

Agenda: Newton City Council

City Council Meeting

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

April 18, 2022 6:00 p.m.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Proclamation | 2. Arbor Day – April 29, 2022 |
| Presentations | 3. Newton Community School District – Tom Messinger, NCSD Superintendent |
| Citizen Participation | 4. 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 | 5. April 4, 2022 Regular City Council Meeting Minutes |
| | 6. Approve Liquor Licenses for the following: Class B Beer Permit, Outdoor Service, Sunday Sales – Gezellig Brewing Company, LLC, 403 W 4 th St N Bldg 17; Class C Beer Permit, Sunday Sales – Git N Go convenience Stores Inc., 801 1 st Ave W. |
| | 7. Certify Police Officer List |
| | 8. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-04). (Council Report 22-114) |
| | 9. Resolution approving purchase of a new pool recirculating pump. (Council Report 22-115) |
| | 10. Resolution approving the hiring of Randy’s Lawn Care and Snow Removal for watering of plantings and district wide clean-up for the Newton Downtown SSMID. (Council Report 22-116) |
| | 11. Resolution for Awarding the Bid and Contracting for the Purchase of Cardiac Monitors and Accessories. (Council Report 22-117) |
| | 12. Resolution authorizing the purchase of two roll-off containers for the Newton Sanitary Landfill. (Council Report 22-118) |
| | 13. Resolution revising the vendor’s name for the purchase of a tractor for Streets, Landfill and Water Pollution Control. (Council Report 22-119) |

14. Resolution ordering bids, approving plans, specifications, form of contract, notice to bidders, ordering clerk to publish notice, fixing a date for receiving same, for a public hearing on plans, specifications, form of contract and estimate of costs for the 2022 Streetscape Improvement Project. (Council Report 22-120)
15. Resolution Approving a Property Tax Rebate for the Lion Development Group, LLC Property Located Within the North Central Urban Renewal Area. (Council Report 22-121)
16. Resolution Approving a Property Tax Rebate for the McCann Housing Associates, LP Property Located Within the McCann Urban Renewal Area. (Council Report 22-122)
17. Resolution Approving a Property Tax Rebate for the Newton Elite Properties, LLC Property Located Within the 1st Avenue East Urban Renewal Area. (Council Report 22-123)
18. Resolution Approving an Agreement with Eric Michaels Magic and Illusion to Perform a Magic Show at Newton Fest 2022. (Council Report 22-124)
19. Approve Bills

Public Hearing

20. Public Hearing on a Resolution Approving the Purchase Agreement for Real Property Located at 619 South 3rd Avenue East, Newton, Jasper County, Iowa. (Council Report 22-125)
 - VL Construction, LLC has offered \$5,000 to purchase the cleared D&D lot at 619 South 3rd Avenue East for the purpose of siting a Homes for Iowa single family home on the property.
 - The funds received from the sale of the property will be returned to the D&D program for future use.
21. Resolution Approving the Purchase Agreement for Real Property Located at 619 South 3rd Avenue East, Newton, Jasper County, Iowa. (Council Report 22-125)

Ordinances

22. First Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title III, Chapter 32, Section 32.016, "Appointment and Term", to Change the Term Ending Date for Civil Service from the First Monday in April to December 31st. (Council Report 22-126)
 - Over the last few years staff has worked to migrate the term dates of all the various boards and commissions to December 31st in order to streamline the administrative duties associated with tracking term dates.
 - Approval of this Ordinance would adjust the term expiration dates within the City Code to December 31st of the respective term expiration years. Once the Ordinance has passed a Resolution will come to the Council that would bring the term expiration dates of all three current members in alignment.
23. 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 Along East Thirty-First Street North, North Eleventh Avenue East and South Thirteenth Avenue East. (Council Report 22-127)

- In preparation for 2022 community events the Traffic Safety Committee reviewed parking on granular shoulders on several streets throughout the community.
- Parking along granular shoulders during large events creates a traffic hazard due to higher posted speed limits, increased traffic volume and the presence of pedestrians.
- The Traffic Safety Committee recommends restricting parking on both sides of the street in the 100-1800 blk. of E 31st St N, 1900-3000 blk. of N 11th Ave E and 1900-3000 blk. of S 13th Ave E.

Resolutions

24. Resolution approving internal loan and payment to Newton Housing Development Corporation for the purchase of real estate located at 1015 North 3rd Avenue East in Newton. (Council Report 22-128)
 - Newton Housing Development Corporation (NHDC) seeks to purchase 1015 North 3rd Avenue East for housing development and has requested City assistance.
 - The City will reimburse NHDC for up to 2/3rds of the property purchase price, not exceeding \$90,000. The City funds will be reimbursed when the project moves forward.
 - If the project does not move forward, the City will purchase the property from NHDC using First Avenue East TIF Funds and LMI Funds.
25. Resolution Approving the Special Events Policy and Application. (Council Report 22-129)
 - The City of Newton desires to have safe and engaging activities within the community.
 - The City of Newton is committed to providing a safe environment for attendees and organizers of large events that limit the impact to transportation in the community.
 - The City of Newton wants to keep citizens informed of events affecting their areas of residence or business.
26. Resolution Calling a Special Election, Setting September 13, 2022 as the Special Election Date and Adopting Ballot Language on the Proposition of the Newton City Council Assuming Governance of the Newton WaterWorks (Council Report 22-130)
 - The Newton Waterworks is a municipal water utility presently governed by a Board of Trustees.
 - In January of 2022 the Newton Waterworks Board of Trustees entrusted the City of Newton to provide management services and the City has provided these services in an excellent cost-effective manner.
 - On March 18, 2022, the Board of Trustees approved a resolution that recommends to the City Council that the Newton Waterworks Board of Trustees be dissolved and that governance of the Newton Waterworks permanently be placed with the Newton City Council.
 - By approving this resolution, the City Council would be calling for a special City election on Tuesday, September 13, 2022 at which time the registered voters of the City of Newton will be asked the following question: "Shall the Newton WaterWorks Board of Trustees be dissolved and the City Council of Newton, Iowa, in the County of

Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks.”

Staff Report 27. 2022 Community Services Dept. Project Update - Brian Laube, Community Services Director

Discussion 28. Discussion Item - Low-Mod Income Housing Funds Policy – Erin Chambers, Community Development Director

Mayor/Council Comments 29.

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



ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, Newton has been recognized as a Tree City USA by The National Arbor Day Foundation and desires to continue its tree-planting practices

NOW, THEREFORE, I, Michael L. Hansen, Mayor of the City of Newton, Iowa do hereby proclaim Friday, April 29th as

ARBOR DAY

In the City of Newton, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 18th day of April, 2022

Michael L. Hansen, Mayor

REGULAR CITY COUNCIL MEETING MINUTES
APRIL 04, 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 (via telephone), Trotter, Wade. Absent: None.

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

Mayor Hansen proclaimed April as Fair Housing Month.

Amanda Price, Executive Director for Newton Chamber of Commerce presented on events and projects that are coming up.

There was no citizen participation.

Moved by George, seconded by Dalton to approve consent agenda items 5-24.

5. March 21, 2022 Regular City Council Meeting Minutes
6. Approve Liquor Licenses for the following: Class C Beer Permit, Class B Native Wine Permit, Sunday Sales, Newton KOA, 1601 E 36th St S.
7. Approve Cigarette/Tobacco Retail Permits for Two Hy-Vee Pop-up Stores, 3333 Rusty Wallace Dr.
8. Resolution adopting 2022 S15 Supplement To the "Code of Ordinances of The City of Newton, Iowa, 2016", and approving distribution of the same to code subscribers. Resolution 2022-089 adopted.
9. Resolution reappointing Teresa Ray to serve on The Civil Service Commission for a term ending April 6, 2026. Resolution 2022-090 adopted.
10. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-03). Resolution 2022-091 adopted.
11. Resolution Approving Payment to S&P Global Ratings for Services Related to the 2022 Bonding. Resolution 2022-092 adopted.
12. Resolution Approving the Transfer of Funds in the amount of \$140,764.70 from the Tort Liability Fund to the Road Use Tax Fund for Debris Removal Equipment and Labor Costs related to the 2020 Derecho. Resolution 2022-093 adopted.
13. Resolution Approving Allocation of Local Option Sales and Service Taxes for Fiscal Year 2022-2023. Resolution 2022-094 adopted.
14. Resolution authorizing the filing of 657A.10A petitions for abandoned property at 121 South 3rd Avenue East, 925 1st Avenue East, and 1518 West 3rd Street North, Newton. Resolution 2022-095 adopted.
15. Resolution authorizing purchasing and gifting a trailer with barricades to Newton Main Street for use for future community events downtown. Resolution 2022-096 adopted.
16. Resolution awarding contract for the 2022 Parks Mowing Contract No. 1. Resolution 2022-097 adopted.
17. Resolution awarding contract for the 2022 Parks Mowing Contract No. 2. Resolution 2022-098 adopted.
18. Resolution awarding contract for the 2022 Parks Mowing Contract No. 3. Resolution 2022-099 adopted.
19. Resolution awarding contract for the 2022 Parks Mowing Contract No. 4. Resolution 2022-100 adopted.
20. Resolution approving a Telecommunications Licensing Agreement with Unite Private Networks – UPN 4718. Resolution 2022-101 adopted.
21. Resolution approving a Telecommunications Licensing Agreement with Jasper County. Resolution 2022-102 adopted.
22. Resolution authorizing the purchase of a snowplow truck with wing and underbody scraper for the Public Works Department. Resolution 2022-103 adopted.
23. Resolution setting a public hearing for the sale of City-owned property at 1024 N 11th Avenue East. Resolution 2022-104 adopted.
24. 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 awarding contract for the N 4th Ave W Traffic Signal Improvement 2022-01. There were no written comments. Moved by Hallam, seconded by Wade, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Ervin, seconded by Hallam to adopt the resolution. AYES: Six. NAYS: None. Resolution 2022-105 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution awarding contract for the Newton City Hall Parking Lot Reconstruction Project. There were no written comments. Moved by Trotter, seconded by Hallam, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Hallam, seconded by Trotter to adopt the resolution. AYES: Six. NAYS: None. Resolution 2022-106 adopted.

Moved by Ervin, seconded by Dalton, to approve the Third consideration of the Ordinance amending and updating the code of ordinances, City of Newton, Iowa, Title XV: Land Usage, Chapter 155: Site Plan Control and Chapter 158: Zoning, to amend residential development standards and increase

transparency in administrative procedures. AYES: Six. NAYS: None. Third Consideration passed. Moved by Trotter, seconded by George, to adopt the Ordinance. AYES: Six. NAYS: None. Ordinance 2411 was adopted.

Moved by Ervin, seconded by Trotter to adopt the Resolution to reorganize administrative staff within the Police Department. AYES: Six. NAYS: None. Resolution 2022-107 adopted.

Moved by Dalton, seconded by Trotter to adopt the Resolution approving the 2022-23 Non-Union Compensation Plan. AYES: Six. NAYS: None. Resolution 2022-108 adopted.

Moved by George, seconded by Wade to adopt the Resolution approving the granting of D&D 2.0 Grant Funds for the rehabilitation of a non-historic home at 512 East 19th Street South, Newton. AYES: Six. NAYS: None. Resolution 2022-109 adopted.

Moved by Ervin, seconded by Hallam to adopt the Resolution approving the Travel Iowa Data Co-op Agreement with the Iowa Economic Development Authority. AYES: Six. NAYS: None. Resolution 2022-110 adopted.

Moved by Wade, seconded by Trotter to adopt the Resolution providing for the issuance of \$1,670,000 General Obligation Corporate Purpose Bonds, Series 2022A and providing for the levy of taxes to pay the same. AYES: Six. NAYS: None. Resolution 2022-111 adopted.

Moved by Wade, seconded by Hallam to adopt the Resolution providing for the issuance of \$385,000 Taxable General Obligation Corporate Purpose Bonds, Series 2022B and providing for the levy of taxes to pay the same. AYES: Six. NAYS: None. Resolution 2022-112 adopted.

Moved by Trotter, seconded by George to adopt the Resolution approving an Engineering Services Agreement for Arbor Estates 2nd Addition. AYES: Six. NAYS: None. Resolution 2022-113 adopted.

Moved by Hallam, seconded by George to adopt the Resolution awarding contract for the 2022 Maytag Pool Heater Replacement Project. AYES: Six. NAYS: None. Resolution 2022-114 adopted.

Resolution approving internal loan and payment to Newton Housing Development Corporation for the purchase of real estate located at 1015 North 3rd Avenue East in Newton was postponed to the next meeting.

Public Works Director Jody Rhone presented on Public Works projects FY22/23.

During Mayor/Council comments Mayor Hansen stated that he learned about a change in the signage on a bridge that is owned by the City and the County. A statement was made on social media that the City doesn't want to spend money on the bridge and that is not the case.

