, PAGE 213 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY; AND COMMENCING AT THE SOUTHEAST CORNER OF LOT C IN BLOCK 13, ORIGINAL PLAT, CITY OF NEWTON, JASPER COUNTY, IOWA, THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SAID LOT C, 66 FEET, THENCE WEST 71 FEET, THENCE SOUTH 66 FEET TO THE SOUTH LINE OF SAID LOT C, THENCE EAST TO THE PLACE OF BEGINNING; AND LOT 3 IN THE SUBDIVISION OF OUTLOT TWENTY-FOUR (24) IN THE ORIGINAL TOWN, NOW CITY, OF NEWTON, JASPER COUNTY, IOWA, AS SHOWN BY PLAT RECORDED IN PLAT BOOK B PAGE 213 OF THE RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF JASPER COUNTY, IOWA. Proposals shall be submitted by 4:00 p.m., March 11, 2022, to the Newton Community Development Department; 403 West 4th Street North, Suite 501, Newton, Iowa 50208. Additional information about the property and the process for submitting a proposal is available at the Community Development Department, (641)-792-6622. The City Council will consider all proposals received, but reserves the right to reject any or all proposals received or to accept any proposal it deems in the best public interest. At said Hearing, interested persons may be heard in support of or opposition to said sale or the price or terms of a proposed agreement.

Section 2: That following the Public Hearing, City Council may select the proposal to purchase the described property which is in the best interest of the City Newton and shall thereafter sell said property at the price and under such terms as it shall determine, subject to an Agreement for Purchase with the selected Purchaser.

PASSED this _____ day of February 2022.

APPROVED this _____ day of February 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution setting a Public Hearing on the Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2022 – June 30, 2023

Summary: Sets a Public Hearing on February 21, 2022 on the Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2022 – June 30, 2023

Financial Impact: No Financial Impact, this action sets a Public Hearing

Report Number: 22-027

Date: February 7, 2022

Lead Department:
Administration

Recommendation:
Approval

BACKGROUND

The 2019 Iowa State Legislature passed bill #SF634 into law which requires cities to hold an additional public hearing during the budget process to set a maximum in property tax dollars received in certain levies. This requirement does not include the Library levy or the debt service levy. The maximum property tax dollar public hearing must be held before a public hearing is set on the final budget.

This action sets a public hearing for the February 21, 2022 Council meeting.

Recommendation:

Staff recommends setting a public hearing on February 21, 2022 on the proposed maximum property tax dollars for fiscal year FY23.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION SETTING A PUBLIC HEARING ON THE PROPOSED
MAXIMUM PROPERTY TAX DOLLARS FOR FISCAL YEAR JULY 1, 2022 –
JUNE 30, 2023**

WHEREAS, the City of Newton is required to hold a public hearing to set the maximum tax dollars received in certain levies; and

WHEREAS, the City of Newton has held budget workshops in November of 2021, December of 2021, and January of 2022 to discuss and review the FY23 budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that a public hearing on the proposed maximum property tax dollars be set for February 21, 2022 at 6:00pm in the City of Newton Council Chambers.

PASSED this 7th day of February 2022.

APPROVED this _____ day of February, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

NOTICE OF PUBLIC HEARING - CITY OF NEWTON - PROPOSED PROPERTY TAX LEVY
Fiscal Year July 1, 2022 - June 30, 2023

The City Council will conduct a public hearing on the proposed Fiscal Year City property tax levy as follows:

Meeting Date: 2/21/2022 **Meeting Time:** 06:00 PM **Meeting Location:** City Hall Council Chambers 101 W 4 St St Newton IA

At the public hearing any resident or taxpayer may present objections to, or arguments in favor of the proposed tax levy. After adoption of the proposed tax levy, the City Council will publish notice and hold a hearing on the proposed city budget.

City Website (if available)
www.newtongov.org

City Telephone Number
 (641) 792-2787 ext: 2003

	Current Year Certified Property Tax 2021 - 2022	Budget Year Effective Property Tax 2022 - 2023	Budget Year Proposed Maximum Property Tax 2022 - 2023	Annual % CHG
Regular Taxable Valuation	473,085,445	491,160,425	491,160,425	
Tax Levies:				
Regular General	3,831,992	3,831,992	3,978,400	
Contract for Use of Bridge			0	
Opr & Maint Publicly Owned Transit			0	
Rent, Ins. Maint. Of Non-Owned Civ. Ctr.			0	
Opr & Maint of City-Owned Civic Center			0	
Planning a Sanitary Disposal Project			0	
Liability, Property & Self-Insurance Costs	190,000	190,000	230,000	
Support of Local Emer. Mgmt. Commission	22,881	22,881	22,400	
Emergency			0	
Police & Fire Retirement	972,021	972,021	922,360	
FICA & IPERS	517,081	517,081	541,363	
Other Employee Benefits	1,376,456	1,376,456	1,463,538	
Total Tax Levy	6,910,431	6,910,431	7,158,061	3.58
Tax Rate	14.60715	14.06960	14.57378	

Explanation of significant increases in the budget:

Increases are for salaries for employees according to union contracts and the approved pay plan. Also, increased employee benefits such as health insurance and workers compensation.

If applicable, the above notice also available online at:

www.facebook.com/cityofnewtoniowa www.facebook.com/GetToKnowNewton/ www.facebook.com/newtoniowafiredepartment www.facebook.com/NewtonParks
www.facebook.com/NewtonPolice www.twitter.com/GettoKnowNewton www.instagram.com/gettoknownewton/ www.nextdoor.com/agency-city/ia/newton/

*Total city tax rate will also include voted general fund levy, debt service levy, and capital improvement reserve levy.

**Budget year effective property tax rate is the rate that would be assessed for these levies if the dollars requested is not changed in the coming budget year

