

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).

May 16, 2022 6:00 p.m.

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|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentations | 2. Heart of Iowa Regional Transit Agency (HIRT) - Brooke Ramsey, Business Development Manager |
| Citizen Participation | 3. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | <div>4. May 02, 2022 Regular City Council Meeting Minutes</div> <div>5. Approve Liquor Licenses for the following: Walgreens #05942, 1204 1st Ave East - Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Casey's General Store #1911, 1018 1st Ave E - Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Hy-Vee Market Café, 1501 1st Ave E Market Café Area - Class C Liquor License, Sunday Sales, Catering; The Cellar Peanut Pub, 403 W 4th St N - Class C Liquor License, Outdoor Service, Sunday Sales.</div> <div>6. Resolution Appointing Collin Daniels to the Newton Park Board for a Term Expiring on December 31, 2024. (No Council Report)</div> <div>7. Resolution changing Civil Service Commission term dates from the first Monday in April to December 31st of the respective term expiration year. (No Council Report)</div> <div>8. Resolution accepting completion of the Demolition 2021-03 Project. (Council Report 22-144)</div> <div>9. Resolution accepting completion of the Demolition 2021-04 Project. (Council Report 22-145)</div> <div>10. Resolution accepting completion for the 2022 Maytag Pool Heater Replacement Project. (Council Report 22-146)</div> <div>11. Resolution accepting completion of the 2021 City of Newton Parks Tree & Stump Removal Project. (Council Report 22-147)</div> |

12. Resolution accepting Musco Lighting proposal to repair tornado-damaged ballfield lighting. (Council Report 22-148)
13. Resolution of support of a Destination Iowa Grant application by Project Fastpitch. (Council Report 22-149)
14. Resolution awarding contract for the Newton Sanitary Landfill Pump Station #1 Electrical Cabinet Upgrade Project. (Council Report 22-150)
15. Resolution authorizing the purchase of an asphalt patching machine for Public Works Operations and repealing 28E agreement with Jasper County. (Council Report 22-151)
16. Resolution awarding contract for the 2022 Streetscape Light Pole Refinishing Project. (Council Report 22-152)
17. Resolution accepting completion of the 2022-01 PCC Patching Project. (Council Report 22-153)
18. Resolution approving an engineering services agreement with Bolton & Menk, Inc. for the N 4th Ave E Bridge Replacement Project. (Council Report 22-154)
19. Resolution approving payment to Hamilton Glass for the installation of new interior doors in the Fire Department. (Council Report 22-155)
20. Approve Bills

Public Hearing

21. Public Hearing on a Resolution awarding contract for the 2022 Streetscape Improvement Project. (Council Report 22-156)
 - The south 100 blocks 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 occurring 37 years ago.
 - 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.
 - Bids were received and opened on May 6, 2022. The lowest responsive, responsible bidder is Caliber Concrete, LLC of Adair, IA in the amount of \$835,213.72 with a completion date of November 30, 2022.
22. Resolution awarding contract for the 2022 Streetscape Improvement Project. (Council Report 22-156)
23. Public Hearing on a Resolution Approving the First Budget Amendment for Fiscal Year 21-22. (Council Report 22-157)
 - Council designated May 16, 2022 as the public hearing date to consider the first budget amendment for fiscal year 2022. The Iowa Code requires that expenditures for each of the nine general City programs not exceed the budget for the respective programs and allows budgets to be amended by cities prior to May 31st each year to accommodate this requirement.
 - The budget amendment adjusts the current year 2021-22 budgeted revenues and expenditures to reflect the changes that have occurred

and are expected thru June 30, 2022. The amendments do not impact the current property tax levy.