At 7:27 pm it was moved by Trotter, seconded by George to go into closed session To Evaluate the Professional Competency of Individuals Whose Appointment, Hiring, Performance or Discharge Is Being Considered When Necessary to Prevent Needless and Irreparable Injury to That Individual's Reputation And That Individual Request A Closed Session. Pursuant To The Provisions Of Section 21.5(1)(i), Code of Iowa 2022. AYES: Six. NAYS: None. Motion passed.

Upon returning to open session at 7:55 pm with all council present, it was moved by Dalton, seconded by George to adopt the Resolution approving salary increase for City Administrator. Mayor Hansen proposed a 3.5% increase retroactive to the City Administrator's anniversary date of March 27, 2022. AYES: Six. NAYS: None. Resolution 2022-115 adopted.

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

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-04).

Report Number: 22-114

Date:

April 18, 2022

Summary:

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

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$682.52

Background:

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

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

Recommendation:

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

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 22-04)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 22-04: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 22-04: Assessment for the Expenses for Nuisance Abatement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 22-04: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 22-04: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-04: 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
Carolyn Schlangen	827106002	1518 W 3rd St N	Newton	\$74,000	\$135.00	\$75.00	\$210.00	NELSON'S SD LOTS 33-34	2/17/2022
Shielow Tucker	827407010	919 E 7th ST N	Newton	\$126,690	\$397.52	\$75.00	\$472.52	EDMUNDSON'S ADD LOTS 2-3 BLK 9 & E 1/2 VAC ALLEY ADJ ON W	3/14/2022
Total							\$682.52		

City of Newton Council Report

**Item:**

Resolution approving purchase of a new pool recirculating pump.

Report Number: 22-115

Date:

April 18, 2022

Summary:

Replacement of the old recirculation pump needed for pool operation.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$12,300.00 from the General Fund Budget.

Background:

The technical evaluation completed in 2020 for Maytag Pool recommended replacement of the older recirculation pump. This pump is essential to pool operations, as it recirculates water through the filters and the pool itself. Without this pump functioning, the pool cannot be opened to the public.

Staff sought quotes for said pump replacement, and was able to secure two quotes:

- Iowa Pump Works \$12,300.00
- Pleva Mechanical \$18,260.00

With approval of this resolution on April 18th, staff anticipates installation of this new pump ahead of the May 2022 pool opening. Iowa Pump Works has been utilized on past pump issues with the pool, and is the contractor most-familiar with the various pump systems in Maytag Pool.

Recommendation:

City Staff recommends that Council award the project to Iowa Pump Works of Ankeny, Iowa in the amount of \$ 12,300.00.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION APPROVING PURCHASE OF A
NEW POOL RECIRCULATING PUMP.**

WHEREAS, the technical evaluation completed in 2020 for Maytag Pool recommended replacement of the older recirculation pump; and

WHEREAS, this pump is essential to pool operations, as it recirculates water through the filters and the pool itself.

WHEREAS, without this pump functioning, the pool cannot be opened to the public; and

WHEREAS, staff sought quotes for said pump replacement, and was able to secure two quotes:

- | | |
|--------------------|-------------|
| • Iowa Pump Works | \$12,300.00 |
| • Pleva Mechanical | \$18,260.00 |

; and

WHEREAS, with approval of this resolution on April 18th, staff anticipates installation of this new pump ahead of the May 2022 pool opening; and

WHEREAS, Iowa Pump Works has been utilized on past pump issues with the pool, and is the contractor most-familiar with the various pump systems in Maytag Pool; and

WHEREAS, City staff recommends that Council award the project to Iowa Pump Works of Ankeny, Iowa in the amount of \$12,300.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the proposal of Iowa Pump Works of Ankeny, Iowa, in the amount of Twelve Thousand, Three Hundred Dollars and Zero Cents (\$12,300.00) for the purchase and installation of a new pool recirculating pump is hereby accepted.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Community Services Director is authorized to make said purchase, and the City shall utilize available General Fund Budget funds to pay for said pool improvement.

PASSED this _____ day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: A Resolution approving the hiring of Randy's Lawn Care and Snow Removal for watering of plantings and district wide clean-up for the Newton Downtown SSMID.

Summary: At their regular meeting on March 9th, the SSMID Board voted to renew an Agreement with Randy's Lawn Care & Snow Removal to water Downtown flowers and to perform clean up in the district from May 1 through October 31, 2022.

Financial Impact: \$125 per occasion for watering downtown flowers and \$500.00 per month for clean-up from the SSMID Fund (same as in 2021).



Report Number: 22-116

Date: April 18, 2022

Lead Department: Community Development Department

Recommendation:
Approve

Background: For the past eight years, the Downtown SSMID Board has hired contractors to water the plantings within the district and to perform general clean up twice a week. A number of contractors have been utilized over the past eight years, with Randy's Lawn Care & Snow Removal providing the district clean-up and plant watering services during the 2021 season.

Last year, the SSMID Board authorized a solicitation of bids for the 2021 Newton Downtown SSMID District Basic Cleaning and Plant Maintenance contract. The lowest of two bids was from Randy's Lawn Care & Snow Removal of Newton to provide watering service for \$125.00 per occasion, with the contractor supplying the water, and to provide cleaning services for \$500.00.

At their regular meeting on March 8, 2022, the Newton Downtown SSMID Board unanimously approved renewing the service Agreement with Randy's Lawn Care and Snow Removal for the project lasting from May 1, 2022 to October 31, 2022.

Recommendation: City Staff recommends approval of the Resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE HIRING OF RANDY’S LAWN CARE AND SNOW
REMOVAL FOR WATERING OF PLANTINGS AND DISTRICT WIDE CLEAN-UP FOR
THE NEWTON DOWNTOWN SSMID**

WHEREAS, the City of Newton has established the Newton Downtown SSMID and appointed a five member board that represents the district, and

WHEREAS, the Downtown SSMID Board sought bids for the 2021 Newton Downtown SSMID District Basic Cleaning and Plant Maintenance contract, and

WHEREAS, the lowest bid received was from Randy’s Lawn Care and Snow Removal of Newton for \$125.00 per occasion for watering of Downtown Plantings and \$500.00 per month to provide clean-up services within the Downtown District, and

WHEREAS, the Newton Downtown SSMID Board unanimously approved renewal of the Agreement with Randy’s Lawn Care and Snow Removal as the contractor for plant watering and district wide clean-up services at their regular meeting on March 8, 2022;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Randy’s Lawn Care and Snow Removal is hired as the planting care and district cleaning contractor for the Newton Downtown SSMID, and

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa:
That the attached agreement between Randy’s Lawn Care and Snow Removal and the City of Newton be executed.

PASSED this 18th day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



Newton

Downtown Clean-Up and Plant Care Agreement Between City of Newton and Randy's Lawn Care and Snow Removal

This Agreement made and entered into this ____ day of _____ 2022 by and between the City of Newton, Iowa, hereinafter called "City", AND Randy's Lawn Care and Snow Removal hereinafter called "Vendor."

WHEREAS, the City wishes to obtain the services of the Vendor to provide Newton Downtown Self-Supporting Municipal Improvement District (SSMID) Clean-up Services and Planting Care; and

NOW, THEREFORE BE IT UNDERSTOOD AND AGREED:

- 1.) The Vendor will two times per week conduct district cleaning:
 - a. Removal of litter within the district (see map Attachment A).
 - b. Sweeping and removal of grit, cigarette butts, leaves, and other debris from the sidewalks, walkways, alleys, and parking areas within the district, as necessary.
 - c. Removal of gum from City sidewalks and walkways, as necessary. (The SSMID will provide a gum removal product as needed by contractor.)
 - d. Cleaning of fixtures, such as benches and trashcans, as necessary.
- 2.) The Vendor will provide the following planting care as necessary:
 - a. Watering and Weeding Entire Downtown Area Plantings: Concrete Bunkers, Flower Pots, and plantings in Sersland Park, Northside Pocket Park, and Southside Pocket Park (located in the 200 block 1st Ave W, southward to S 2nd AVE W).

Water is not available in the downtown and is anticipated to be provided by tank/truck by the contractor. Watering shall not be done within 24 hours of significant rainfall.
- 3.) The Vendor shall defend and hold harmless the City, City's employees, agents, and subcontractors from liability arising from Vendor's performance of this contract.
- 4.) The Vendor will maintain liability insurance for injuries including accidental death and maintain property damage liability coverage. Vendor shall provide certificate of insurance indicating coverage.

- 5.) It is the Vendor's responsibility to maintain in force worker's compensation insurance in accordance with Iowa statutory requirements. The parties further agree that the Vendor is not an employee of the City of Newton and serves as an independent contractor.
- 6.) Term: This agreement shall be in effect from May 1, 2022 to October 31, 2022. This agreement may be cancelled by any party at any time within thirty (30) days written notice to the other party or parties.
- 7.) Conditions of Payment:
- a. The City will pay Vendor contract payments of \$500.00 per month for district cleaning.
 - b. The City will pay Vendor \$125.00 per occasion (Maximum of 4 times per week due to budget) for plant watering and weeding.
- 8.) The Vendor will provide invoices to the City of Newton for services performed on a monthly basis. Invoices shall be sent to the City at:
- Craig Armstrong, Development Specialist
403 W 4th Street N, Suite 501
Newton, Iowa 50208
- 9.) The City will make timely payments to all invoices received.

For Randy's Lawn Care and Snow Removal:

Randy Ray

Date

For City of Newton:

Michael L. Hansen, Mayor

Date

City of Newton Council Report



Item: Resolution for Awarding the Bid and Contracting for the Purchase of Cardiac Monitors and Accessories.

Report Number: 22-117

Summary: The Fire Department budgeted for the purchase of cardiac monitors through the Capital Improvement Plan under the ambulance purchase.

Date: April 18, 2022

Lead Department:
Fire

Financial Impact: \$33,997.40 to be paid from the 2021 Fire Vehicles bond proceeds.

Recommendation:
Approval of Resolution

Background:

As part of the 2022 Capital Improvement Plan, the Newton Fire Department received approval in the amount of \$285,000 to purchase a new ambulance and cardiac monitor.

Vendor	Bid
Zoll Medical Corporation	\$ 33,997.40

Zoll is the preferred vendor as all of our current and mutual aid partners equipment are manufactured by Zoll. In addition, Zoll Medical sells through a national sales market.

The Fire Department recommends purchasing the cardiac monitors and accessories from Zoll Medical in the amount of \$33,997.40. Included in the purchase price is \$32,722.40 monitor and a five-year service program fee of \$1,275 for the grand total of \$33,997.40.

Recommendation:

Staff recommends City Council approval of the Resolution accepting the bid and authorizing the Fire Department to contract for the purchase as presented. The funds are to be paid from the 2021 Fire Vehicle bond proceeds.

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

Matt Muckler
City Administrator

RESOLUTION NO 2022 - _____

**RESOLUTION FOR AWARDING THE BID AND CONTRACTING
FOR THE PURCHASE OF CARDIAC MONITORS AND
ACCESSORIES**

WHEREAS, in the 2022 Capital Improvement Plan the Newton Fire Department was funded in the amount of \$285,000 to purchase a new ambulance and a new cardiac monitor; and

WHEREAS, the Fire Department received a bid for the cardiac monitor and accessories from Zoll Medical Corporation of Chelmsford, MA in the amount of \$32,722.40 and the purchase of a five-year service program in the amount of \$1,275.00 for a grand total of \$33,997.40.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, to accept the bid from Zoll Medical Corporation in the amount of \$33,997.40. This purchase will be funded through the 2021 Fire Vehicle bond proceeds.

BE IT FURTHER RESOLVED by the City Council of the City of Newton, Iowa, that the fire department is authorized to proceed with the purchase of the items listed.

PASSED this _____ day of April 2022.

APPROVED this _____ day of April 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina A. Davis, City Clerk

City of Newton Council Report



Item: Resolution authorizing the purchase of two roll-off containers for the Newton Sanitary Landfill.

Summary: Replacement containers are needed for the customer convenience center at the landfill.

Financial Impact: \$24,176.00 of available Landfill Enterprise funds.

Report Number: 22-118

Date: April 18, 2022

Lead Department:
Public Works

Recommendation:
Approve

Background

The Newton Sanitary Landfill 28E board members approved building a customer convenience center in February 2014. The customer convenience center project was completed in the fall of 2014. Roll-off containers are utilized by customers to deposit their wastes. The roll-off containers provide an easy method to transport wastes to the active landfill cell and are showing wear and tear and with increased daily usage there is a need to purchase additional roll-off containers.

Staff presented a need to purchase two new 30-yard rolloff containers at the annual 28E budget workshop on February 8, 2022. All members in attendance were in favor of purchasing the new containers. Council approved the landfill operating budget on 2-21-2022; RESO 2022-046.

Staff utilized a specification bidding procedure to acquire bids for the roll-off containers. The following quote was received:

<u>Company</u>	<u>Quote per container</u>
Kelly Equipment, Fort Madison, Iowa	\$12,088.00

Kelly Equipment of Ft. Madison Iowa was the low bidder with a bid of \$12,088.00 per container for a total price of \$24,176.00 for two containers, including shipping.