Vendor	Department	Description	Amount
Acushnet Company	Golf	Merchandise	\$ 669.87
Aeroclave LLC	Fire	Supplies	\$ 960.00
Ahlers & Cooney P C	Legal Services	Service	\$ 60.00
Airgas USA LLC	Fire	Supplies	\$ 291.25
Alliant Energy/IPL	All	Utility	\$ 24,896.24
Amazon Capital Services	All	Supplies	\$ 2,013.68
Argo, Hailey	Police	Reimbursement	\$ 15.00
Arrowhead Contracting Inc	North Central TIF	Service	\$ 24,029.06
Arrowhead Forensics	Police	Supplies	\$ 166.49
AT & T Mobility	Police	Service	\$ 874.85
Baker & Taylor	Library	Books	\$ 2,825.01
Baker & Taylor Entertainment	Library	DVDs	\$ 186.75
Baker Group	City Center	Service	\$ 614.50
Barney's Wrecker & Crane	Fire	Service	\$ 480.68
Black Hills Energy	All	Utility	\$ 10,221.22
Bolton & Menk Inc	All	Service	\$ 3,737.50
Bound Tree Medical LLC	Fire	Supplies	\$ 585.74
Brick Gentry P.C.	Legal Services	Service	\$ 13,090.00
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 298.00
CAM2 Technologies LLC	Fire	Equipment	\$ 54,990.00
Capital One	All	Supplies	\$ 421.42
Capital One Trade Credit	Fire	Merchandise	\$ 219.98
Cengage Learning	Library	Books	\$ 22.40
Chamber of Commerce	Community Marketing	Dues	\$ 110.00
Cintas	All	Service	\$ 758.90
Civicplus	Administration	Service	\$ 11,708.26
Classic Car Wash	Police	Service	\$ 401.00
Consumer Reports	Library	Subscription	\$ 52.43
D&W Tree Service	Community Beautification	Service	\$ 4,925.00
Danko Emergency Equipment	Fire	Service	\$ 948.04
Darrell's Electric	City Center	Service	\$ 331.00
Demco Inc	Library	Supplies	\$ 239.79
Des Moines Stamp Mfg	Cemetery/Administration	Supplies	\$ 61.60
Diamond Vogel Inc	All	Supplies	\$ 192.70
Digium Cloud Services LLC	Fire	Service	\$ 402.00
DMACC - Ankeny Campus	PW	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 61,391.53
Dunkelberger, Brian	Planning & Zoning	Reimbursement	\$ 87.36
EZ Lease	Water Pollution Control	Service	\$ 102.00
Forbes Office Solutions	All	Supplies	\$ 783.70
Galls LLC	Fire	Clothing	\$ 1,196.11
General Traffic Controls Inc	Traffic Control	Supplies	\$ 1,413.81
Gregg Young Auto Center	Police	Service	\$ 5,447.71
Hartz, David	Street	Reimbursement	\$ 46.00
Hawkeye Lock & Security	City Center	Service	\$ 79.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,296.13
Henderson Products Inc	Snow Removal	Supplies	\$ 83.83
HGTV Magazine	Library	Subscription	\$ 12.00

Hillyard / Des Moines	Fire	Supplies	\$ 235.02
HLW Engineering Group	Landfill	Service	\$ 1,412.00
Homeguard Security Alarm	Parks	Service	\$ 585.00
Hotsy Cleaning Systems	Fire	Service	\$ 439.64
Housby Heavy Equipment LLC	City Garage	Supplies	\$ 194.36
HQI	City Garage	Supplies	\$ 57.48
Hy-Vee Inc	All	Supplies	\$ 734.05
Image Trend Inc	Fire	Service	\$ 1,776.00
IMWCA	All	Insurance	\$ 2,059.86
Iowa Dept of Natural Resources	Landfill	Service	\$ 15,788.29
Iowa Dept of Public Health	Fire	Service	\$ 25.00
Iowa Golf Association	Golf	Merchandise	\$ 815.00
Iowa Inspections	Fire	Service	\$ 3,150.00
Iowa One Call	Engineering	Service	\$ 148.90
Iowa Peace Officer Association	Police	Training	\$ 250.00
Iowa Plains Signing Inc	D&D Program	Supplies	\$ 645.00
Iowa Workforce Development	Parks/Golf/Fire	Service	\$ 3,786.00
Isolved Benefit Services	Finance	Service	\$ 93.07
ISU Extension & Outreach Jasper County	Landfill	Supplies	\$ 25.00
Jasper County Conservation	Parks	Supplies	\$ 500.00
Jasper County Recorder	Storm Water	Service	\$ 49.00
Johnson Aviation	Airport	Service	\$ 3,075.60
Keystone Labs	Water Pollution Control	Service	\$ 3,588.54
Kinetic Edge Physical Therapy	Street	Service	\$ 120.00
Latcham, Alex	Police	Reimbursement	\$ 21.83
Lessin Supply Co	Water Pollution Control	Supplies	\$ 346.36
Liberty Tire Services LLC	Landfill	Service	\$ 135.00
Lyman, Rick	Parks	Service	\$ 1,370.00
Machin, Ed	Water Pollution Control	Supplies	\$ 965.00
Magnum Automotive	Police/Fire	Service	\$ 1,567.44
Marsden Bldg Maintenance	City Center	Service	\$ 1,157.50
Marshalltown Arnold Motor Supply	City Garage	Supplies	\$ 511.44
Menards-Altoona	Public Works Building	Supplies	\$ 1,595.84
Mendez Foundation	Police	Supplies	\$ 409.83
MG Laundry Corporation	City Center/Fire	Service	\$ 151.95
Mid Country Machinery	Landfill	Supplies	\$ 592.24
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 134.86
Mosca Design	SSMID District	Supplies	\$ 43.70
MTI Distributing Inc	Golf	Supplies	\$ 221.37
Murphy Tractor & Equipment	Landfill	Supplies	\$ 847.94
NAPA Auto Parts	All	Supplies	\$ 3,436.45
NB Golf Cars LLC	Golf	Service	\$ 471.91
Neff, Dawn	Cemetery	Refund	\$ 1,440.00
News Printing Company	All	Service	\$ 577.17
Newton Apparel	Police	Supplies	\$ 150.00
Newton Main Street	Executive	Service	\$ 1,000.00
Nichols Controls & Supply LLC	Water Pollution Control	Supplies	\$ 565.18
O'Halloran International	City Garage	Supplies	\$ 7,329.06
OHD	Fire	Supplies	\$ 340.00
O'Reilly Auto Parts	Parks	Supplies	\$ 119.00
Oskam Signs	SSMID District	Service	\$ 700.00
Otto Law Firm	Executive	Service	\$ 45.00

People Magazine	Library	Subscription	\$ 58.00
Power Process Equipment Inc	Water Pollution Control	Supplies	\$ 2,296.85
Preferred Pest Control Inc	Library	Service	\$ 364.00
Premier Office Equipment	Police	Service	\$ 395.40
Prevention	Library	Subscription	\$ 36.00
Psychology Today	Library	Subscription	\$ 29.97
Quill Corporation	All	Supplies	\$ 405.89
Regal Clean LLC	City Center	Supplies	\$ 1,468.38
Reserve Account-Pitney Bowes	Public Works	Postage	\$ 1,000.00
Riggs Printing Inc	Parks	Supplies	\$ 36.00
Sandry Fire Supply LLC	Fire	Merchandise	\$ 369.05
SchoolLife	Library	Supplies	\$ 73.45
SCS Engineers	Landfill	Training	\$ 750.00
Secretary of State	Landfill/Police	Service	\$ 60.00
Sign Pro	Police	Service	\$ 100.00
Spahn & Rose Lumber Co	All	Supplies	\$ 2,866.07
Springer Professional Home Services	City Center	Service	\$ 159.00
Store for Homes Furniture	Fire	Supplies	\$ 220.00
Streichers	Police	Equipment	\$ 55.00
Talbot, Jeff	Street	Reimbursement	\$ 64.00
Target Solutions Learning LLC	Public Works	Service	\$ 2,641.00
Terminal Supply Company	City Garage	Supplies	\$ 115.76
Theisen's	All	Supplies	\$ 920.92
Theisen's Marshalltown	Parks	Clothing	\$ 580.88
TK Elevator	City Center	Service	\$ 198.65
Tri-State Lock Service	Water Pollution Control	Supplies	\$ 57.00
True Value Hardware	All	Supplies	\$ 1,009.19
Turfwerks	Golf	Supplies	\$ 503.03
ULINE	Fire	Supplies	\$ 110.71
Unique Management Services	Library	Collections	\$ 50.00
USABlueBook	Water Pollution Control	Supplies	\$ 348.49
Van Maanen Electric Inc	Airport	Service	\$ 107.00
Volk, Ryan	Fire	Reimbursement	\$ 13.75
Warnick & Reeves Mechanical	All	Service	\$ 1,812.24
Water Department	All	Utility	\$ 161.76
Windstream	All	Utility	\$ 103.56
Ziegler Inc	Water Pollution Control	Supplies	\$ 1,585.01
Zoll	Fire	Supplies	\$ 1,231.53
TOTAL:			\$ 323,791.71