Ordinances

24. Resolution Approving the First Budget Amendment for Fiscal Year 21-22. (Council Report 22-157)
25. Third Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to Make Changes to Street Parking 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.
26. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 95: Cemeteries. (Council Report 22-138)
 - In 2021, City staff worked with Bolton & Menk and the local Veteran's groups to plat the new Veteran's Block 3 (V-3) at Union Cemetery. This was needed to assure available burial spaces for Veterans after the existing V-1 and V-2 areas are full.
 - Staff recommends approval of this proposed revision updating language to reflect the recent platting of Veteran's Block 3 (V-3) at Union Cemetery.
27. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 2100-2200 block of South Fifth Avenue East. (Council Report 22-139)
 - The City received safety concerns regarding street parking in the 2100-2200 blk. of S 5th Ave E. This street is 26 feet wide and not wide enough to safely accommodate street parking during school pick up and drop off and allow free passage of emergency vehicles.
 - The Traffic Safety Committee recommends restricting parking on the north side of S 5th Ave E in the 2100-2200 block.

Resolutions

28. Resolution approving rules and guidelines for Mobile Food Vendors in City parks. (Council Report 22-158)
 - On March 21, 2022 Council adopted ordinance language which stated "Mobile food units may be permitted within Newton city parks provided the individual mobile food unit vendor has received approval from the City of Newton prior to operating."
 - At the April 20, 2022 Park Board meeting, the board approved the proposed plan for placement of food trucks in City parks by a 3-0 vote.

29. Resolution adopting the low-moderate income set aside funds policy. (Council Report 22-159)
- When Tax Increment Financing (TIF) is used for residential development, State of Iowa law requires that a portion of the newly generated tax increments be set aside for low-moderate income (LMI) housing use throughout the City.
 - This resolution adopts a policy which will guide the future use of the LMI set-aside funds.
30. Resolution authorizing the filing of 657A.10A petitions for abandoned property at 1417 East 10th Street South, 812 1st Street North, and 740 North 3rd Avenue East, Newton, Jasper County, Iowa. (Council Report 22-160)
- These properties appear to have been abandoned by the owners. The 657A.10A process will allow the City to acquire the property in order to address the abandonment.
 - Legal fees associated with the 657A process for all three properties are estimated to total approximately \$15,000.
31. Resolution approving a Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2022-1. (Council Report 22-161)
- Windstream Iowa Communications, LLC of Little Rock, Arkansas is proposing an extension of their fiber optic network that covers a large portion of Newton. The underground portion of the route includes 91,036 lineal feet in the City right-of-way.
 - Staff has reviewed the route and will be working with Windstream and their installation contractor to eliminate conflicts with existing utilities and other possible future improvements. All construction and surface restoration will be subject to this agreement, along with a separate right-of-way excavation permit issued by the Public Works Department.
32. Resolution approving a special event street closure for the Wildcat Country Fest & Worship Fest on June 17th – June 19th. (No Council Report)
- The Wild Cat Country Fest & Worship Fest Organizing Committees are planning their first annual event on Friday June 17 thru Sunday, June 19, 2022 in Newton. The chair of Wild Cat Country Fest made a presentation to the City Council at the February 7, 2022 City Council meeting providing details of the event and sent a letter to council requesting funding. At the February 21, 2022 City Council Meeting, the City Council approved a resolution approving a funding request of \$10,000 to the First Annual Wild Cat Country Fest Event.
 - Organizers of the Wild Cat Fest and Worship Fest events approached the Jasper County Board of Supervisors at their May 10, 2022 Board Meeting requesting permission to use the Courthouse Lawn for the event. That request was approved with four conditions, one of which was the approval of the street closure by the City of Newton.
 - Organizers are now seeking a special event street closure from the City Council.

33. Resolution Approving the Special Events Policy and Application (Council Report 22-162)

- 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.

Staff Report

34. Administrative Services Update – Katrina Davis, Administrative Services Manager

Mayor/Council Comments

35.

Adjourn

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

www.NewtonGov.org

REGULAR CITY COUNCIL MEETING MINUTES
MAY 02, 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, Trotter, Wade. Absent: Ervin.