Recommendation

Based on the bid price, City staff recommends purchasing two roll-off containers from Kelly Equipment for a total price of \$24,176.00. The purchase of the roll-off containers will be paid by available landfill enterprise funds.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO ROLL-OFF
CONTAINERS FOR THE NEWTON SANITARY LANDFILL**

WHEREAS, the customer convenience center project was completed in the fall of 2014 and roll-off containers are utilized by customers to deposit their wastes; and

WHEREAS, roll-off containers provide an easy method to transport wastes to the active landfill cell and are showing wear and tear and two replacement roll-off containers are needed; and

WHEREAS, staff presented a need to purchase two new 30-yard rolloff containers at the annual 28E budget workshop on February 8, 2022. All members in attendance were in favor of purchasing the new containers; and

WHEREAS, city staff utilized a specification bid process to purchase two 30-yard roll-off containers; and

WHEREAS, based on the desired specifications for roll-off containers, the low bid was received from Kelly Equipment of Fort Madison, Iowa in an amount of \$24,176 for two (2) roll-off containers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to purchase two 30-yard roll-off containers from Kelly Equipment of Fort Madison, Iowa in the amount of \$24,176.00. The roll-off containers will be paid utilizing available funds in the landfill enterprise fund.

PASSED this _____ day of April_____, 2022.

APPROVED this _____ day of April_____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution revising the vendor's name for the purchase of a tractor for Streets, Landfill and Water Pollution Control.

Summary: Revise vendor name for the earlier purchase of a John Deere 6105 E tractor from Van Wall Equipment to Deere and Company.

Financial Impact: Total cost of \$66,800.62 paid from Road Use, Landfill and WPC enterprise funds.



Report Number: 22-119

Date: April 18, 2022

Lead Department: Public Works

Recommendation: Approve

Background:

On April 5, 2021 City Council Approved Resolution 2021-081 authorizing the purchase of a 6105 E John Deere tractor from Van Wall Equipment of Colfax, Iowa. With the equipment being purchased through Sourcewell pricing, the invoices for said purchases are from Deere and Company instead of Van Wall Equipment. To process said purchases for payment Resolution 2021-081 must be revised to reflect Deere and Company as the vendor.

Recommendations:

Approval of revising the earlier purchase of a 6105E from John Deere tractor from Van Wall Equipment of Colfax, Iowa for bid amount of \$66,800.62 approved by resolution 2021-081 to Deere and Company of Chicago, Illinois in the amount of \$66,800.62. The total cost of \$66,800.62 will be paid from Road Use, Landfill and WPC enterprise funds as spelled out in previous resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION REVISING THE VENDOR'S NAME FOR THE PURCHASE
OF A TRACTOR FOR STREETS, LANDFILL AND WATER POLLUTION
CONTROL**

WHEREAS, on April 5, 2021 City Council Approved Resolution 2021-081 authorizing the purchase of a 6105 E John Deere tractor from Van Wall Equipment of Colfax, Iowa; and

WHEREAS, with the equipment being purchased through Sourcewell pricing, the invoices for said purchases are from Deere and Company of Chicago, Illinois instead of Van Wall Equipment; and

WHEREAS, to process said purchases for payment Resolution 2021-081 must be revised to reflect Deere and Company as the vendor; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to process payment for a John Deere 6105E tractor from Deere and Company of Chicago, Illinois in the amount of \$66,800.62. revising Resolution 2021-081.

PASSED this ____ day of April 2022.

APPROVED this ____ day of April 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item:

Resolution ordering bids, approving plans, specifications, form of contract, notice to bidders, ordering clerk to publish notice, fixing a date for receiving same, for a public hearing on plans, specifications, form of contract and estimate of costs for the 2022 Streetscape Improvement Project.

Summary:

Accept plans and order bids for the 2022 Streetscape Improvement Project

Financial Impact:

\$753,077 from 2021 Road Use Tax Revenue Bonds



Report Number: 22-120

Date:

April 18, 2022

Lead Department/Division:

Public Works

Recommendation:

Approve

Background:

The south 100blks of W 3rd St S, W 2nd St S, E 2nd St S and E 3rd St S have had several asphalt resurfacing projects over the last 65 years, with the last resurfacing project occurring 37 years ago. The asphalt surface is in need of rehabilitation. All four blocks have been widened to approximately 55 feet, eliminating the streetscape and causing poor street drainage.

Plans and specifications have been prepared by the Public Works Department and are ready to be placed out for bid. The project will include pavement scarification and asphalt resurfacing, reconstructing the East and West curb/gutters and storm sewer upgrades

The street will be reconstructed 40 feet wide (measured face of curb to face of curb) with parallel parking and new sidewalks. Returning the street to near its original width will improve street drainage and provide a grass area between the curb and the sidewalk for aesthetic improvement, pedestrian streetscape lighting, and snow storage. The proposed finished street will look similar to the S 2nd Ave project that was completed in 2017.

The proposed bid opening for the project will occur on May 6th, 2022 and the public hearing to accept the bids and award the work will take place at the regularly scheduled council meeting on May 16th, 2022. The engineer's estimate of construction cost is \$753,077 paid from the 2021 Road Use Tax Revenue Bonds.

Recommendation:

Approval to accept the plans, set dates, and obtain bids for the 2022 Streetscape Improvement Project

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 ORDERING BIDS, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, NOTICE TO BIDDERS, ORDERING CLERK TO PUBLISH NOTICE, FIXING A DATE FOR RECEIVING SAME, FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS FOR THE 2022 STREETScape IMPROVEMENT PROJECT

WHEREAS, the south 100blks of W 3rd St S, W 2nd St S, E 2nd St S and E 3rd St S have had several asphalt resurfacing projects over the last 65 years, with the last resurfacing project occurring 37 years ago. The asphalt surface is in need of rehabilitation. All four blocks have been widened to approximately 55 feet, eliminating the streetscape and causing poor street drainage.

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

WHEREAS, construction plans and specifications for the 2022 Streetscape Improvement Project have been prepared by City staff and are ready to be placed out for bid; and

WHEREAS, the total cost estimate for this project is \$753,077.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the 2022 Streetscape Improvement Project in the City of Newton, Iowa is hereby ordered to be advertised for bids for construction; and the project be paid for with 2021 Road Use Tax Revenue Bonds; and

BE IT FURTHER RESOLVED that the detailed plans and specifications as prepared by the City of Newton for the construction of the 2022 Streetscape Improvement Project in the City of Newton, Iowa, and the form of contract and Notice to Bidders and Notice of Public Hearing, be and the same are hereby approved, subject to hearing thereon, and are hereby ordered placed on file in the office of the City Clerk for public inspection; and

That the City Clerk is hereby directed to advertise for bids for the construction of said improvements. Bids will be received and opened at the office of the Public Works Director at 11:00 AM on the 6th day of May, 2022. There upon the bids will be referred to the City Council for action upon said bids at a future meeting to be held at the Council Chambers, Newton, Iowa. Notice to Bidders is to be published not less than thirteen (13) calendar days nor more than forty-five (45) days prior to the date fixed for said bid opening in the following: 1) a relevant contractor plan room service with statewide circulation, 2) a relevant construction lead generating service with statewide circulation and 3) the City of Newton website; and

That the Council hold a public hearing on the matter of the adoption of proposed plans, specifications and form of contract for the making of said improvements, which documents are now on file in the office of the City Clerk, said hearing to be held at the Council Chambers in the City Hall, Newton, Iowa, on the 16th day of May 2022, at 6:00 pm, and that the City Clerk give notice of said hearing by publication once in a local legal newspaper, printed wholly in English language, not less than four (4) clear days nor more than twenty (20) days prior to the date fixed therefore.

PASSED this _____ day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving a Property Tax Rebate for the Lion Development Group, LLC Property Located Within the North Central Urban Renewal Area

Summary: Resolution Approving Property Tax Rebate to the Lion Development Group, LLC Property According to the Approved Development Agreement

Financial Impact:
\$53,930 property tax rebate from the North Central Urban Renewal TIF Fund

Report Number: 22-121

Date: April 18, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in June of 2018 with Lion Development Group, LLC and amended this agreement in January of 2020 and March of 2021 on the property located at 320 W 3rd St N within the North Central Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by Lion Development Group, LLC in Fiscal year 21/22.

Lion Development Group, LLC has provided documentation that the second half of the North Central Urban Renewal Area property taxes owed in 2021-22 in the amount of \$53,930 have been paid to the Jasper County Treasurer and are eligible for rebate.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to Lion Development Group, LLC for the second half of the 21/22 property taxes.

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING A PROPERTY TAX REBATE FOR THE
LION DEVELOPMENT GROUP, LLC PROPERTY LOCATED WITHIN
THE NORTH CENTRAL URBAN RENEWAL AREA**

WHEREAS, the City of Newton (City) has established the North Central Urban Renewal Area; and

WHEREAS, a Development Agreement with Lion Development Group, LLC was entered into in June of 2018 and Amended in January of 2020 and March 2021 on the property located at 320 West 3rd Street North within the North Central Urban Renewal Area, and

WHEREAS, said Agreement provides that the City provide to the Developer a 100% TIF Property Tax Rebate in Fiscal Year 21-22, and

WHEREAS, the Developer has paid its property taxes for the second half of fiscal year 2021-2022 in the total amount of \$63,145 and is eligible to receive a 100% TIF rebate of \$53,930;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That, per the terms of the Development Agreement with Lion Development Group, LLC, a property tax rebate for the second half of fiscal year 2021-2022 taxes in the amount of \$53,930 is hereby approved.

PASSED this 18th day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving a Property Tax Rebate for the McCann Housing Associates, LP Property Located Within the McCann Urban Renewal Area

Summary: Resolution Approving Property Tax Rebate to the McCann Housing Associates, LP Property According to the Approved Development Agreement

Financial Impact:
\$30,662.38 property tax rebate from the McCann Urban Renewal TIF Fund

Report Number: 22-122

Date: April 18, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in March of 2018 with McCann Housing Associates, LP on the property located at 1105 East 12th Street South within the McCann Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by McCann Housing Associates, LP in Fiscal year 21/22.

McCann Housing Associates, LP has provided documentation that the second half of the McCann Urban Renewal Area property taxes owed in 2021-22 in the amount of \$30,662.38 have been paid to the Jasper County Treasurer and are eligible for rebate.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to McCann Housing Associates, LP for the second half of the 21/22 property taxes.

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING A PROPERTY TAX REBATE FOR THE
MCCANN HOUSING ASSOCIATES, LP PROPERTY LOCATED WITHIN
THE MCCANN URBAN RENEWAL AREA**

WHEREAS, the City of Newton (City) has established the McCann Urban Renewal Area; and

WHEREAS, a Development Agreement with McCann Housing Associates, LP was entered into in March of 2018 on the property located at 1105 East 12th Street South within the McCann Urban Renewal Area, and

WHEREAS, said Agreement provides that the City provide to the Developer a 100% TIF Property Tax Rebate in Fiscal Year 21-22, and

WHEREAS, the Developer has paid its property taxes for the second half of fiscal year 2021-2022 in the total amount of \$35,902 and is eligible to receive a 100% TIF rebate of \$30,662.38;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa: That, per the terms of the Development Agreement with McCann Housing Associates, LP a property tax rebate for the second half of fiscal year 2021-2022 taxes in the amount of \$30,662.38 is hereby approved.

PASSED this 18th day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Approving a Property Tax Rebate for the Newton Elite Properties, LLC Property Located Within the 1st Avenue East Urban Renewal Area

Summary: Resolution Approving Property Tax Rebate to the Newton Elite Properties, LLC Property According to the Approved Development Agreement

Financial Impact:
\$9,323.78 property tax rebate from the 1st Avenue East Urban Renewal TIF Fund



Report Number: 22-123

Date: April 18, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in November of 2020 with Newton Elite Properties, LLC on the property located at 1123 1st Avenue East within the 1st Avenue East Urban Renewal Area. The Agreement states that the City shall rebate 90% of all TIF property taxes paid by Newton Elite Properties, LLC in Fiscal year 21/22.

Newton Elite Properties, LLC has provided documentation that all property taxes have been paid to the Jasper County Treasurer for FY 2021-22 for the property, and the amount of rebate from the TIF fund would be \$9,323.78.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to Newton Elite Properties, LLC for the 21/22 property taxes.

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 APPROVING A PROPERTY TAX REBATE FOR THE
NEWTON ELITE PROPERTIES, LLC PROPERTY LOCATED WITHIN
THE 1ST AVENUE EAST URBAN RENEWAL AREA**

WHEREAS, the City of Newton (City) has established the 1ST Avenue East Urban Renewal Area; and

WHEREAS, a Development Agreement with Newton Elite Properties, LLC was entered into in November of 2020 on the property located at 1123 1st Avenue East within the 1st Avenue East Urban Renewal Area, and

WHEREAS, said Agreement provides that the City provide to the Developer a 90% TIF Property Tax Rebate in Fiscal Year 21-22, and

WHEREAS, the Developer has paid its property taxes for the fiscal year 2021-2022 in the total amount of \$21,642 and is eligible to receive a 90% TIF rebate of \$9,323.78;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That, per the terms of the Development Agreement with Newton Elite Properties, LLC a property tax rebate for the fiscal year 2021-2022 taxes in the amount of \$9,323.78 is hereby approved.