Pre-Authorized Payments

AT & T Mobility	Landfill	Utilities	\$ 110.06
Black Hills Energy	Library & Golf	Utilities	\$ 7,748.87
DISH Network	Airport	Utilities	\$ 137.07
DMACC - Ankeny Campus	North Central TIF	Rebate	\$ 218,279.59
Howe Excavating	Housing Demolitions	Service	\$ 51,973.27
Mediacom	Administration & Golf	Utilities	\$ 484.58
Trenary Tree Care LLC	Parks	Service	\$ 492.00
United States Cellular	All	Utilities	\$ 277.25
Van Maanen Electric	North Central TIF	Service	\$ 3,222.37

Verizon Wireless	Police & Disaster Services	Utilities	\$ 50.03
Water Department	All	Utilities	\$ 258.24
Windstream	All	Utilities	\$ 480.41
Windstream (Reso 2022-009)	Airport	Utilities	\$ 10,386.00
Total:			\$ 293,899.74

ACH Payments from Great Southern Bank

Advantage Credit Union	All	Insurance	\$ 15,225.00
Bank Iowa	All	Insurance	\$ 5,220.00
Great Southern Bank	All	Insurance	\$ 290.00
Kabel	All	Insurance	\$ 50.00
Met Life Dental	All	Insurance	\$ 10,671.74
Mutual of Omaha	All	Insurance	\$ 4,210.82
Payroll 1-15-22	All	Payroll	\$ 441,560.10
State of Iowa	All	Sales Taxes	\$ 2,149.00
Wellmark BC/BS	All	Insurance	\$ 185,443.17
Total:			\$ 664,819.83

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 300 block of East Twenty-Third Street South.

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

Financial Impact: None

Report Number: 22-017

Date: January 17, 2022

Lead Department: Police Department

Recommendation: Approve

Background:

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

The 300 block of E 23rd St S is 31 feet wide and is not wide enough to safely accommodate parking on both sides of the street during school days when pick up and drop off operations are underway. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on school days during the hours of 7:00AM – 4:00PM on the west side of E 23rd St S from the south curb line of S 3rd Ave E south 425 feet to a posted sign.

Eight (8) surveys describing the recommended changes were sent to the adjacent property owners along E 23rd St S and E 22nd St S. Five (5) surveys were returned with three (3) residents agreeing with the recommended changes and two (2) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking during school days during the hours of 7:00AM – 4:00PM on the west side of E 23rd St S from the south curb line of S 3rd Ave E south 425 feet to a posted sign.

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 300 BLOCK OF EAST TWENTY-THIRD STREET SOUTH

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

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

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

STREETS, SOUTHEAST QUADRANT

East Twenty-Third Street South.

"No Parking Anytime".

East and West side from First Avenue East south one hundred forty-two (142) feet.

East side from a posted sign two hundred eighty (280) feet south of South Third Avenue East south one hundred thirty-eight (138) feet to a posted sign

School Days, 7:00AM – 4:00PM, West side from the south curb line of South Third Avenue East south four hundred twenty-five (425) feet to a posted sign.

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 _____, 2022, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2022 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2022.

Dated this ____ day of _____, 2022.

Katrina Davis, City Clerk

Parking Survey— E 23rd St S

Please complete the survey responding to the City of Newton's recommendation for No Parking allowed on the west side of E 23rd S from S 3rd Ave E to 425 feet to the south and return to the City of Newton Police Department by December 17, 2021

I agree with the proposed parking changes ☒ ☐
I oppose the proposed parking changes

Comments from Aurora Heights School

Parking Survey— E 23rd St S

Please complete the survey responding to the City of Newton's recommendation for No Parking allowed on the west side of E 23rd S from S 3rd Ave E to 425 feet to the south and return to the City of Newton Police Department by December 17, 2021

I agree with the proposed parking changes ☒ ☐
I oppose the proposed parking changes

Comments from Resident at 405 E 23rd St S

Parking Survey— E 23rd St S

Please complete the survey responding to the City of Newton's recommendation for No Parking allowed on the west side of E 23rd S from S 3rd Ave E to 425 feet to the south and return to the City of Newton Police Department by December 17, 2021

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at 311 E 23rd St S
THE PROBLEM IS FROM THE INTERSECTION OF E 23RD ST AND E 22ND ST TO THE INTERSECTION OF E 23RD ST & S 5TH AVE. 3RD AVE IS NOT THE PROBLEM - IT SHOULD BE ALL INCLUSIVE OF THE WEST SIDE DIRECTLY ACROSS FROM THE SCHOOL BUILDING. THAT IS WHERE THE SAFETY ISSUE EXISTS. A PARTIAL MANDATE AS PROPOSED WILL NOT RESOLVE THE ISSUE.

Parking Survey— E 23rd St S

Please complete the survey responding to the City of Newton's recommendation for No Parking allowed on the west side of E 23rd S from S 3rd Ave E to 425 feet to the south and return to the City of Newton Police Department by December 17, 2021

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at 313 E 23rd St S

There is no place for the people to park! They already try to park across my driveway at 313. Perhaps the school needs to add parking Behind

Parking Survey— E 23rd St S

Please complete the survey responding to the City of Newton's recommendation for No Parking allowed on the west side of E 23rd S from S 3rd Ave E to 425 feet to the south and return to the City of Newton Police Department by December 17, 2021

I agree with the proposed parking changes ☒
I oppose the proposed parking changes ☐

Comments from Resident at 305 E 22nd St S

City of Newton Council Report



Item: Resolution approving the purchase and up-fit services for two 2022 Ford Police Interceptor SUVs and one 2022 Ford Ranger truck for \$120,300

Summary: Purchase two Ford Police Interceptor SUVs, one Ford Ranger truck, and transfer and installation of emergency equipment into the 3 new vehicles.