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

Mayor Hansen proclaimed May 2022 as Building Safety Month, & Historic Preservation Month; May 15th thru May 21st as National Public Works Week, Emergency Medical Services (EMS) Week, & National Police Week; May 15th as National Peace Officer Memorial Day.

Marcy Conner, Executive Director, Central Iowa Regional Housing Authority (CIRHA), presented on the CIRHA Housing Programs in Newton.

There was no citizen participation.

Moved by Trotter, seconded by Hallam to approve consent agenda items 9-18.

9. April 18, 2022 Regular City Council Meeting Minutes

10. Approve Liquor Licenses for the following: Nostalgia Wine & Spirits, 109 N 2nd Ave E. temporarily extending Outdoor Service Area for a Special Event May 21, 2022 pending staff approval; Class C Liquor License, Sunday Service and updating ownership for Cobblestone Inn & Suites, 4222 S 22nd Ave E.; Class C Liquor License, Outdoor Service, Sunday Sales for 6 months at Iowa Speedway, Levy Premium Foodservice, 333 Rusty Wallace Drive; Class E Liquor License, Class B Wine Permit, Class B Native Wine Permit, Class C Beer Permit, Sunday Sales, Casey's General Store #2417, 1200 W 18th St S.; Class B Beer Permit, Outdoor Service, Special Event June 10, American Legion Post 111, Inc, 200 N 2nd Ave W., pending staff approval.

11. Designate May 16, 2022 as a public hearing for the 1st Budget Amendment for Fiscal year 2021-22.

12. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-04). Resolution 2022-130 adopted.

13. Resolution approving purchase of two new waterslide pumps and a variable frequency drive (VFD) controller for the recirculation pump. Resolution 2022-131 adopted.

14. Resolution granting an easement to Interstate Power & Light Co. at 124 1st Ave E. Resolution 2022-132 adopted.

15. Resolution authorizing purchase of pre-season salt for snow and ice control. Resolution 2022-133 adopted.

16. 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 Union Dr. Reconstruction Project. Resolution 2022-134 adopted.

17. Resolution of support for Smila, Ukraine in the amount of \$2,000.00. Resolution 2022-135 adopted.

18. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution approving the purchase agreement for real property located at 1024 North 11th Avenue East, Newton, Jasper County, Iowa. There were no written comments. Moved by Dalton, seconded by Trotter, to close the public hearing. AYES: Five. NAYS: None. The public hearing was closed. Moved by Wade, seconded by Hallam to adopt the resolution. AYES: Five. NAYS: None. Resolution 2022-136 adopted.

Moved by Trotter, seconded by George, to approve the Second consideration of the 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. AYES: Five. NAYS: None. Second Consideration passed. Moved by Wade, seconded by Trotter to amend the rules and waive the Third consideration of the Ordinance. AYES: Five. NAYS: None. Motion passed. Moved by Trotter, seconded by George, to adopt the Ordinance. AYES: Five. NAYS: None. Ordinance 2412 was adopted.

Moved by Dalton, seconded by George, to approve the Second consideration of the 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. AYES: Five. NAYS: None. Second Consideration passed.

Moved by Wade, seconded by George, to approve the First consideration of the Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 95: Cemeteries. AYES: Five. NAYS: None. First Consideration passed.

Moved by Hallam, seconded by Dalton, to approve the First consideration of the Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 2100-2200 block of South Fifth Avenue East. AYES: Five. NAYS: None. First Consideration passed.

Moved by Trotter, seconded by Dalton to adopt the Resolution approving a new, revised agreement between the City of Newton and Project AWAKE. AYES: Five. NAYS: None. Resolution 2022-137 adopted.

Moved by George, seconded by Wade to adopt the Resolution approving the 2022 revisions to the Cemetery Rules and Regulations for Union Cemetery and Memorial Park Cemetery. AYES: Five. NAYS: None. Resolution 2022-138 adopted.