PASSED this 18th day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item:

Resolution approving an agreement with Eric Michaels Magic and Illusion to perform a magic show at Newton Fest 2022.

Report Number: 2022-124

Date:

April 8, 2022

Summary:

Newton Fest continues to strive to provide free entertainment to the community during the second weekend in June. City staff has worked with magician Eric Michaels (Ver Steegt) to do a 60 minute performance on Saturday, June 11 at Maytag Bowl.

Lead Departments:

Community Services &
Community Development

Recommendation:

Approve

Financial Impact:

\$560

Background:

Newton Fest continues to provide free entertainment to our community during the second weekend in June. City staff is taking all current emergency proclamations and public health directives into consideration while planning City activities and are planning to offer a variety of free and exciting activities during Newton Fest 2022.

Events being organized by City staff are taking place outdoors at Maytag Park.

City staff has worked with Eric Michaels Magic and Illusion to perform a magic show at Maytag Bowl at 1 p.m. on Saturday, June 11. The show would be free to the public and allow for families to have a fun, free Saturday afternoon activity.

The agreement with Eric Michaels (Ver Steegt) is attached and reviewed by City staff. The \$560 would be paid to Eric Michaels the day of the show via check.

Recommendation:

Staff recommends approval of this resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022- _____

RESOLUTION APPROVING AN AGREEMENT WITH ERIC MICHAELS MAGIC AND ILLUSION TO PERFORM A MAGIC SHOW AT NEWTON FEST 2022.

WHEREAS, the City's Comprehensive Plan contains a vision statement that states Newton is a progressive, family friendly community, a shining star of Central Iowa, and a place to call home, and

WHEREAS, the City's Comprehensive Plan led to the creation of Newton Fest as a family-friendly community event that would be a local and regional draw, and

WHEREAS, through private and public partnerships with other organizations, Newton Fest continues to grow each year, and

WHEREAS, City staff from the Community Development & Community Services Departments, have started planning the City's activities during Newton Fest at, and

WHEREAS, City staff are planning a variety of activities at Maytag Park and are planning to offer a variety of free and exciting activities during Newton Fest, and

WHEREAS, City staff has been working to book Eric Michaels Magic and Illusions to perform at Maytag Bowl on Saturday, June 11 as part of Newton Fest, and

WHEREAS, an agreement with Eric Michaels (Ver Steegt) of \$560 must be approved and signed, with the balance due the day of the performance and

WHEREAS, City Staff recommends approval of this resolution approving an agreement with Eric Michaels (Ver Steegt),

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that this resolution is approving the contract.

PASSED this _____ day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Newton Fest

This Agreement, entered into by and between the **City of Newton** (hereinafter called the “purchaser”) and **Eric Michaels(Ver Steegt)** (hereinafter called the “performer”) this 1st Day of April, 2022.

It is mutually agreed that Purchaser will engage the performer under the following terms and conditions:

1. **Venue:** Newton Fest, Newton IA, Maytag Bowl
2. **Date(s):** Saturday June 11th, 2022
3. **Time(s):** 1:00pm (60 min show).
4. **Load in Time:** 2 hrs prior to performance time or a time specifically arranged.
5. **Sound Check Time:** Prior to set, During Load In.
6. **Power, Sound, Lights:** Purchaser agrees to provide access to 1 standard electrical outlet within 100 ft. of performing area. Performer will be responsible for Sound/PA System and man power to operate Sound/PA system. Sound Board will be placed in front in the “house area”, a 4ft. by 4 ft. area will be needed. If a house system is available, Performer may opt to tie into that system instead. Please notify ahead of time if lighting system will be needed as one is not typically carried with performer.
7. **Stage/Backdrop:** Purchaser agrees to provide a covered, raised stage with minimum dimensions of 24ft wide and 24ft deep to perform on. If the height of the stage is greater than 2ft then there must be a set of steps, stairs, or a ramp with direct access to the stage. If no stage is available then floor space of the same dimensions will suffice. Performer will be providing and using a backdrop that is typically 14ft wide and 7 ft. high. (Maytag Bowl is Approved)
8. **Parking:** Purchaser agrees to provide free parking for a Suburban and 6x12 Cargo Trailer as close as possible to the stage/stage entrance doors.
9. **Sales:** Performer reserves the right to have Back of Room (BOR) Sales before and after each performance.
10. **Video and Photography:** Eric Michaels Magic & Illusion is a copyrighted performance and may not be videographed in its entirety. Venue and Patrons may videotape segments of the show if they wish. Performer reserves the right to videotape and photograph his performance, in its entirety, and may use the images and video for marketing and advertisement purposes in the future.

11. Monetary Consideration: \$450 for 60 min show, Plus Mileage. **\$560 Total.**
To be paid immediately following the performance. Checks made payable to "Eric Michaels"

12. Performance Payment and Conditions: **A.** Performer agrees to perform unless unable to by reason of illness, injury, disability, death, or by reason of failure of transportation, accidents, strikes, acts of God, or any other conditions beyond the control of the performer; provided that such nonperformance shall terminate the obligation of Purchaser to pay any performance fee. **B.** Outdoor performance dependent of inclement weather such as rain or high wind. If the performance, either indoors or outdoors, is canceled due to weather or any reason be the like, Purchaser would be obligated to pay the agreed upon performance fee. **C.** If the performance must be canceled due other Acts of God (excluding weather) such as Global Pandemics and Government regulated shut downs, Then this contract shall be null and void and Purchaser will not be obligated to pay the agreed upon performance fee. **D.** If for any reason the Purchaser decides to postpone the entertainment to a date within 90 days of the original performance date, in which the performer is still able to perform, no action will be needed, this contract shall remain in effect. If for any reason the Purchaser decides to postpone the entertainment to a date that the Performer is unavailable, the Purchaser would still be obligated to pay 50% of the agreed upon performance fee.

13. Other Considerations: _____

14. Correspondence: A full Show Ryder with detailed information about the show's operations and a Promo Pack can be obtained at www.EricMichaelsMagic.com. Click on "Promo Pack Log In" (bottom right corner) Password is: letmein. For more information or any questions or problems, please contact:

Eric Michaels Magic and Illusion
Eric Ver Steegt
2780 Hawthorne Ave
Janesville IA, 50647
Home Phone: (319) 987-2332
Cell Phone: (319) 404-8400
E-Mail: ericmichaelsmagic@gmail.com
Website: www.EricMichaelsMagic.com

Performer:

Purchaser:

By: Eric Ver Steegt

By: _____

Date: 4-1-2022

Date: _____

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 Eric Michaels

Visit us on **Instagram!**

 #EricM_Magic

Follow us on **Twitter!**

 @EricM_Magic

Sign up for News and Updates at www.EricMichaelsMagic.com

Vendor	Department	Description	Amount
Acushnet Company	Golf	Merchandise	\$ 1,388.05
Airgas USA LLC	Fire	Service	\$ 113.39
Alliant Energy/IPL	All	Utilities	\$ 48,017.69
Alphacard	Maytag Pool	Supplies	\$ 253.95
Amazon Capital Services	All	Supplies	\$ 560.79
American Legal Publishing Corporation	Administration	Service	\$ 59.85
Arrowhead Contracting Inc	North Central TIF	Service	\$ 169,809.70
Aspen Equipment	Street	Supplies	\$ 166.29
Axon Enterprise Inc	Police	Supplies	\$ 77.35
Badger Daylighting Corp	Landfill	Service	\$ 848.08
BARCO Municipal Product	Traffic Control	Supplies	\$ 628.66
Barney's Wrecker & Crane	Fire	Service	\$ 285.00
Bills Fire Extinguishers	Water Pollution Control	Service	\$ 280.00
Black Clover Enterprises LLC	Golf	Merchandise	\$ 124.49
Bound Tree Medical LLC	Fire	Supplies	\$ 908.81
Brick Gentry P.C.	D&D Program/Legal Services	Service	\$ 15,014.25
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 275.25
Callaway Golf	Golf	Merchandise	\$ 176.28
Cappy's Tire & Auto Service	Golf	Service	\$ 64.99
Card Services	All	Training	\$ 2,998.90
Carolina Software	Landfill	Service	\$ 500.00
Carrot-top Industries	Cemetery/Parks	Supplies	\$ 806.28
Cintas	All	Service	\$ 482.40
Computer Resource Specialists	Administration	Service	\$ 1,305.00
Continental Research	City Garage	Supplies	\$ 273.76
Danko Emergency Equipment	Fire	Supplies	\$ 206.42
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 2,190.96
Enpro Incorporated	Water Pollution Control	Supplies	\$ 533.10
EZ Lease	Fire/WPC	Service	\$ 245.01
Fastenal	All	Supplies	\$ 1,111.56
Financial Forms & Supplies	Finance	Supplies	\$ 181.31
Forbes Office Solutions	All	Supplies	\$ 816.04
Galls LLC	Fire	Supplies	\$ 164.53
Grainger Inc	Water Pollution Control	Supplies	\$ 883.97
Gregg Young Auto Center	Fire/Police	Service	\$ 869.67
Hawkeye Polygraph	Police	Service	\$ 300.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 836.50
Hewitt Service Center	Parks	Service	\$ 247.80
Hillyard / Des Moines	Fire	Supplies	\$ 365.26
HILTI Inc	Storm Water/Street	Supplies	\$ 804.36
HLW Engineering Group	Landfill	Service	\$ 2,575.00
Home Depot Pro	Parks	Supplies	\$ 437.22
Hotsy Cleaning Systems	Fire	Service	\$ 741.90
Iowa Association of Municipal Utilities	Water Pollution Control	Training	\$ 1,994.40
Iowa Dept of Natural Resources	Landfill	Service	\$ 18,477.13

Iowa Dept Public Health	Maytag Pool	Service	\$ 250.00
Iowa Inspections	Fire	Service	\$ 2,150.00
Isolved Benefit Services	Finance	Service	\$ 93.07
iWorQ	All	Service	\$ 16,000.00
Jasper County Abstract	D&D Program	Service	\$ 150.00
Jasper County Recorder	Planning & Zoning	Service	\$ 149.00
JETCO Inc	Water Pollution Control	Service	\$ 5,485.00
Johnson Aviation	Airport	Reimb	\$ 48.14
Key Cooperative	All	Fuel	\$ 17,601.92
Keystone Labs	Landfill/WPC	Service	\$ 4,341.38
Kiesler's Police Supply	Police	Supplies	\$ 135.00
Kinetic Edge Physical Therapy	Cemetery/Golf/Parks/WPC	Service	\$ 418.00
Kirkwood Community College	Water Pollution Control	Training	\$ 990.00
Kline, David	Street	Reimb	\$ 64.00
Lavelly, Dillon	Police	Training	\$ 61.57
Lawson Products Inc	City Garage	Supplies	\$ 258.55
Lyman, Rick	Police	Service	\$ 194.31
Magnum Automotive	Fire/Police	Service	\$ 113.87
Mahaska Bottling Co	Golf	Concessions	\$ 736.40
Marc Jones Construction LLC	Building Inspections	Refund	\$ 149.87
Marlow White	Fire	Supplies	\$ 102.00
Martin Marietta Materials	Street	Supplies	\$ 4,106.18
Menards-Altoona	PW Building/Street	Supplies	\$ 3,529.75
MG Laundry Corporation	City Center	Service	\$ 81.90
Midwest Lawn Services	City Center	Service	\$ 475.00
Mobotrex	Traffic Control	Supplies	\$ 596.42
Montgomery, Paul	Street	Reimb	\$ 64.00
NAPA Auto Parts	All	Supplies	\$ 1,368.25
News Printing Company	All	Service	\$ 794.47
O'Reilly Auto Parts	Golf	Supplies	\$ 23.58
Parkview Animal Hospital	Animal Control	Service	\$ 2,360.00
Pfander, Steve	Landfill	Reimb	\$ 44.99
Premier Office Equipment	Executive/Police	Service	\$ 263.03
Quill Corporation	Public Works Administration	Supplies	\$ 92.16
Ray, Randy	Police	Service	\$ 257.77
Regal Clean LLC	City Center	Service	\$ 2,725.00
Riggs Printing Inc	Police	Supplies	\$ 153.00
Sandry Fire Supply LLC	Fire	Supplies	\$ 65.85
Smith Quality Rental	Fire	Supplies	\$ 30.39
Staples	Police	Supplies	\$ 46.18
Tatman, Anthony	Police	Service	\$ 50.00
Terracon Consultants Inc	North Central TIF	Service	\$ 12,899.79
The Lifeguard Store Inc	Maytag Pool	Supplies	\$ 401.50
Theisen's	All	Supplies	\$ 382.76
Theisen's Marshalltown	Landfill/WPC	Clothing	\$ 351.16
TK Elevator	City Center	Service	\$ 1,197.27
Town & Country Wholesale Co	Golf	Concessions	\$ 572.17
True Value Hardware	All	Supplies	\$ 520.31
Two Rivers Cooperative	City Garage/Landfill	Fuel	\$ 8,833.07