Financial Impact: \$120,300 from 2022 ARPA funds.

Report Number: 22-028

Date: February 7, 2022

Lead Department: Police Department

Recommendation:
Approve

Background:

The Police Department has two 2018 Ford police vehicles that have reached the end of their operational life for daily patrol operations. These vehicles require a higher level of maintenance and are in need of replacement. The Police Department proposes the purchase of two 2022 Ford Police Interceptor SUVs to replace the 2018 models.

The Police Department has seen significant issues with maintenance and repairs on the SUV units over the past several years due to the number of engine hours the vehicles compile. The SUVs have sensitive electronics, ammunition and medication contained within making it necessary for the vehicles to remain idling to control the cabin temperature within the vehicle during operations. Ford introduced a hybrid model of the Ford Police Interceptor SUV in 2019. Hybrid models run off of an electric motor during idle, thus reducing hours on the gas motor and reducing heat within the engine compartment. This has translated to a reduction in maintenance and fuel costs of \$3500-\$5700 per year based on the experience of police departments nationwide. Hybrid models cost \$4000 more than the standard gas model, but the savings in maintenance and fuel over the life of the unit is expected to make up for the additional upfront cost.

The following quotes were received for the purchase of the two 2022 Ford SUVs:

Stivers Ford of Waukee:	\$73,898
Gregg Young Ford of Newton:	\$74,994

In 2020 the Police Department took on the majority of code enforcement and animal control responsibilities and added additional staff to perform these duties. The Community Service Officers are in need a vehicle that will allow them to effectively perform their duties, which includes transporting dogs and other animals as well as enforcing snow ordinance violations

during inclement weather. The Police Department proposes the purchase of a Ford Ranger 4x4 truck to fill this need.

The following quotes were received for the purchase of the Ford Ranger truck:

Stivers Ford of Waukee:	\$26,761
Gregg Young Ford of Newton:	\$27,168

Although Stivers Ford of Waukee, IA submitted the lowest bid for the purchase of the vehicles, pursuant to the City finance policy on local purchases, Gregg Young Ford of Newton's bid is within 5% of the lowest bid and would therefore be the recommended vendor for the purchase. Expected delivery of the new vehicles will be after July 1, 2022 and payment would not be required until delivery.

In order for the new emergency vehicles to become operational, some of the equipment from the old police vehicles will be transferred into the new police vehicles. Several pieces of new equipment will need to be purchased and installed due to items being outdated or not compatible with the SUV models.

Iowa Emergency Vehicle Installs of Bondurant, IA has a long term relationship with the Police Department and maintains all of the department's emergency equipment. Iowa Emergency Vehicle Installs submitted an estimate of \$18,138 for the purchase, transfer and installation of emergency equipment into the new vehicles.

The Police Department proposes to trade-in, auction off or transfer to another City department any old police vehicles that will no longer be need due to the acquisition of the new units.

Recommendation

City Staff recommends approving the purchase of two 2022 Ford Police Interceptor SUVs and one 2022 Ford Ranger truck from Gregg Young Ford of Newton, IA and up-fit services from Iowa Emergency Vehicle Installs of Bondurant, IA for a total cost of \$120,300 to be paid through anticipated 2022 ARPA funds.



Matt Muckler
City Administrator

Attachment

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE PURCHASE AND UP-FIT SERVICES FOR TWO
2022 FORD POLICE INTERCEPTOR SUVS AND ONE 2022 FORD RANGER TRUCK
FOR \$120,300**

WHEREAS, the City has recognized the necessity of replacing two squad cars used by the Police Department in daily operations; and

WHEREAS, Police Department is additionally in need of a truck to perform code enforcement and animal control duties, and

WHEREAS, Gregg Young Ford of Newton, IA submitted a bid amount of \$102,162 for two Ford Police Interceptor SUVs and one Ford Ranger 4x4 truck, and

WHEREAS, the vehicles will require installation and set-up of emergency equipment upon delivery; and

WHEREAS, Iowa Emergency Vehicles Installs of Bondurant, IA has a long-term relationship with the Police Department and maintains the department's emergency equipment. Iowa Emergency Vehicle Installs submitted an estimate of \$18,138 for the purchase, transfer and installation of emergency equipment into the new patrol vehicles.

WHEREAS, delivery and payment of these vehicles would not occur until after July 1, 2022; and

WHEREAS, the Police Department is authorized to trade-in, auction or transfer to another City department any police vehicles that will no longer be needed due to the acquisition of the new vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the purchase of two 2022 Ford Police Interceptor SUVs and one 2022 Ford Ranger truck from Gregg Young Ford of Newton, IA and up-fit services from Iowa Emergency Vehicle Installs of Bondurant, IA for a total cost of \$120,300 to be paid through 2022 ARPA funds.

PASSED this _____ day of _____, 2022.

APPROVED this _____ day of _____, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution approving the purchase of code enforcement software and services from MyGov, LLC.

Summary: Update code enforcement software to meet current needs of the City.

Financial Impact: \$5938.24 from FY22 general fund budget.

Report Number: 22-029

Date: February 7, 2022

Lead Department: Police Department

Recommendation:
Approve

Background: The City's current code enforcement software is outdated and does not currently meet the needs for efficient operations. Although the current system provides an easy mechanism for citizens to report code enforcement issues, the back-end management of the system is antiquated, thus hindering communication and workflow between departments and residents and creating more internal processes than necessary.

City staff researched several code enforcement software vendors and received a proposal from MyGov, LLC of Dallas, TX that met the needs and requirements of the City. The proposed software has an enhanced citizen portal allowing residents to easily report code violations, upload photos of violations, look up addresses through a GIS mapping system to determine case statuses and receive timely updates on reports that they have made. Citizens can report code violations anonymously or they can create an account to receive personal follow up from City staff.

The management side of the software includes a document manager, workflow manager, allows for mobile inspections on laptops or tablets, notice and/or infraction generator, and has enhanced alerts and notices to keep residents informed of the status of their complaint throughout the entire process.

MyGov, LLC proposes a pro-rated subscription from February of 2022 through June of 2022 in the amount of \$5938.24. This includes one-time set up fees of \$2695.00 and \$3243.24 in subscription fees. The annual ongoing subscription fee beginning in July of 2022 would be \$9360.00.

RECOMMENDATION

City Staff recommends approval of the resolution to purchase code enforcement software from MyGov, LLC. of Dallas, TX for \$5938.24 utilizing the existing FY22 general fund budget.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION APPROVING THE PURCHASE OF CODE ENFORCEMENT
SOFTWARE AND SERVICES FROM MYGOV, LLC**

WHEREAS, the City's current code enforcement software is outdated and does not currently meet their needs for efficient operations; and

WHEREAS, City staff researched several code enforcement software vendors and received one proposal that met the City's needs and requirements; and

WHEREAS, MyGov, LLC of Dallas, TX proposed a pro-rated annual subscription beginning in February of 2022 in the amount of \$5938.24; and

WHEREAS, the proposed code enforcement software and services would save considerable staff time annually and provide a more convenient way for residents to report and track code enforcement issues; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, approves the purchase of the code enforcement software subscription from MyGov, LLC. for \$5938.24.