Moved by Dalton, seconded by George to adopt the Resolution Approving the Special Events Policy and Application. City Administrator, Matt Muckler confirmed that a separate resolution would establish a fee structure. Discussion ensued regarding the minimum requirement of having 75% of businesses approval, there was concern of jeopardizing events. Council established that communication is essential. George recommended that number 7 requiring 75% be eliminated and an alternate communication plan to be established. Moved by George, seconded by Wade to table the resolution until the next meeting. AYES: Five. NAYS: None. Resolution tabled to the May 16, 2022 meeting.

Moved by Hallam, seconded by Dalton to adopt the Resolution Consenting to Assignment of Development Agreement. AYES: Five. NAYS: None. Resolution 2022-139 adopted.

Rebecca Klein, Public Services Librarian & Phyllis Peter, Youth Services Librarian presented on the Summer Reading Programs.

During Mayor/Council comments Hallam complimented individuals on the Historical Preservation Committee for their work. George attended the MLA Session 3 and learned that Newton is doing a lot of things right including emergency preparedness, council meeting protocols, and the D&D program. Mayor Hansen met with Senator Joni Ernst to discuss the importance of federal and state contributions to historic preservation for buildings that are vital to communities. Hallam stated that NDN reporter Christopher Braunschweig's article was picked up by Yahoo News. Hansen announced that the celebration honoring law enforcement will be held May 12th at 5:30 at the Jasper County Courthouse.

Moved by Trotter, seconded by George to adjourn the meeting at 6:55 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

RESOLUTION 2021- _____

RESOLUTION APPOINTING COLLIN DANIELS TO THE NEWTON PARK BOARD
FOR A TERM EXPIRING ON DECEMBER 31, 2024.

WHEREAS, the Newton Park Board currently has one unfilled position due to an existing board member stepping down; and

WHEREAS, Collin Daniels has expressed interest in the Park Board, has been interviewed by the Community Services Director, and is qualified to serve on the Park Board.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that Collin Daniels is hereby appointed to the Park Board effective immediately for the remainder of a 3-year term expiring on December 31, 2024.

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PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

RESOLUTION NO. 2022-_____

**RESOLUTION CHANGING CIVIL SERVICE COMMISSION
TERM DATES FROM THE FIRST MONDAY IN APRIL TO
DECEMBER 31ST OF THE RESPECTIVE TERM EXPIRATION
YEAR**

WHEREAS, Teresa Ray's term on the Civil Service Commission expires on April 6, 2026 and;

WHEREAS, David Zellinger's term on the Civil Service Commission expires on April 1, 2025 and;

WHEREAS, Gary Johnson's term on the Civil Service Commission expires on April 1, 2024 and;

WHEREAS, Council adopted Ordinance 2412 on May 2, 2022 changing the term ending date for Civil Service Commissioners from the first Monday in April to December 31st of the respective expiration year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that Teresa Ray, David Zellinger, and Gary Johnson are hereby appointed to the Civil Service Commission for a term expiring December 31st of their respective term expiration year.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the Demolition 2021-03 Project.

Report Number: 22-144

Date:

May 16, 2022

Summary:

Final acceptance of the project to complete abatement & demolition work at 411 N 2nd Ave E, 514 S 3rd Ave E, and 616 W 4th St S.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Council previously approved a contract for \$74,900.05; and this action would accept the project and authorize payment of the retainage amount of \$3,745.00.

Background:

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

The City acquired 411 N 2nd Ave E, 514 S 3rd Ave E, and 616 W 4th St S with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program. The Community Services Department prepared plans and specifications for the Demolition 2021-0 Project, and City Council passed Resolution 2021-265 on October 18, 2021 awarding a contract to Howe Excavating of Newton, Iowa in the amount of \$74,900.05.

The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work, is \$74,900.05.