ULINE	City Garage	Supplies	\$ 712.02
United States Cellular	All	Utilities	\$ 923.65
UnityPoint Clinic-Occupational	Cemetery/Golf/Parks/WPC	Service	\$ 210.00
Unplugged Wireless Communications LLC	City Garage	Supplies	\$ 669.50
USABlueBook	Water Pollution Control	Supplies	\$ 159.43
USPS	Finance	Service	\$ 226.00
Utility Equipment Co	Storm Water	Supplies	\$ 1,285.26
Walker,Zach	Police	Reimb	\$ 84.38
Warnick & Reeves Mechanical	Parks	Supplies	\$ 139.00
Water Department	All	Utilities	\$ 11,238.50
Wellik, Jarrod	Fire	Reimb	\$ 1,724.88
Ziegler Inc	Water Pollution Control	Supplies	\$ 68.13
Zimco Supply Company	Golf	Supplies	\$ 522.00
Zoll	Fire	Supplies	\$ 1,327.25
Total			\$ 390,469.38

Pre-Authorized Payments

AT&T Mobility	All	Utilities	\$ 1,007.98
Curtis Henderson	D&D Reso 20-237	Grant	\$ 20,000.00
Doll Distributing	Golf	Concessions	\$ 857.98
Hopkins Properties LLC	1st Ave E TIF Reso 22-016	Grant	\$ 50,000.00
J&M Displays	Parks Reso 22-066	Fireworks	\$ 12,900.00
Johnson Brothers of Iowa	Golf	Concessions	\$ 369.60
S&P Global Ratings	Debt Service Reso 22-092	Service	\$ 17,250.00
Total			\$ 102,385.56

City of Newton Council Report

Item: Resolution approving the purchase agreement for real property located at 619 South 3rd Avenue East, Newton, Jasper County, Iowa

Summary: VL Construction, LLC has offered \$5,000 to purchase the cleared D&D lot at 619 South 3rd Avenue East for the purpose of siting a Homes for Iowa single family home on the property.

Financial Impact: \$5,000 to the D&D Program



Report Number: 22-125

Date: April 18, 2022

Lead Department:
Community Development

Recommendation:
Approve

Summary: VL Construction LLC has offered \$5,000 for the City owned property at 619 South 3rd Avenue East. VL Construction LLC proposes to place a *Homes for Iowa* 3-Bedroom home at the property.

Homes for Iowa is a non-profit organization that seeks to provide opportunity for new, affordable homes to be sited throughout the State of Iowa while providing skilled training to offenders in the Newton Correctional Facility. *Homes for Iowa* sells pre-built homes to spec builders and future home owners.

VL Construction LLC has successfully placed a *Homes for Iowa* pre-built home at 609 South 3rd Avenue East, using the "narrow" configuration of the home. VL Construction LLC plans to place the "wide" configuration of the home at 619 South 3rd Avenue East and use a different siding color to provide a varied look in the neighborhood.

Recommendation:

City Staff recommends approval of the sale of 619 South 3rd Avenue East to VL Construction LLC

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

Matt Muckler
City Administrator

Elevation Drawing and Photo for proposed new *Homes for Iowa* home at 619 South 3rd Avenue East:



The *Homes for Iowa* home sited by VL Construction LLC at 609 S 3rd Avenue E (construction of detached garage currently underway):



RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE PURCHASE AGREEMENT FOR REAL
PROPERTY AT 619 SOUTH 3RD AVENUE EAST, NEWTON, JASPER
COUNTY, IOWA.**

WHEREAS, VL Construction, LLC has submitted an offer to purchase real property, certain land owned by the City of Newton, Iowa, located at 619 South 3rd Avenue East, legally described as:

LOT 2 OF BLOCK “E” OF SOUTHEAST ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA
AS APPEARS IN PLAT BOOK B, AT PAGE 261 IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

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

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

WHEREAS, the City has set such a hearing, given the required public notice, and held the public hearing; and

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

That the attached Purchase Agreement for property at 619 South 3rd Avenue East be approved and accepted, subject to the restrictions in the agreement and that the signatures of the Mayor and City Clerk are obtained for the agreement.

PASSED this _____ day of April, 2022.

APPROVED this _____ day of April, 2022

(Seal)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

PURCHASE AGREEMENT

This Purchase Agreement (hereinafter "Agreement") for sale of property owned by the City of Newton at **619 South 3rd Avenue East**, is made on or as of the 16 day of APRIL, 2022, by and between the City of Newton, Iowa (hereinafter "City"), and VL CONSTRUCTION, LLC, 423 110th Ave, Otley IA 50214. (hereinafter "Buyer") and in consideration of the premises and the mutual obligations of the parties hereto, each of them does and hereby covenant and agree with the other as follows:

SECTION 1. PURCHASE PRICE. Subject to all the terms, covenants and conditions of this Agreement, the City will sell the Property to the Purchaser for, and the Purchaser will purchase the Property from the City and pay therefore, the amount of **Five Thousand Dollars (\$5,000.00)** (hereinafter "Purchase Price"). The cash payment representing the full Purchase Price shall be delivered to the City simultaneously with the delivery of the deed conveying the Property to the Purchaser.

SECTION 2. TAXES. The City will prorate to the Buyer the taxes incurred under City ownership until the time of closing. All regular taxes due and payable after closing shall be the responsibility of the Developer.

SECTION 3. SPECIAL ASSESSMENTS. The City shall pay all special assessments which are a lien on the date of acceptance of this offer. None are known at this time.

SECTION 4. DESCRIPTION OF PROPERTY. All that certain parcel of land (hereinafter "Property") described as follows:

619 South 3rd Avenue East, legally described as: LOT 2 OF BLOCK "E" OF SOUTHEAST ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK B, AT PAGE 261 IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

SECTION 5. CONVEYANCE OF PROPERTY.

a) **Form of Deed.** The City shall convey title to the Property to the Purchaser by Special Warranty Deed and shall contain a right of reversion, which may be exercised by the City if the Purchaser fails to complete in accordance with the timeframes herein (hereinafter "Deed"). Such conveyance and title shall be subject to all conditions, covenants and restrictions contained in this Agreement.

b) **Time and Place for Closing and Delivery of Deed.** The City shall deliver the Deed and possession of the Property to the Buyer no later than 60 days from the date of approval by the Newton City Council or on such other date as the parties hereto may mutually agree in writing (hereinafter "Closing Date"). Conveyance shall be made at the the office of the City of Newton's legal counsel, Caldwell, Bierly, Chalupa PLLC, 211 1st Avenue West, Newton, Iowa 50208, at which time and place Buyer shall accept such conveyance and pay to the City the Purchase Price.

c.) **Abstract of Title.** The Seller shall provide an abstract of Title to the Purchaser for property subject to this agreement. It will be the Seller's responsibility to have abstract(s) updated. The abstract(s) shall become the property of the Purchaser at the time of the delivery of the deed.

SECTION 6. IMPROVEMENTS. The Buyer shall be responsible for making improvements to the property as follows:

- a) Construction of at least a 3-bedroom single family home, substantially similar to plans shown in "Attachment A" of this agreement, which meets all adopted applicable codes for the City of Newton and State of Iowa.

SECTION 7. PROHIBITION AGAINST ASSIGNMENT AND TRANSFER. The Buyer shall not sell or otherwise transfer ownership of the Property without the specific written approval of the City, prior to when the construction of the improvements has been completed and the City has issued a Certificate of Completion.

SECTION 8. CERTIFICATE OF COMPLETION.

- a) Promptly after completion of the improvements in accordance with this Agreement, as relating solely to the obligations of the Buyer to timely construct certain improvements, the City will furnish the Buyer with a Certificate of Completion so certifying. Such certificate shall be a conclusive determination of satisfaction and termination of this Agreement.
- b) If the City shall refuse or fail to provide certification in accordance with this Section, the City shall, within thirty (30) days after written request by the Developer, provide the Developer with a written statement indicating with detail in what respects the Developer has failed to complete the improvements in accordance with this Agreement, or its otherwise in default, and what measures or acts will be necessary, in the opinion of the City, for the Developer to take or perform in order to obtain such certification.

SECTION 9. REMEDIES. Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement or any of its terms or conditions by either party, the party alleged to be in default or breach shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach within sixty (60) days after receipt of such notice. In such case, if action is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within a reasonable time, the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach.

In the event that the City does not tender conveyance or possession of the Property in the manner and condition, and by the date, provided in this Agreement, and any such failure shall not be cured within thirty (30) days after the date of written demand by the Purchaser, then this Agreement shall, at the option of the Purchaser, be terminated by written notice thereof to the City, and neither the City nor the Purchaser shall have any further rights against or liability to the other under this Agreement. All deposits, if any, shall be returned to the Purchaser.

SECTION 10. NOTICES AND DEMANDS. A notice, demand or other communication under this Agreement by either party to the other shall be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered personally, and:

- a) In the case of the Buyer, is addressed or delivered personally to the Buyer at the address stated in preamble to this Agreement; and,

(b) In the case of the City, is addressed or delivered personally to the City Administrator, 101 West 4th Street South, Newton, IA 50208, or at such other address with respect to either party as

that party may from time to time designate in writing and forward to the other as provided in this Section.

SECTION 11. LIMITATION ON WARRANTIES. The City makes no warranties with regard to the condition of the Property or the structure located thereon, including, without limitation, (i) environmental matters; (ii) geological conditions; (iii) drainage issues, conditions or problems; (iv) soil conditions; (v) the zoning or other land use restrictions; (vi) the availability of utilities to the property; (vii) usage of adjoining property; (viii) access to the property; (ix) the value of the property; (x) the presence of hazardous materials in or on the property; (xi) the existence or non-existence of underground storage tanks on the property; (xii) the potential for further development of the property; or (xiii) the merchantability of the property of fitness of the property for any particular purpose, unless otherwise provided herein. The Purchaser expressly acknowledges and agrees that the City, and their officials, officers, employees, or agents have not made any representations or warranties concerning the Property or Project of any kind, including but not limited to, the rental or resale value of the Property, the economic or market conditions affecting the Project, or that the Property is suitable for the Project. The Purchaser takes title the Property "AS IS."

SECTION 12. CITY COUNCIL APPROVAL. This Agreement is subject to the approval of the Newton City Council after notice to the public and a hearing on the terms of this Agreement as required by the laws of the State of Iowa.

SECTION 13. ANTI-MERGER PROVISION. The parties specifically agree that all representations, warranties, agreement, responsibilities, obligations and comments specified herein shall survive the execution, delivery and recording of the deed required by Section 5(a) 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 deed.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and behalf by its Mayor and its seal to be hereunto duly affixed and attested by its City Clerk, and the Purchaser has caused this Agreement to be duly executed in its name, on or as of the day first above written.

(SEAL)

CITY OF NEWTON, IOWA

By: _____

Michael L. Hansen, Mayor

ATTEST: _____

Katrina Davis, City Clerk

PURCHASER:

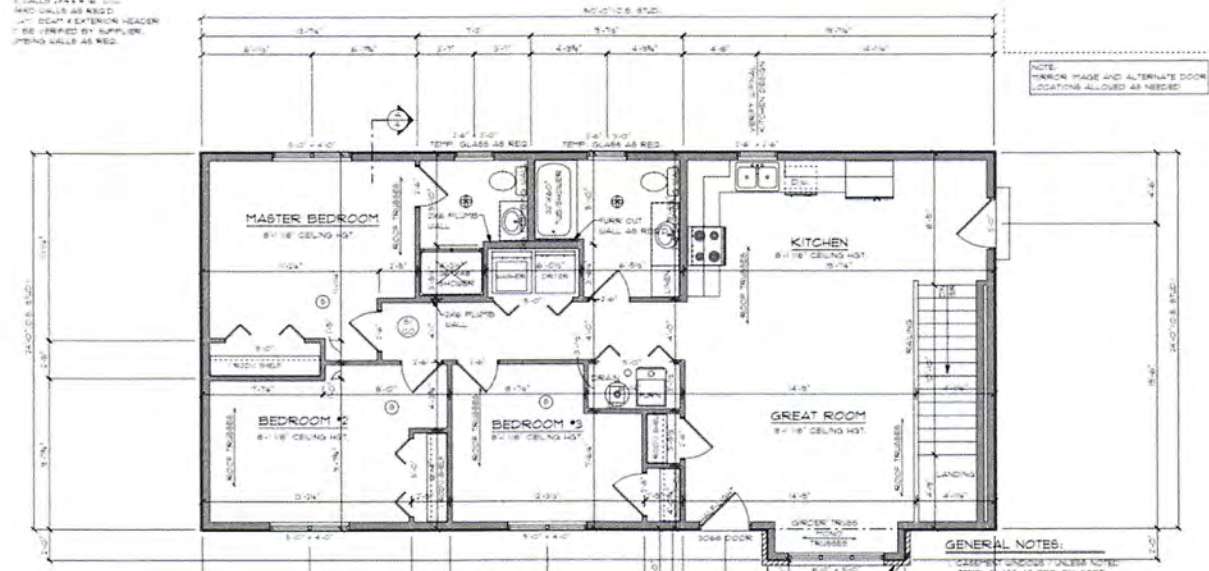
By: _____

Tyler Vanderlinden
VL Construction, LLC

ATTACHMENT A. Building Plans



Front Elevation



Floor Plan- Main Floor

City of Newton Council Report

**Item:**

Ordinance Amending The Code Of Ordinances, City Of Newton, Iowa, 2016, Title Iii, Chapter 32, Section 32.016, "Appointment And Term", To Change The Term Ending Date For Civil Service From The First Monday In April To December 31st.