PASSED this _____ day of February, 2022

APPROVED this _____ day of February, 2022

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving a 3 Year Commitment to Provide Funding to Newton Development Corporation for the NTT IndyCar Series

Summary: Resolution Approving a 3 Year Commitment to Provide Funding to Newton Development Corporation for the NTT IndyCar Series

Financial Impact: \$33,000 in the Current Budget Using General Fund Balance and Upcoming 2 Fiscal Years using General Funds to be Paid Back with Future Tax Increment Financing Funds

Report Number: 22-030

Date: February 7, 2022

Lead Department:
Administration

Recommendation:
Approval

BACKGROUND

Hy-Vee, Penske Motorsports, and the NTT IndyCar Series announced on August 19, 2021 that the Hy-VeeDeals.com 250 will be held on Saturday, July 23, 2022 and the Hy-Vee Salute to Farmers 300 will be held on Sunday, July 24, 2022 at the Iowa Speedway. The IndyCar doubleheader will take place each year for the next three years.

In order to encourage tourism in Newton and to partner with the event organizers, the City has been asked by the NTT IndyCar Series to contribute \$33,000 annually towards the event.

The City would provide this funding to the Newton Development Corporation, who would provide these funds and coordinate partnership activities with the NTT IndyCar Series.

Recommendation:

Staff recommends approval of a resolution to provide funding to Newton Development Corporation for the current and next 2 fiscal years in the amount of \$33,000 each year for support of the NTT IndyCar Series.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING A 3 YEAR COMMITMENT TO PROVIDE FUNDING TO NEWTON DEVELOPMENT CORPORATION FOR THE NTT INDYCAR SERIES

WHEREAS, Hy-Vee, Penske Motorsports, and the NTT IndyCar Series announced on August 19, 2021 that the Hy-VeeDeals.com 250 will be held on Saturday, July 23, 2022 and the Hy-Vee Salute to Farmers 300 will be held on Sunday, July 24, 2022 at the Iowa Speedway. The IndyCar doubleheader will take place each year for the next three years; and

WHEREAS, In order to encourage tourism in Newton and to partner with the event organizers, the City has been asked by the NTT IndyCar Series to contribute \$33,000 annually towards the event; and

WHEREAS, The City would provide this funding to the Newton Development Corporation, who would provide these funds and coordinate partnership activities with the NTT IndyCar Series,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa approves a resolution to provide funding to the Newton Development Corporation for the current and next 2 fiscal years in the amount of \$33,000 each year for support of the NTT IndyCar Series.

PASSED this 7th day of February 2022.

APPROVED this _____ day of February, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution approving Newton's membership to the Mid-Iowa Planning Alliance.



Summary: The Mid-Iowa Planning Alliance (MIPA) would provide economic development and planning support, such as grant writing and grant administration.

Report Number: 22-031

Date: February 7, 2022

Lead Department: Community Development Department

Financial Impact: \$2,955.00 for first 15 months, \$2,364 annual membership

Recommendation: Approve

The Mid-Iowa region, consisting of Boone, Dallas, Jasper, Marion, Polk, Story and Warren Counties, is the only region in Iowa without an Economic Development District (EDD). An EDD is two things:

- A designation that is given by the U.S. Economic Development Administration to regions that have experienced economic distress, providing benefits such as increased funding opportunities;
- An associated entity, or EDD Organization, which serves the jurisdictions within the EDD region.

Mid-Iowa is now eligible to receive an EDD designation for the first time since the floods of 2008, due to the detrimental economic impacts of the COVID-19 pandemic and the derecho of 2020.

MIPA (Mid-Iowa Planning Alliance) was formed in 2021 by a group of city and county staff members, economic development professionals, and other stakeholders in the region, with the goal of having Mid-Iowa designated as an EDD and MIPA as the supporting EDD organization. The process has been managed by staff of the [Des Moines Area Metropolitan Planning Organization](#) (MPO), who will remain involved going forward.

The region's application for EDD designation is currently being reviewed by the U.S. Economic Development Administration. While not guaranteed, the designation is anticipated to be received in early 2022 and MIPA is projected to be operational with full-time staff by April 1, 2022.

MIPA will provide its members with professional planning and technical assistance, as well as seek out state and federal funding opportunities for local projects. As a support organization, MIPA also offers its members assistance in the writing and administration of grants, among other things. In summary, the core benefits and services of being as MIPA member include:

- Grant writing & administration
- Regional planning, i.e. Comprehensive Economic Development Strategy (CEDS)

- Membership support, e.g., technical assistance, map-making, local planning
- Option to contract with MIPA for local planning, such as comprehensive plans, zoning updates, or urban renewal plans

Member governments can add their proposed projects to a project list in the [Mid-Iowa Comprehensive Economic Development Strategy](#) (CEDS). While being on the list doesn't guarantee any funding, it tells potential funders that these projects are part of a larger strategy to advance regional goals, thereby making the grant applications more competitive.

Funding and DUES

MIPA will leverage federal grant dollars to help pay for its staffing costs. Once the region is designated as an Economic Development District (EDD), MIPA will be eligible for grant funding of \$70,000 annually for staffing. Called the Partnership Program, this grant requires 1-to-1 local match, which is why MIPA will be charging annual membership dues.

MIPA is optional to join, and jurisdictions can join at any time. There is no cost to jurisdictions that are not MIPA members.

Dues are based on jurisdictions' population, which is determined by the decennial Census counts or annual Census estimates, whichever is most recent. For counties governments, only the population in the unincorporated portions of the county are counted. Annual membership is \$0.15 per capita. Newton's dues for the first 15 months would be \$2,955.00.

REPRESENTATION

MIPA will be governed by a Board of Directors with representation from all member jurisdictions, while day-to-day operations will be overseen by an Executive Committee.

The Board of Directors will have authority over key decisions, such as MIPA's annual budget, one-time stimulus funds (if they come available), the bylaws, membership dues, and the adoption of the CEDS. The Board of Directors will be comprised of one director per member jurisdiction, one representative of private business from within each county, one representative from the Greater Des Moines Partnership, and one representative each from the Des Moines Area Community College and Iowa State University. The Board of Directors will meet annually.

The Executive Committee will provide oversight of day-to-day operations of MIPA, including planning processes and contracts for planning services (if any). The Executive Committee will be comprised of three representatives from within each county, including two public officials and one private representative. The Executive Committee will meet monthly.

Recommendation: Staff recommends approval the resolution to join the Mid-Iowa Planning Alliance.