Recommendation:

City staff recommends accepting the completion of the Demolition 2021-03 Project, and authorizing the retainage amount of \$3,745.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION ACCEPTING COMPLETION
OF THE DEMOLITION 2021-03 PROJECT**

WHEREAS, the City of Newton acquired 411 N 2nd Ave E, 514 S 3rd Ave E, and 616 W 4th St S with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program; and

WHEREAS, the City of Newton Community Services Department prepared abatement and demolition plans and specifications for the Demolition 2021-03 Project, and sealed bids were received and opened for said project by the City on October 12, 2021; and

WHEREAS, the City Council of the City of Newton awarded a contract to Howe Excavating of Newton, Iowa in the amount of \$74,900.05 on October 18, 2021 for the Demolition 2021-03 Project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$3,745.00 to Howe Excavating no sooner than 30 days after approval of this resolution, should no claims be on file, with said payment being made using Dangerous and Dilapidated Building Program funds.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the Demolition 2021-04 Project.

Report Number: 22-145

Date:

May 16, 2022

Summary:

Final acceptance of the project to complete abatement & demolition work at 211 S 15th Ave W and 1024 N 11th Ave E.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Council previously approved a contract for \$43,500.00; and this action would accept the project and authorize payment of the retainage amount of \$2,175.00.

Background:

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

The City acquired 211 S 15th Ave W and 1024 N 11th Ave E with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program. The Community Services Department prepared plans and specifications for the Demolition 2021-04 Project, and City Council passed Resolution 2021-321 on December 20, 2021 awarding a contract to Howe Excavating of Newton, Iowa in the amount of \$43,500.00.

The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work, is \$43,500.00.

Recommendation:

City staff recommends accepting the completion of the Demolition 2021-04 Project, and authorizing the retainage amount of \$2,175.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION ACCEPTING COMPLETION
OF THE DEMOLITION 2021-04 PROJECT**

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

WHEREAS, the City of Newton Community Services Department prepared abatement and demolition plans and specifications for the Demolition 2021-04 Project, and sealed bids were received and opened for said project by the City on December 13, 2021; and

WHEREAS, the City Council of the City of Newton awarded a contract to Howe Excavating of Newton, Iowa in the amount of \$43,500.00 on December 20, 2021 for the Demolition 2021-04 Project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$2,175.00 to Howe Excavating no sooner than 30 days after approval of this resolution, should no claims be on file, with said payment being made using Dangerous and Dilapidated Building Program funds.

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PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion for the 2022 Maytag Pool Heater Replacement Project.

Report Number: 22-146

Date:

May 16, 2022

Summary:

Accept the project and release final payment for the new high-efficiency tankless pool water heater system.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Council previously approved a contract for \$132,425.00; and this action would accept the project and authorize payment of the retainage amount of \$6,621.25.

Background:

The pool technical evaluation completed in 2020 identified a new pool heater as a priority one item that should be addressed. Based on follow-up discussions with the aquatics engineer in 2021, a gas-fired high efficient tankless pool heating system is recommended. Staff then sought proposals for said pool heating system.

City Council passed Resolution 2022-114 on April 4, 2022 awarding a contract to Pleva Mechanical of Woodward, Iowa in the amount of \$132,425.00.

Pleva Mechanical has completed the installation, and the Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work, is \$132,425.00.

The final retainage payment will not be released until the pool has been filled; the heater activated, staff trained on its operation, and is in a fully-functioning condition.

Recommendation:

City staff recommends accepting the completion of the 2022 Maytag Pool Heater Replacement Project, and authorizing the retainage amount of \$6,621.25 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION ACCEPTING COMPLETION FOR THE
2022 MAYTAG POOL HEATER REPLACEMENT PROJECT.**

WHEREAS, the pool technical evaluation completed in 2020 identified a new pool heater as a priority one item that should be addressed; and

WHEREAS, based on follow-up discussions with the aquatics engineer in 2021, a gas-fired high efficient tankless pool heating system is recommended; and

WHEREAS, Staff then sought proposals for said pool heating system; and

WHEREAS, City Council passed Resolution 2022-114 on April 4, 2022 awarding a contract to Pleva Mechanical of Woodward, Iowa in the amount of \$132,425.00; and

WHEREAS, Pleva Mechanical has completed the installation, and the Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract; and

WHEREAS, City staff recommends accepting the completion of the 2022 Maytag Pool Heater Replacement Project, and authorizing the release of the retainage.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$6,621.25 to Pleva Mechanical of Woodward, Iowa no sooner than 30 days after approval of this resolution should no claims be on file, the pool has been filled, the heater activated, staff trained on its operation, and said heater is in a fully-functioning condition; with said payment being made using available General Fund Budget funds.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

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

Report Number: 22-147

Summary:

Final acceptance of contract to complete the removal of 24 trees at seven city sites.