Report Number: 22-126**Date:**

April 18, 2022

Lead Department/Division:

Administration

Recommendation:

Approve

Summary:

To align Civil Service Commissioner's term dates to December 31st of their respective term expiration years.

Financial Impact: none**Background:**

Over the last few years staff has worked to migrate the term dates of all the various boards and commissions to December 31st in order to streamline the administrative duties associated with tracking term dates.

Approval of this Ordinance would adjust the term expiration dates within the City Code to December 31st of their respective term expiration years. Once the Ordinance has been approved a Resolution will come to the Council that would bring the term expiration dates of all three current members in alignment with the recently approved Ordinance.

The Iowa Code Section 400.1 involves the creation of the Civil Service Commission and the appointment of its members. It is the City Attorney's legal opinion that the April deadline (along with the 30 day appointment requirement) only applies to the original appointments.

If the language about successors set the term at "48 months," or "exactly four years," or "appointed for a four year term expiring in April," then there would be no doubt. However, the term "four years" is general enough to encompass someone who is appointed to a term in April with that term expiring in December four years later (specifically 56 months).

Recommendation:

Staff recommends approval of the Ordinance adjusting the term expiration dates of the Civil Service Commission as noted above.

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE III,
CHAPTER 32, SECTION 32.016, "APPOINTMENT AND TERM", TO CHANGE THE TERM ENDING DATE
FOR CIVIL SERVICE FROM THE FIRST MONDAY IN APRIL TO DECEMBER 31ST

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 III, Chapter 32, Section 32.016, "Appointment and Term" is hereby amended by adding or ~~deleting~~ the following:

§ 32.016 APPOINTMENT AND TERM.

The Mayor, one year after a regular municipal election, with the approval of the Council, shall appoint three civil service commissioners who shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years, expiring on December 31st of their respective term expiration years.

(2011 Code, § 5.0102).

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

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

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

PASSED this ____ day of _____, 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

City of Newton Council Report

Item: 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 Along East Thirty-First Street North, North Eleventh Avenue East and South Thirteenth Avenue East

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

Financial Impact: None



Report Number: 22-127

Date: April 18, 2022

Lead Department: Police Department

Recommendation: Approve

Background:

Within the community there are several roadways on the peripheral of the city limits that have granular shoulders. These roadways are typically along industrial or commercial areas where speed limits range between 35-45 mph. Many of these roadways are near local attractions and when cars are parked along the granular shoulder a traffic hazard is created due to speed, presence of pedestrians and increased traffic volume. These roadways are not typically used for day-to-day residential or business parking.

In preparation for large community events in 2022 and beyond the Traffic Safety Committee reviewed parking along several roadways and recommend the following parking restrictions:

- E 31st St N – no parking on the east and west side from 1st Ave E north to N 19th Ave E
- N 11th Ave E–no parking on the north and south side from E 19th St N east to E 31st St N
- S 13th Ave E – no parking on the north and south side from E 19th St S east to Iowa Speedway Dr.

Restricting parking in the proposed areas will prevent parking during large events and allow for free passage of residents and visitors and keep public safety personnel safe while directing traffic.

Recommendation:

Staff recommends approval of the ordinance.

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 ALONG EAST THIRTY-FIRST STREET NORTH, NORTH
ELEVENTH AVENUE EAST AND SOUTH THIRTEENTH AVENUE EAST

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, NORTHEAST QUADRANT

East Thirty-First Street North

"No Parking Anytime".

East and west side from First Avenue East north to North Nineteenth Avenue East

AVENUES, NORTHEAST QUADRANT

North Eleventh Avenue East.

"No Parking Anytime".

North side from East Eighth Street North to 341 feet east of the curb line of East Nineteenth Street North.

South side from East Eighth Street North to 170 feet east of the east curb line of East Eighth Street North.

South side from East Twelfth Street North to 80 feet east of the projected east curb line of East Fourteenth Street North.

~~South side from East Nineteenth Street North to 140 feet east of the east curb line of East Nineteenth Street North.~~

North and south side from East Nineteenth Street North east to East Thirty-First Street North

AVENUES, SOUTHEAST QUADRANT

South Thirteenth Avenue East.

"No Parking Anytime".

Both sides from East Twelfth Street South to ~~East Nineteenth Street South~~ Iowa Speedway Drive

Southside from East Fifth Street South, east 60 feet.

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

City of Newton Council Report

Item: A resolution approving internal loan and payment to Newton Housing Development Corporation for the purchase of real estate located at 1015 North 3rd Avenue East in Newton.

Summary: Newton Housing Development Corporation seeks to purchase 1015 North 3rd Avenue East to support a housing development on the former Hatchery Site. NHDC has requested City assistance with the purchase.

Financial Impact: Up to \$90,000 to be repaid upon the project moving forward, on or before Dec. 31, 2023.



Report Number: 22-128

Date: April 18, 2022

Lead Department:
Community Development

Recommendation:
Approve

Summary: The property at 1015 North 3rd Avenue East is available for purchase, and Newton Housing Development Corporation (NHDC) is seeking to purchase the property to support the future housing development at the adjacent former Hatchery Site. NHDC has requested assistance from the City of Newton for the purchase.

NHDC requests City assistance with 2/3rds of the purchase price. The City would provide up to \$90,000.00 to support the public-private partnership for new housing in this area with an internal loan.

When the project moves forward, the City would be reimbursed the provided funds on or before Dec. 31, 2023. If the project does not move forward, the City will purchase the property from NHDC on or before Dec. 31, 2022, using First Avenue East TIF and LMI Funds.

Recommendation:

City Staff recommends approval.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING INTERNAL LOAN AND PAYMENT TO NEWTON HOUSING DEVELOPMENT CORPORATION FOR THE PURCHASE OF REAL ESTATE LOCATED AT 1015 NORTH 3RD AVENUE EAST IN NEWTON

WHEREAS, the availability of housing has been identified by as a community priority by the *Newton's Future*, the City's comprehensive plan; and

WHEREAS, MVAH Partners of West Chester, Ohio (MVAH) has agreed to construct approximately forty (40) townhomes on vacant parcels owned by the City of Newton and one parcel owned by a private estate, subject to approval of tax credit financing by the Iowa Finance Authority (IFA); and

WHEREAS, the Newton City Council approved the sale of the City-owned parcels to MVAH in their March 21, 2022 meeting (Resolution 2022-081); and

WHEREAS, MVAH has determined that their proposed townhome project will be viable only if they are able to acquire an adjacent privately owned parcel at 1015 North 3rd Avenue East; and

WHEREAS, 1015 North 3rd Avenue East is available for purchase for the project only if closing can occur immediately; and

WHEREAS, Newton Housing Development Corporation (NHDC) has agreed to purchase and hold the subject property until MVAH is able to close on their entire land purchase transaction; and

WHEREAS, NHDC has requested that the City reimburse the organization an amount equal to two-thirds (2/3) of the purchase price, up to \$90,000.00, for the property at 1015 North 3rd Avenue East, which will be repaid by NHDC to the City of Newton upon MVAH's acquisition of 1015 North 3rd Avenue East from NHDC;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that the City shall provide funding to NHDC for an amount not to exceed two-thirds (2/3) of the purchase price, up to \$90,000.00, for 1015 North 3rd Avenue East, upon closing of NHDC's cash transaction for the property.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City's assistance to NHDC will be paid for by an internal loan from the General fund, to be paid back by on or before Dec. 31, 2023 by NHDC from proceeds of the sales of the property to MVAH if the project moves forward.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa that, if the project does not move forward, the City of Newton will purchase the property from NHDC for their original purchase price, plus documented costs incurred in acquiring and maintaining the property through closing, less the original reimbursement of the purchase price. Closing shall occur on or before Dec. 31, 2022 and the internal loan to the General fund will be paid back with 1st Avenue East TIF Funds and LMI Funds.

PASSED this 18th day of April, 2022.

APPROVED this _____ day of April, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving the Special Events Policy and Application.

Report Number: 22-129

Summary: Staff has been working on a Special Events Policy to aid in providing safe events within the City of Newton.

Date: April 18, 2022

Financial Impact: Negligible.

Lead Department:
Fire

Recommendation:
Approval of Resolution

Background:

Over the past few years, Staff has been working on a plan to provide guidance for conducting Special Events within the City of Newton. The following goals were established for oversight of Special Events.

1. Provide a safe environment for attendees and organizers of large events.
2. Limit the impact to transportation in the community.
3. Keep citizens informed of events affecting their area.
4. Provide contact information for authorities.
5. Minimize liability exposure to the City.

Staff developed a guideline and application form to collect information regarding Special Events. (This form is attached to the submittal for reference.) Staff has met multiple times with organizations in the City of Newton to ensure understanding of the process. The highlights of the program were presented to City Council at the 2/21/22 meeting. Once approved the City will maintain a form fillable PDF document on the website to allow for easy access to the form.

Recommendation:

Staff recommends City Council approval of the Resolution to implement the use of the Special Events application.

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

Matt Muckler
City Administrator

RESOLUTION NO 2022 - _____

**RESOLUTION APPROVING THE SPECIAL EVENTS POLICY
AND APPLICATION**

WHEREAS, the City of Newton desires to have safe and engaging activities within the community; and

WHEREAS, the City of Newton is committed to providing a safe environment for attendees and organizers of large events that limit the impact to transportation in the community; and

WHEREAS, the City of Newton wants to keep citizens informed of events affecting their areas of residence or business; and

WHEREAS, the City of Newton needs contact information of organizers for said events in case of emergency and strives to minimize the liability exposure to the City of Newton.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, to adopt the Special Events Policy and Application as presented.

PASSED this _____ day of April 2022.

APPROVED this _____ day of April 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina A. Davis, City Clerk



City of Newton Special Event Application

Application Date: _____ Fee: **\$25.00** / **\$100.00** / **\$250.00**
(>60 days) (<60 days & >45 days) (<45 days)

Name of Event: _____

Date of Event: _____ ☐ New Event ☐ Returning Event (RE) ☐ RE w/ Changes

Event Website: (if applicable) _____

Beginning date and time of event activities? _____ What is the ending date and time of event activities? _____

Beginning Set-up - Date and Time? _____ Ending of tear down - Date and Time? _____

Location of Event: _____

Description of Event:(list all event activities) _____

Name of Sponsor/
Hosting Organization: _____

Address: (include city, state, zip) _____

Phone: _____

Name of Contact Person: _____

Address (include city, state, zip): _____

Contact Phone #: _____ Cell Phone: _____ (circle preferred)

Personal Email: _____ Work Email: _____ (circle preferred)

What type of audience
Is the event planned for? _____

How many participants expected? _____ Spectators? _____ Volunteers: _____

Route Description

List the detailed route for parades, runs, walks, etc. Include staging areas:

(Attach a map of the route. i.e. Google map)

Guidelines:

1. Special event applications shall be **SUBMITTED NO LATER THAN THIRTY (30) BUSINESS DAYS** prior to date requested for the special event. Applications submitted less than thirty (30) days prior to the event may not be considered. **It is recommended applicants submit a minimum of ninety (90) days in advance of any requested special event to ensure adequate time for review and to clarify any questions which may result in denial.**
2. This special event policy applies to all events where attendance is expected to be in **excess of two-hundred (200) people** including attendees and staffing. This provision does not apply to events contained completely within a park in the City. Discussion regarding the size of the event in a park should be completed with the Community Services Department of the City of Newton.
3. A detailed map of the event must be provided to accurately depict impacts to city streets and all parking restrictions. All closures and traffic control devices must be shown on the map. A responsible party and an alternate must be identified to provide city staff a contact in case issues arise.
4. Generally, no high priority routes or truck routes will be approved for closure. For closure of a truck route, applicant is responsible to provide adequate detour and for all signage and control of truck traffic. A current map of streets considered to be primary access routes and truck routes are available on the City Website at www.newtongov.org
5. Each street closing shall not result in dead end blocks. Cross intersections that are closed will result in closing of adjacent blocks in both directions.
6. Closing of a street for a special event should be done at times and in such a manner as to minimize any adverse impact upon any of the street's residents.
7. A **minimum of 75%** of businesses in the area affected by the special event street closing and parking restriction must be in agreement with having the street blocked or parking restricted. The applicant(s) for the event shall provide a list of signatures and addresses to accompany the application. Forms available on the City Website at www.newtongov.org
8. If your event includes street closures, you **MUST** have a detailed map including the location of all traffic control devices and barricades. The City of Newton requires that all street closures for special events provide street closing signage through an approved traffic control contractor unless given expressed permission from the City. Any organization not using a traffic control contractor will be the responsible party and liable for any and all action that arises due to errors and omissions for providing traffic control signage. In addition, they agree to sign a hold harmless agreement with the City.