Matt Muckler
City Administrator

**RESOLUTION APPROVING NEWTON’S MEMBERSHIP
TO THE MID-IOWA PLANNING ALLIANCE.**

WHEREAS, the Mid-Iowa Planning Alliance for Community Development is established under Chapter 504 of the Code of Iowa, and

WHEREAS, the Mid-Iowa Planning Alliance for Community Development is seeking designation from the U.S. Economic Development Administration as the Economic Development District serving the Mid-Iowa Region, supporting economic development in Boone, Dallas, Jasper, Marion, Polk, Story, and Warren Counties, and

WHEREAS, the Mid-Iowa Planning Alliance for Community Development is applying for the Partnership Program from the U.S. Economic Development Administration to help pay for staffing, a grant which requires local match money, and

WHEREAS, the City of Newton desires to be a member of the Mid-Iowa Planning Alliance for Community Development and participate in its area-wide plans and programs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that the City of Newton desires to participate in the partial fiscal year 2022 and full fiscal year 2023 planning and economic development programs of the Mid-Iowa Planning Alliance for Community Development;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa that \$2,955.00 from the Community Development General Fund Budget be provided for the operation of the Mid-Iowa Planning Alliance for Community Development’s planning and development programs for the initial 15 months of membership and that the annual membership cost of \$2,364 be provided after the completion of the initial 15 month period, from the same general fund budget.

PASSED this _____ day of February, 2022

APPROVED this _____ day of February, 2022

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

December 3, 2021

Mayor Michael Hansen
City of Newton
101 W 4th Street South P.O. Box 399
Newton IA 50208-0399



12/6/21

Honorable Mayor Hansen,

It is my pleasure to formally invite the City of Newton to join the Mid-Iowa Planning Alliance for Community Development (MIPA), a new nonprofit organization that is dedicated to supporting communities in Boone, Dallas, Jasper, Marion, Polk, Story and Warren Counties.

MIPA was formed earlier this year by a group of city and county staff members, economic development professionals, and other stakeholders from the Mid-Iowa region. MIPA is expected to be operational with full-time staff starting April 1, 2022, and will provide professional planning, programming, and technical assistance to its members. Eligible jurisdictions (cities and counties) receive the following services with membership:

- Grant writing & administration
- Regional Planning, e.g. Comprehensive Economic Development Strategy
- Other member support, e.g. technical assistance, map-making, and local planning
- Option to contract with MIPA for local planning, such as comprehensive plans or zoning updates

MIPA will leverage federal grant dollars to help pay for its staffing costs. MIPA is in the process of being designated by the U.S. Economic Development Administration as an "Economic Development District," which has several benefits. For one thing, the designation will open more funding opportunities for local projects. For another, it will provide \$70,000 annually for staffing.

The federal grant for staffing requires 1-to-1 local match, which is why MIPA is charging annual membership dues of 15 cents per capita. For the first 15 months of MIPA's operations, those dues would come to \$2,955 for the City of Newton. Membership is optional, so there's no cost if you don't join. Though we believe the benefits outweigh the costs and hope you will consider joining.

We have created a webpage (www.mid-iowaplanningalliance.com/membership) that outlines all the information about membership. The site includes a rate sheet, bylaws, general information about membership, instructions for joining, and a template resolution. The deadline for this enrollment period is Tuesday, February 15. Communities may join later; the next enrollment window will be in early 2023.

We're happy to have a discussion with you, as well. For more information or a presentation from MIPA staff, please reach out to Gunnar Olson at 515-334-0075 or golson@mid-iowaplanningalliance.com. For a local reference, you can call or email Jeff Davidson of Jasper County Economic Development at 641-417-9500 or JEDCOIowa@gmail.com.

Sincerely,



Todd Ashby
CEO / Executive Director



Supporting Economic Development in
Boone, Dallas, Jasper, Marion, Polk,
Story, and Warren Counties.

City of Newton Council Report

Item: Resolution accepting ownership of property located in the Southeast Quarter of the Southeast Quarter Section 25, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa.

Summary: The new owners of a larger parcel of property, located mostly in unincorporated Jasper County and in the vicinity of East 31st Street North and North 4th Avenue East, wish to deed the sliver of land from this larger parcel which resides inside the Newton Corporate Limits. The resolution accepts the land, which is approximately 0.05 acres in size.

Financial Impact: No cost to accept the property.



Report Number: 22-032

Date: February 7, 2022

Lead Department: Community Development Department

Recommendation: Approve

Mr. and Mrs. Hanssens have recently purchased a piece of property just over 12 acres in size located in the vicinity of East 31st Street North and North 4th Avenue East. A small sliver of that property, approximately 0.05 acres in size, lies within the Newton City Limits. The remainder lies in unincorporated Jasper County.

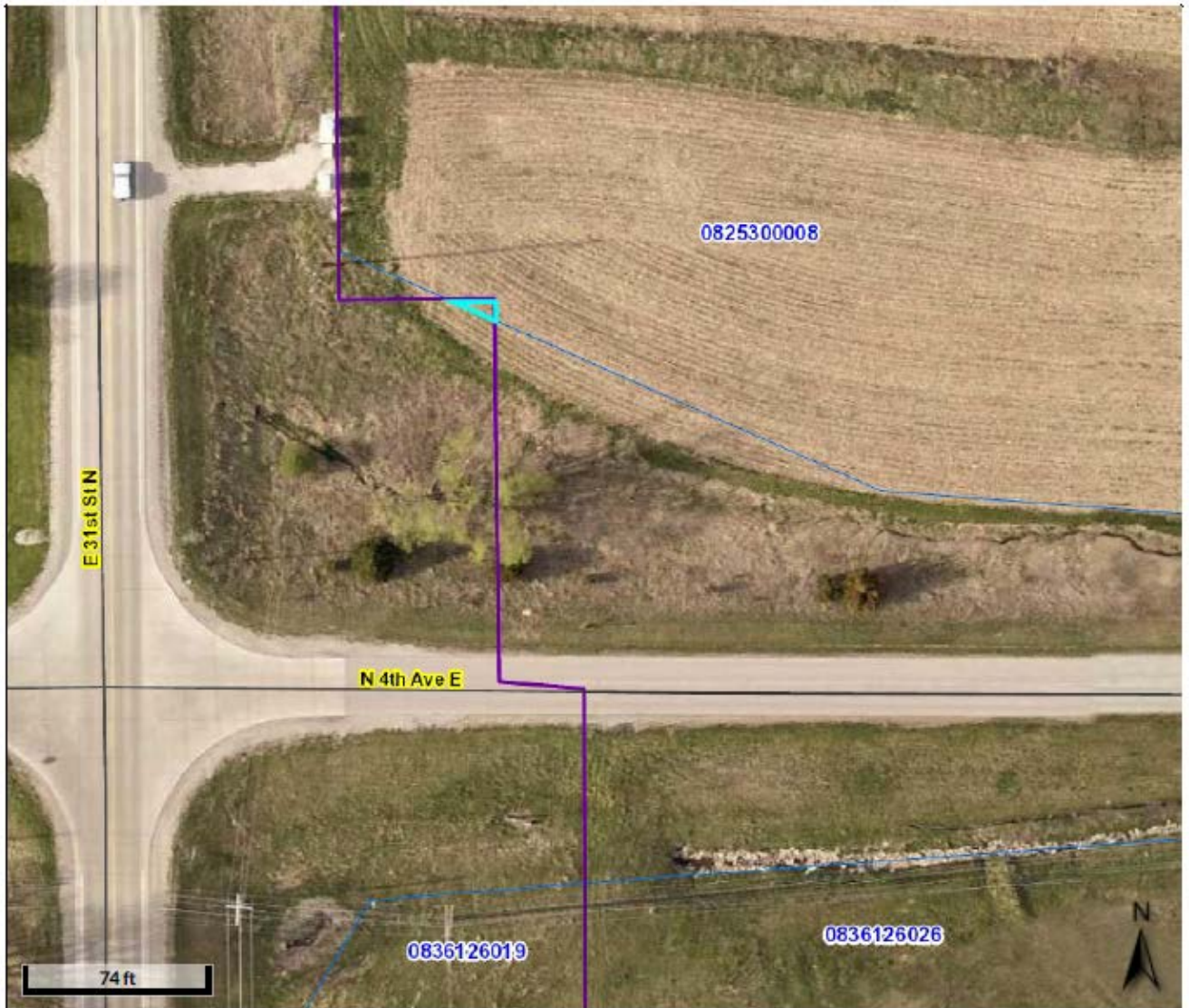
The sliver abuts City right-of-way. The owners wish to quit-claim deed the portion of this parcel to the City of Newton. They are not asking for payment for the land. Its use will be as City right-of-way.

Recommendation: Staff recommends approval the resolution accepting title to the land, which will serve as additional right-of-way.

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

Matt Muckler
City Administrator

Property to be deeded to City of Newton
Highlighted in Blue



RESOLUTION NO. 2022 – _____

**RESOLUTION ACCEPTING OWNERSHIP OF PROPERTY LOCATED IN THE
SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25,
TOWNSHIP 80 NORTH, RANGE 19 WEST OF THE 5TH P.M., JASPER COUNTY,
IOWA**

WHEREAS, the Devin Hanssen and Sarah Hanssen own property inside the corporate limits of the City of Newton and legally described as follows:

**That part of Parcel “B,” described below, that is located within the
Corporate Limits of the City of Newton, Iowa:**

Parcel “B” is located in the Southeast Quarter of the Southwest Quarter of Section 25, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, as shown in Plat of Survey recorded in Instrument No. 2022-00000046 in the records of the Jasper County Recorder;

WHEREAS, the property owner desires to quit-claim said property, located within the corporate limits of the City of Newton, to the City of Newton as additional right-of-way, and

WHEREAS, said property is approximately 0.05 Acres in size, and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa: the property described as follows: That part of Parcel “B,” described below, that is located within the Corporate Limits of the City of Newton, Iowa: Parcel “B” is located in the Southeast Quarter of the Southwest Quarter of Section 25, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, as shown in Plat of Survey recorded in Instrument No. 2022-00000046 in the records of the Jasper County Recorder is hereby accepted.

PASSED this _____ day of February, 2022

APPROVED this _____ day of February, 2022

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution approving the acquisition of real estate at 506 West 7th Street North, Newton, Jasper County, Iowa for the D&D Program

Summary: The property at 506 West 7th Street North has been offered to the City of Newton. The subject property is adjacent to other property under the City's ownership.

Financial Impact: Purchase price is \$5,000.00 from bonded funds for the D&D program.



Report Number: 22-033

Date: February 7, 2022

Lead Department: Community Development Department

Recommendation:
Approve

Summary: The City has the opportunity to move forward with the acquisition of a property at 506 West 7th Street North. The subject property is adjacent to property under the City of Newton's ownership, commonly known as the Waterworks Garage.

Analysis of the Purchase: The property at 506 West 7th Street North has a assessed land value of \$12,520. The purchase price of \$5,000 is aligned with past acquisitions through the program calculating out to approximately \$0.40 per \$1.00 of assessed value.

Recommendation: City Staff recommends approval.

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

Matt Muckler
City Administrator

Location Map 506 W 7 ST N



RESOLUTION NO. 2022- _____

**RESOLUTION APPROVING THE ACQUISITION OF REAL ESTATE AT
506 WEST 7TH STREET NORTH, NEWTON, JASPER COUNTY, IOWA
FOR THE D&D PROGRAM**

WHEREAS, the City of Newton has established a Dangerous and Dilapidated Building Program through which it acquires real estate for sale and redevelopment, and,

WHEREAS, the acquisition of below described real estate at 506 West 7th Street North in Newton is in conformance with the program objectives and policies due to the fact that it is adjacent to other City-owned property, and

WHEREAS, Deborah K. Knopf, owner of the described real estate, has agreed to transfer ownership of the property to the City of Newton, and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That the acquisition of the real estate at

506 West 7th Street North, legally described as:
Lots 3 and 4 in Block 6 in McCollums Addition to the City of Newton, Jasper County, Iowa;

in accordance with the purchase agreement stipulating the following: a purchase price of \$5,000 from D&D Bond Funds.

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa:
That the Mayor is authorized to sign the offer to buy real estate, and the City Administrator or designee is hereby authorized to solicit bids for the demolition of the structure(s) on said lots.

PASSED this _____ day of February 2022.

APPROVED this _____ day of February 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



Deborah

OFFER TO BUY REAL ESTATE AND ACCEPTANCE (D & D)

To: Debra K. Knopf (herein designated as "Seller").

The City of Newton, a municipal corporation of the State of Iowa (herein referred to as the "City"), acting by and through its City Administrator, hereby offers to buy the real estate located at 506 W. 7 St. N. in the City of Newton, Jasper County, Iowa, described as follows: MCCOLLOM'S ADDITION LOT 3-4 BLOCK 6 IN THE CITY OF NEWTON, JASPER COUNTY, IOWA,

together with any easements and servient estates appurtenant thereto, buildings and improvements, hereinafter collectively called "property".

1. PURCHASE PRICE. City offers to buy said property for the total price of ^{FIVE} ~~FOUR~~ THOUSAND Dollars and 00/100 (\$5,000.00), payable in full, less any amounts paid by the City in behalf of the Seller for the purposes as provided at paragraph 13 herein, following final approval of this Offer to Buy by the Newton City Council, as provided at paragraph 20 herein, and immediately upon delivery of the Deed to the City.

2. TAXES. ^{CITY} Sellers shall pay all regular real estate taxes assessed for all prior Fiscal Years. Regular real estate taxes for Fiscal Year 2020-2021 shall be estimated and ~~prorated between Buyers and Sellers as of the date title is transferred~~, which estimate shall be based on the taxes assessed for the most recent Fiscal Year.

3. SPECIAL ASSESSMENTS. Seller shall pay all special assessments which are a lien on the date of acceptance of this offer.