Barricades shall meet the standards of the Manual of Uniform Traffic Control Devices (MUTCD). Vehicles, lawn furniture, saw horses, barbeques, trash cans or similar items cannot be used as barricades.

Barricades must allow access for emergency police, fire and ambulance vehicles and equipment. Fire Department vehicles need an eighteen-foot wide, unobstructed path in the center of the street, the entire length of the event.

Designee names and contact information is required. The first designee listed below should be the traffic control contractor and contact. The second designee listed below will be a member of the applicant organization and contact. They are to be available to answer if the need arises.

9. Keep all fire hydrants clear, undecorated, and unobstructed.
10. Keep large displays, tents, and amusements/rides confined to the parking lanes of the street or place them off the street in driveways. The use of large tents may require a separate permit. Fire Department vehicles need an eighteen-foot wide, unobstructed path in the center of the street, the entire length of the party.
11. Any use of City park pavilions is subject to rules and regulation by the Community Services Department.
12. Limited public utilities such as electrical or water may be available. Check with Community Services Department for availability and cost.
13. Any music or noise shall be kept to an acceptable level in accordance with Chapter 93 "Noise Control" or Code of Ordinances. A noise control permit application must be approved by the Police Chief. Permits granted under this application allow for a provision up to an additional 5 dB(A) & (C) of the ordinance. A violation of any provision of the noise control ordinance, disorderly conduct or disturbing the public quiet may be enforced as a municipal infraction or simple misdemeanor with civil or criminal penalties being applicable. Founded violations may be considered a breach of the special event agreement and may result in the termination of the special event.
14. The use of fireworks is not allowed on the public right of way per Iowa Code and is only allowed on private property during prescribed times approved by City Council as defined in Chapter 135 "Fireworks" of the Code of Ordinances. A violation of any provision of Chapter 135 "Fireworks" may be enforced as a municipal infraction or simple misdemeanor with civil or criminal penalties being applicable. Founded violations may be considered a breach of the special event agreement and may result in the termination of the event.

15. Restrooms are required for all events. Restrooms must be accessible to all attendees.
16. Tents and canopies will require approval for placement and support. Under no conditions will stakes be driven into pavement. Approval of staking plan must be attained prior to placement.
17. All beer and liquor shall be consumed on private property and shall not be consumed in the public right of way.
Beer or liquor cannot be sold or dispensed by ticket, by paid admission or by contribution unless a permit has been issued by the Iowa Alcohol Beverage Division and City of Newton.
18. Food and beverage vendors shall be approved by the Iowa Department of Inspections and Appeals. Information regarding a permit for food safety can be obtained at <https://dia.iowa.gov/food-consumer-safety/food-safety-license-applications> Applicants are required to list the types of food and beverages to be served at the event.
19. A severe weather contingency plan must be submitted with designated contacts in case dangerous weather approaches.
20. The applicant, at its own expense, shall procure and maintain insurance to cover all risk which shall arise directly or indirectly from the Special Event for which the City provides a permit. At a minimum, insurance is required and the requirement level will be determined based on the number of participants and attendees, nature of the event's activities, and type of City property or other resources involved: The City of Newton must be named as an additional insured.
21. The applicant shall exclusively assume the risk of all uses authorized by permit including the establishment of barricades, restoration of streets or property used, policing of said property, injuries, medical insurance and all matters that may arise directly or indirectly with reference to the aforesaid uses and shall hold the City harmless from any claims, causes of action commenced or alleged by reason of any of the activities of the applicant or permit holder as the case may be.

I have read and agree to follow the guidelines for a Special Event. _____(initial)

Map of the Event Site

A detailed map of the event site must be drawn here or attached to the application. Maps may be available for parks, downtown and other various locations. Please call City Administration for more information. (Using internet mapping is recommended. i.e. Google map)

The following must be identified and labeled including the event site (labeled with street names):

Alcohol serving/consuming area	A	Restroom Facilities (including portable)	R
Barricades	B	Routes for races, parades, etc.	→
Canopies	C	Severe Weather Location	SW
Fencing	—	Stages	S
First Aid Facilities	F	Tents	T
Off duty Police Officers	P		

Paste image here or attach separate sheets as needed – Use of electronic mapping (i.e. Google) is encouraged

Street Closures

Date(s) of Street Closing: _____

Detailed list of street closures requested for this event: (Attach a map of closed street(s). I.e. Google map)

Temporary No Parking Request:

Date(s) of requested Temporary No Parking: _____

Time of requested Temporary No Parking: From _____ To _____

Detailed list of temporary no parking requests for your event: (Please provide map of no parking)

Signatures of all property owners or business lease holders within 125 feet of the temporary no parking areas are required. Seventy-five (75%) percent of property owners or lease holders must approve of temporary no parking for approval. Use City of Newton Temporary No Parking Consent Form. Applicant shall present the Parking/Traffic Control/Barricade Plan and submittal maps to all business owners for review before receiving their consent by signature.

Instructions for the Temporary No Parking Consent Form

1. All properties that are within 125 feet from Temporary No Parking areas shall be represented on the Temporary No Parking Consent Form. The City of Newton may confirm consent of any or all respondents.
2. All contact information is required for each resident for verification purposes.
3. Business that lease space are required to sign the consent form.
4. Properties that are listed for sale shall be signed off by the owner or listing agent.
5. Unknown property owners can be researched at:
<https://beacon.schneidercorp.com/Application.aspx?AppID=325&LayerID=3398&PageTypeID=2&PageID=2260>

(Attach additional pages for signatures – if needed)

The City of Newton reserves the right to deny temporary restriction of any and all no parking requests.

Traffic Control/Barricades:

If your event includes street closures, you **MUST** have a detailed map including the location of all traffic control devices and barricades. The City of Newton requires that all street closures for special events provide street closing signage through an approved traffic control contractor unless given expressed permission from the City. Any organization not using a traffic control contractor will be the responsible party and liable for any and all action that arises due to errors and omissions for providing traffic control signage. In addition, they agree to sign a hold harmless agreement with the City.

Barricades shall meet the standards of the Manual of Uniform Traffic Control Devices (MUTCD). Vehicles, lawn furniture, saw horses, barbeques, trash cans or similar items cannot be used as barricades.

Barricades must allow access for emergency police, fire and ambulance vehicles and equipment. Fire Department vehicles need an eighteen-foot wide, unobstructed path in the center of the street, the entire length of the party.

Designee names and contact information is required. The first designee listed below should be the traffic control contractor and contact. The second designee listed below will be a member of the applicant organization and contact. They are to be available to answer if the need arises.

Date(s) of traffic control/barricade usage: _____

Time of traffic control/barricade usage: From _____ To _____

Detailed list of traffic control/barricade usage for your event: (Attach map of traffic control/barricades)

Traffic Control/Barricades Responsible Party Designee

Designee Names:	Cell Phone (must answer if called)

Parking:

You are required to provide adequate parking for your event. Applicant is required to provide an event parking plan and map with the application. Please contact Public Works or Community Services if you need to make arrangements for off-site parking.

VEHICLE LOADING/UNLOADING

Please ensure that all vehicle loading and unloading areas are indicated on the Parking Plan.

VEHICLES ON PARK GROUNDS

Vehicles, including catering vehicles, are NOT allowed to drive or park on the turf of public park grounds. If the special event needs to have vehicles on park grounds outside of roads and designated parking areas, special access requests are required.

Are you requesting that vehicles be permitted to drive or park on public park grounds? ___Yes ___No

If yes, please provide detailed description of types of vehicles and locations:

Park Pavilions:

Park pavilions must be reserved by contacting the Community Services Department. The applicant will be required to comply with all rules and regulations set in place by the Community Services Department.

Please describe the pavilion(s) including hours of use you have reserved for this event:

City Utilities:

Limited water and electrical power are available at some public parks. (a nominal fee is charged for electricity and will be payable upon approval of the permit). Additional generator power or water supply is the responsibility of the applicant.

- ☐ Electrical Power Describe use: _____
- ☐ Water Describe use: _____

Sound Systems:

Any music or noise shall be kept to an acceptable level in accordance with Chapter 93 "Noise Control" or Code of Ordinances. A noise control permit application must be approved by the Police Chief. Permits granted under this application allow for a provision up to an additional 5dB(A) & (C) of the ordinance. A violation of any provision of the noise control ordinance, disorderly conduct or disturbing the public quiet may be enforced as a municipal infraction or simple misdemeanor with civil or criminal penalties being applicable. Founded violations may be considered a breach of the special event agreement and may result in the termination of the special event. Please indicate if you will be using any of the following sound systems.

- ☐ Recorded Music ☐ Live Music ☐ Amplified sound/speaker ☐ Public address

Fireworks:

Any display fireworks must be approved through the Fire Department. The use of consumer fireworks is not allowed on the public right of way per Iowa Code and is **only allowed on private property** during prescribed times approved by City Council as defined in Chapter 135 "Fireworks" of the Code of Ordinances. A violation of any provision of Chapter 135 "Fireworks" may be enforced as a municipal infraction or simple misdemeanor with civil or criminal penalties being applicable. Founded violations may be considered a breach of the special event agreement and may result in the termination of the special event.

Are you requesting approval to discharge fireworks at this event? ☐ Yes ☐ No

Restrooms:

You are required to provide adequate restroom facilities including ADA accessible restrooms (5% or not less than 1)

Will additional restroom facilities be brought to the site event? ☐ Yes ☐ No Quantity: _____

Tents/Canopies/Stages:

TENTS: Use of tents requires a permit from the Fire Department at least thirty (30) days prior to the event. Tents are defined as temporary structures in excess of 200 square feet and having two or more sidewalls or drops.

STAKES: Use of ground stakes for tents and canopies must be approved in advance. Please contact Iowa One Call regarding underground utility locating questions.

STAGES/STAKES: Please contact Public Works for staging/staking requests a minimum of thirty (30) days prior to any event for an on-site meeting. Tent ropes and guy lines shall not be tied or anchored to trees, monuments, bridge railings, light poles, or fences.

Please indicate if any of the following will be used at the event:

☐ Tent - Size _____ ☐ Canopy - Size _____ ☐ Stage – Size _____

Alcohol:

To sell alcohol at the event, or to add outdoor service area, applicant will need to obtain a permit through the State of Iowa Alcoholic Beverages Division. Applicants can apply at www.iowaABD.com. Applicants must allow 45 days minimum for approval. A link is available on the City of Newton website. From the home page, click on “I want to” – “Apply for” – “Liquor Licenses, Beer & Wine Permits”.

Are you requesting for alcohol to be served at this event? ☐ Yes ☐ No

Food/Beverage Vendors:

Food and beverage vendors shall be approved by the Iowa Department of Inspections and Appeals. Information regarding a permit for food safety can be obtained at <https://dia.iowa.gov/food-consumer-safety/food-safety-license-applications>. Applicants are required to list the types of food and beverages to be served at the event. All food and beverage serving locations must be shown on the event map.

Will food or beverages be served at this event? ☐ Yes ☐ No

If yes, is the event: ☐ For profit ☐ Non-profit

If yes, is the food: ☐ Provided free of charge ☐ Available for purchase

If yes, is the food: ☐ Cooked/prepared on site ☐ Cooked on open fire ☐ Cooked using propane

☐ Prepared and distributed by a Mobile Food Vendor (MFV) (See MFV Requirements)

List types of food and/or beverages to be served: _____

Clean up/Trash Removal:

Clean up of the event area immediately following the event, including trash removal, is the responsibility of the applicant. Applicant shall provide the name and phone number of the contractor responsible for clean-up of the event site. Applicant shall also provide the name and phone number of the contractor responsible for the removal of trash from the event site.

Contractor or organization including phone number responsible for clean up: (Name) _____

(Phone) _____

Contractor or organization including phone number responsible to **remove trash from the site:**

(Name) _____

(Phone) _____

Animals:

Do you plan to use animals for your event? ☐ Yes ☐ No

Additional insurance may be required.