4. CLOSING AND POSSESSION. The Seller shall ensure that the property has been vacated and is unoccupied prior to closing. The City and the Seller agree to close the sale of the vacated property within 90 days following final approval of this offer by the City Council and delivery to the City by the Seller a continued abstract of title showing free and merchantable title. The City shall be entitled to possession of said property upon transfer of title. Upon payment of the purchase price, the Seller shall transfer title and yield possession of the property to the City.

5. UTILITIES. The Seller shall be responsible for payment of all utility expenses incurred by it, its agents and/or lessees, as owner of the property and shall have ordered the disconnection of all utilities prior to transfer of title to the City.

6. INSURANCE. Sellers shall maintain the existing coverage for fire, wind storm and liability insurance until title has been transferred by Sellers to the City of Newton, as evidenced by delivery of a deed to, and acceptance of a deed by the City of Newton. Risk of loss from such hazards is on the City only after transfer of title in accordance herewith.

7. FIXTURES. (a) N/A

8. STATUS QUO MAINTAINED. N/A

9. ENVIRONMENTAL MATTERS.

(A). SELLERS warrant to the best of their knowledge and belief that there are no abandon wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Property, the Property does not contain asbestos, or urea-formaldehyde foam insulation which require remediation under current government standards, and SELLERS have done nothing to contaminate the Property with hazardous wastes or substances. SELLERS warrant that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous waste or substances, or underground storage tanks. SELLERS shall also provide BUYERS with a properly executed GROUDWATER HAZARD STATEMENT showing no wells, solid waste disposal sites, hazardous wastes and underground storage tanks on the Property unless disclosed here:

(B). BUYERS may at their expense, within 30 days after the date of acceptance, obtain a report from a qualified person to analyze the existence or nature of any hazardous materials, substances, conditions or wastes located on the Property. In the event any hazardous materials, substances, conditions or wastes are discovered on the Property which require remediation under current government standards, BUYERS' obligation hereunder shall be contingent upon the removal of such materials, substances, conditions or wastes or other resolution of the matter reasonably satisfactory to the BUYERS. The expense of any action necessary to remove or otherwise make safe any hazardous material, substances, conditions or waste shall be paid by SELLERS.

10. ABSTRACT AND TITLE. ^{CITY} Seller shall promptly continue and pay for the abstract of title to and including date of acceptance of this offer, and deliver to City for examination. The abstract shall become the property of the City when the purchase price is paid in full, and shall show merchantable title in conformity with this agreement, the land title law of the State of Iowa and Iowa Title Standards of the Iowa State Bar Association. Seller shall pay costs of additional abstracting and/or title work due to act or omission of seller, including transfers or death of Seller or assigns.

11. DEED. Seller shall convey title by warranty deed, with terms and provisions as per form approved by the Iowa State Bar Association, free and clear of liens and encumbrances, reservations, exceptions or modifications except as in this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer, with special warranties as to acts of Seller up to time of delivery of deed.

12. FOR THE SELLERS: JOINT TENANCY IN PROCEEDS AND IN SECURITY RIGHTS IN REAL ESTATE. If, and only if, the Sellers, immediately preceding this offer, hold the title to the above described property in joint tenancy, and such joint tenancy is not later destroyed by operation of law or by acts of the Sellers (1) then the proceeds of this sale, and any continuing and/or recaptured rights of Sellers in said real estate shall be and continue in Sellers as joint tenants with rights of survivorship and not as tenants in common; and (2) City, in the event of the death of either Seller agrees to pay

any balance of the proceeds of this sale to the surviving Seller and to accept deed from such surviving Seller consistent with paragraph 11 above; unless and except this paragraph 12 is stricken from this agreement.

13. **APPLICATION OF PROCEEDS.** It is agreed that at the time of settlement, funds of the purchase price may be used by the City to pay Seller's obligations under this offer for ~~taxes~~; other liens; the acquisition of outstanding interests, if any, of other parties; abstracting; costs of documentary stamps; recording fees and other costs incidental to the conveyance to City of merchantable title. *9/1-21*

14. **TIME IS OF THE ESSENCE.** Time is of the essence in this Agreement. If title objections are made by the City and not corrected or resolved to City's satisfaction within sixty (60) days of the date of the City Attorney's Title Opinion letter, or any extension of such date granted by the City in writing, the OFFER TO BUY REAL ESTATE AND ACCEPTANCE may be declared null and void in writing by the City at City's option.

15. **APPROVAL OF COURT.** If this property is an asset of any estate, trust or guardianship, this contract shall be subject to Court approval, unless declared unnecessary by the Buyer's attorney. If necessary, the appropriate fiduciary shall proceed promptly and diligently to bring the matter on for hearing for Court approval. (In that event the Court Officer's Deed shall be used.)

16. **CONTRACT BINDING ON SUCCESSORS IN INTEREST.** This contract shall apply to and bind the heirs, executors, administrators, assigns and successors in interest of the respective parties.

17. **INTENTION OF USE OF WORDS AND PHRASES.** Words and phrases herein, including any acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

18. **EXECUTION.** This offer to be accepted or rejected within ten (10) days from the date of this offer after which this offer shall be null and void. *9-1-21* *09-1-21*

19. **REPRESENTATIONS.** This document represents the entire agreement of both parties and can only be amended by a writing signed by both parties.

20. **APPROVAL.** This offer shall not be binding upon the City of Newton until approval by Resolution of the Newton City Council.

21. **JOINDER BY SELLER'S SPOUSE.** Seller's spouse, if not a titleholder immediately preceding acceptance of this offer, executes this contract only for the purpose of relinquishing all rights of dower, homestead and distributive share or in compliance with §516.13 The Code and agrees to execute the deed or real estate contract for this purpose.

22. **ANTI-MERGER PROVISION.** The parties specifically agree that all representations, warranties, agreements, responsibilities, obligations and commitments specified herein shall survive the execution, delivery and recording of the warranty deed required by paragraph 1 hereof, shall remain in full force and effective thereafter, and shall not be merged in or extinguished by such execution, delivery and recording of the warranty deed. Said warranty deed shall specifically recite the language of this anti-merger provision, and a copy of this OFFER TO BUY REAL ESTATE AND ACCEPTANCE shall be attached as an exhibit thereto.

23. **REPURCHASING PROVISION.** Seller and buyer agree that Seller and Seller's successors in interest, as set forth in paragraph 16 of this agreement, are prohibited from repurchasing the property while the property is owned by the City of Newton.

24. **NO REAL ESTATE AGENT OR BROKER.** Neither party has used the services of a real estate agent or broker in connection with this transaction.

DATE OF OFFER SEP 1, 2021 Negotiator For City Melvin Duncan

CITY OF NEWTON, IOWA By Building Official Title _____ Date _____

The foregoing offer is accepted this 10 day of September, 2021. *9th*

D. Delorach K. Knapp
Seller: _____ Social Security Number _____

Seller's Spouse: _____ Social Security Number _____