Off Duty Police Officers:

Off Duty Police Officers may be required for street closures, alcohol sales, or large crowds. Contact the Police Department to discuss requirements for the event a minimum of forty-five (45) days prior to the event.

☐ Street Closures ☐ Alcohol Requested ☐ Large Crowds Expected

Severe Weather Contingency Plan:

Severe weather can happen at any time. Safety of attendees is the number one priority.

SEVERE WEATHER DESIGNEES

- responsible for monitoring weather conditions throughout the event
- Monitor weather conditions and notify event attendees in a timely manner of delays, cancellations, postponement resulting from severe weather during the event.

SEVERE WEATHER DESIGNEES

Designee Names:	Cell Phone (must answer if called)

SEVERE WEATHER PLAN

- Identify severe weather locations on your event Site Map
- Locations should reasonable accommodate anticipated audience.

In the event of severe weather, the following locations are designated as the best available protective areas for **OUTDOOR** open spaces.

Other Special Requests:

I certify the information contained in this application is true and correct to the best of my knowledge and belief, that I have read, understand and agree to abide by the rules and regulations governing the proposed special event under the City of Newton Municipal Code, and I understand this application is made subject to the rules and regulations established by the City Council, the City Administrator or the City Administrator's designee. I agree to comply with all other requirements of the City, State, Federal Government and any other applicable entity which may pertain to the use of the Event venue and the conduct of the event. I agree to abide by these rules, and further certify that I, on behalf of the Host Organization, am also authorized to commit that organization, and therefore, agree to be financially responsible for any costs or fees that may be incurred by or on behalf of the Event to the City of Newton. I understand and agree the City of Newton may rescind its permission to use City property at any time should it be determined to be in the best interest of the City.

Additions and/or revisions to this application may need to be submitted in writing. By signing this special event application, the applicant agrees and understands this application is not permission to violate any laws, ordinances, or statutes. The Newton Police Department has the authority, in the interest of public welfare, safety, or order, to terminate the event without notice.

Applicant agrees to defend and hold City of Newton harmless from any and all claims by third parties and all invitees, patrons, employees, agents, assignees to subcontractors of Applicant arising out of any act or failure to act by Applicant or any invitee, patron, employees, agent, assignee or subcontractor of Applicant.

Applicant Signature _____ *Date* _____

Applicants Printed Name: _____

Host Organization (if applicable): _____

Organization Position/Title (if applicable): _____

For office use only:

City Administrator's Approval: _____ *Date:* _____

Application Received Date: _____

Application Approval Due: _____

Applicant Notified On: _____

Notification sent: Police ☐ Fire ☐ Public Works ☐

Conditions:

SPECIAL EVENTS PERMIT INSURANCE REQUIREMENTS

Section 1 – Insurance Requirements

PERMITEE, at its own expense, shall procure and maintain insurance to cover all risk which shall arise directly or indirectly from the Special Event for which the City provides a permit. At a minimum, the following insurance is required and the requirement level will be determined based on the number of participants and attendees, nature of the event's activities, and type of City property or other resources involved:

General Liability Insurance - Occurrence Form:

a. Low/Medium Risk Event - minimum liability limit \$1,000,000

1. Events with little or no impact on the public
2. Fund raising walks and/or runs without street closures

b. High Risk Event - minimum liability \$2,000,000

(Additional insured and governmental immunities endorsement is required.)*

1. Fireworks displays
2. Parades
3. Events requiring street closures
4. Events that expect large crowds on public property
5. Large event taking place for more than one day
6. Large events that include alcohol on public property

Section 2 - Endorsements When Required Must Read:

1. Additional Insurance Endorsement:

Except for Workers' Compensation and Professional Liability, the policies shall include the City Additional Endorsement of: The City of Newton, Iowa, including all its elected and appointed officials, all its employees and volunteers, all its boards, commissions, and/or authorities and their board members, employees, and volunteers, are included as additional insureds with respect to liability arising out of the Insured's work and/or Services performed for the City of Newton, Iowa. This coverage shall be primary to the additional insureds, and not contributing with any other insurance of similar protection available to the additional insureds, whether available coverage be primary, contributing or excess.

2. Governmental Immunities Endorsement:

- A. Non-waiver of Government Immunity: The insurance carrier expressly agrees and states that the purchase of this policy and the including of the City of Newton, Iowa, as an Additional Insured does not waive any of the defenses of governmental immunity available to the City of Newton, Iowa, under Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time.
- B. Claims Coverage: The insurance carrier further agrees that this policy of insurance shall cover only those claims not subject to the defense of governmental immunity under the Code of Iowa Section 670.4 as it now exists and as it may be amended from time to time.
- C. Assertion of Government Immunity: The City of Newton, Iowa, shall be responsible for asserting any defense of governmental immunity, and may do so at any time and shall do so upon the timely written request of the insurance carrier. Nothing contained

in this endorsement shall prevent the carrier from asserting the defense of governmental immunity on behalf of the City of Newton, Iowa.

- D. Non-Denial of Coverage: The insurance carrier shall not deny coverage under this policy and the insurance carrier shall not deny any of the rights and benefits accruing to the City of Newton, Iowa, under this policy for reasons of governmental immunity unless and until a court of competent jurisdiction has ruled in favor of the defense(s) of governmental immunity asserted by the City of Newton, Iowa.
- E. No Other Change in Policy: The insurance carrier and the City of Newton, Iowa, agree that the above preservation of governmental immunities shall not otherwise change or alter the coverage available under the policy.

CERTIFICATE OF LIABILITY INSURANCE REQUIREMENTS

A Certificate of Insurance is required evidencing all required insurance coverage as provided above with any required endorsements attached to evidence their inclusion in the coverage. The Certificate of Insurance are due before the Permit can be approved.

The following format is required: (include an example copy in the application)

1. Document must be dated less than ninety (90) days from the submittal date to the City
2. Producer Contact information must include name, phone number and/or e-mail address
3. Policy Expiration date must cover all event dates
4. Description of Operations must list Event Date and Event Name
5. Certificate Holder must be listed as follows:

City of Newton

Special Events

101 W 4th Street S

Newton, IA 50208

* Endorsements, as required, shall be included with the Certificate of Insurance as evidence that the policy has been endorsed.

City of Newton Council Report

Item: A Resolution Calling a Special Election, Setting September 13, 2022 as the Special Election Date and Adopting Ballot Language on the Proposition of the Newton City Council Assuming Governance of the Newton WaterWorks

Summary: A Resolution Calling a Special Election, Setting September 13, 2022 as the Special Election Date and Adopting Ballot Language on the Proposition of the Newton City Council Assuming Governance of the Newton WaterWorks

Financial Impact:

No Financial Impact, if Ballot Language is Passed, the Newton Waterworks would be classified as an Enterprise Fund in the City of Newton Chart of Accounts



Report Number: 22-130

Date: April 18, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The Newton WaterWorks ("NWW") is a municipal water utility governed by a Board of Trustees, which is tasked with providing an adequate supply of water to customers in the service area for domestic, commercial, industrial and firefighting purposes in an efficient, cost effective and dependable manner. Current members of the NWW Board of Trustees are appointed by the Mayor and are subject to approval by the City Council. NWW employees are City employees and NWW finances are classified as a component unit of the City of Newton.

In January 2022, the NWW Board of Trustees entrusted the City of Newton with the day-to-day management of NWW on an interim basis for a two-month period. After determining that the City of Newton was providing excellent management services to NWW customers in a cost-effective manner, the NWW Board of Trustees voted at its March 18, 2022 Board Meeting to extend the interim management agreement with the City of Newton for an additional six-month period.

At that same Board Meeting, the NWW Board of Trustees approved a resolution that recommends to the City Council that the NWW Board of Trustees be dissolved and that governance of NWW permanently be placed with the Newton City Council. Pursuant to an election, the management and control of the municipally-owned water works was placed in the hands of a Board of Trustees. The NWW Board has now determined that direct governance of NWW by the City Council would provide for:

- 1) improved efficiency,
- 2) improved communication with other utilities, and
- 3) improved capital improvement planning.

The NWW Board of Trustees was originally established by election of the voters pursuant to Iowa Code §388.2, which requires that a proposal to discontinue a utility board is subject to the approval

of the voters of the City. Pursuant to Iowa Code §388.2(1)(b). The City may submit the proposal to discontinue the utility board at the general election, the regular city election, or at a special election called for that purpose. In accordance with Iowa Code§362.3, as part of the City's action to set a date for an election on such proposition, the City must publish notice of such proposition as provided in Section 362.3 of the Code of Iowa. By approving this resolution, the City Council would be calling a special City election on Tuesday, September 13, 2022, at which election, it would be submitted to the registered voters of the City of Newton, Iowa the following question:

“Shall the Newton WaterWorks Board of Trustees be dissolved and the City Council of Newton, Iowa, in the County of Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks.”

Recommendation:

City staff recommends approval of the attached resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. _____

A RESOLUTION CALLING A SPECIAL ELECTION, SETTING SEPTEMBER 13, 2022 AS
THE SPECIAL ELECTION DATE AND ADOPTING BALLOT LANGUAGE ON THE
PROPOSITION OF THE NEWTON CITY COUNCIL ASSUMING GOVERNANCE OF THE
NEWTON WATERWORKS

WHEREAS, the Newton WaterWorks (“NWW”) is a municipal water utility governed by a Board of Trustees, which is tasked with providing an adequate supply of water to customers in the service area for domestic, commercial, industrial and firefighting purposes in an efficient, cost effective and dependable manner; and

WHEREAS, in January 2022, the NWW Board of Trustees entrusted the City of Newton with the day-to-day management of NWW on an interim basis; and

WHEREAS, the NWW Board of Trustees determined the City of Newton has been providing excellent service to the NWW customers in a cost-effective manner; and

WHEREAS, at its March 18, 2022 meeting, the NWW Board of Trustees voted that the NWW Board of Trustees be dissolved and that governance of NWW permanently be placed with the Newton City Council; and

WHEREAS, the NWW Board of Trustees was originally established by election of the voters pursuant to Iowa Code §388.2; and

WHEREAS, Iowa Code §388.2 requires that a proposal to discontinue a utility board is subject to the approval of the voters of the City

WHEREAS, pursuant to Iowa Code §388.2(1)(b), the City may submit the proposal to discontinue the utility board at the general election, the regular city election, or at a special election called for that purpose; and

WHEREAS, in accordance with Iowa Code §362.3, as part of the City’s action to set a date for an election on such proposition, the City must publish notice of such proposition, which notice must be published, as provided in Section 362.3 of the Code of Iowa;

NOW, THEREFORE, IT IS RESOLVED by the City Council of Newton, Iowa, as follows:

Section 1. The City Council of Newton, Iowa accepts the NWW Board of Trustee’s finding that the City of Newton has been providing excellent service to the NWW customers in a cost-effective manner and that the NWW Board of Trustees be dissolved and governance of NWW permanently be placed with the Newton City Council.

Section 2. That there is hereby called a special City election on Tuesday, September 13, 2022, at which election such election there shall be submitted to the registered voters of the City of Newton, Iowa the following question:

PROPOSITION A

“Shall the Newton WaterWorks Board of Trustees be dissolved and the City Council of Newton, Iowa, in the County of Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks.”

Section 3. That the voting place or places for said election, and the hours the polls shall be opened and closed shall be set out in the Notice of Election, said Notice to be prepared and approved by the County Commissioner of Elections.

Section 4. That the form of the ballot to be used at said election shall be of the type authorized by the Code of Iowa that will permit the use of electronic counters and will be in substantially the form set forth in the Notice of Election. That, if more than one public measure shall be submitted to the electors at the time of election, all such measures shall be printed upon one ballot.

Section 5. That the Auditor of Jasper County, Iowa, being the County Commissioner of Elections, is hereby directed to publish the Notice of Election in the “Newton Daily News”, being a legal newspaper, once in not less than four nor more than twenty days before the day of each election, in accordance with Iowa Code §49.53. The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place. The notice shall include the full text of all public measures to be voted upon at the election.

Section 6. The County Commissioner of Elections shall cause to be prepared all such ballots and election registers and other supplies as may be necessary for the proper and legal conduct of said election. The Clerk is authorized and directed to cooperate with said Commissioner of Elections and to do and prepare all necessary matters in order to make said election legal and valid.

Section 7. The Clerk is hereby directed to file a certified copy of this Resolution in the office of the County Commissioner of Elections, which filing shall constitute the “written notice” to the County Commissioner of Elections of the election date required to be given by the governing body under the provisions of Chapter 47 of the Code of Iowa

Section 8. All resolutions or parts of resolutions in conflict herewith are hereby repealed, to the extent of such conflict.

APPROVED this __ day of _____, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

NOTICE OF SPECIAL ELECTION

The City of Newton, Iowa, hereby gives notice that a special city election will be held on September 13, 2022, at which there will be submitted to the voters of the City the following proposition:

PROPOSITION A

“Shall the Newton WaterWorks Board of Trustees be dissolved and the City Council of Newton, Iowa, in the County of Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks.”