Date:

May 16, 2022

Lead Department:

Community Services

Financial Impact:

Council previously approved a contract for \$19,449.84; and this action would accept the project and authorize payment of the retainage amount of \$1,071.49.

Recommendation:

Approve

Background:

Dead and dying trees in seven City sites: Maytag Park, Westwood Golf Course, Callison Park, Sunset Park, Aurora Park, City Right-of-Way, and Union Cemetery create a danger to the public. These trees also create an unsightly appearance. The removal of the trees, including stumps, would require more time and additional equipment that the City does not possess.

Parks Operations marked the trees needing removed and community services prepared plan and specifications for the proposed 2021 City of Newton Parks Tree & Stump Removal Project. City Council then passed Resolution 2021-227 on September 7, 2021 awarding a contract to ArborPro Tree Service of Fort Dodge, Iowa in the amount of \$19,449.84.

The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work and \$1,980.00 in additional work approved by the Newton Library, is \$21,429.84.

Recommendation:

City staff recommends accepting the completion of the 2021 City of Newton Parks Tree & Stump Removal Project, and authorizing the retainage amount of \$1,071.49 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

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

WHEREAS, dying trees in seven City sites: Maytag Park, Westwood Golf Course, Callison Park, Sunset Park, Aurora Park, City Right-of-Way, and Union Cemetery create a danger to the public; and

WHEREAS, these trees also create an unsightly appearance; and

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

WHEREAS, the City Council of the City of Newton awarded a contract to ArborPro Tree Service of Fort Dodge, Iowa in the amount of \$19,449.84 on September 7, 2021 for the 2021 City of Newton Parks Tree & Stump Removal Project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$1,071.49 to ArborPro Tree Service no sooner than 30 days after approval of this resolution, should no claims be on file. Said payment to be made using 2021 bond funds for the base contract work, and budgeted Library funds for the added work at the Newton Library.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting Musco Lighting proposal to repair tornado-damaged ballfield lighting.

Report Number: 22-148

Date:

May 16, 2022

Summary:

Accept proposal to make needed repairs to ballfield lighting at Woodland Park and the Softball Complex following the March 5, 2022 tornado.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$20,550.00 in expected costs paid by insurance funds; and \$4,250.00 in non-insurance work paid from a mix of remaining bond funds and Parks FY-23 operating budget.

Background:

The March 5, 2022 tornado caused significant damage to Union Cemetery, Woodland Park, and the Adult Softball Complex. Included in the damage assessment were the ballfield lights at Eversman Field, Holland-Patterson Field, and the Softball Complex. Staff contacted Musco Lighting of Oskaloosa, Iowa to complete an initial assessment of the lighting, as the existing light systems are Musco products. Musco recently provided an assessment of damages caused by the tornado, along with a few other recommendations on upgrades to these older light systems.

The proposed scope of services includes all labor, lift equipment, and materials needed to address the following tornado damage:

- Straighten the affected crossarm assemblies on Eversman Field, Holland-Patterson Field, and the North Softball Field; and fine tune the fixtures' alignment accordingly.
- Straighten the leaning common A1/A2 pole in between the North and South Softball Fields.
- Replace (1) complete SportsCluster™ fixture on the C1 Pole on Holland-Patterson Field.
- Re-lamp (40) 1500 Watt SportsCluster fixtures on Holland-Patterson Field, (50) 1500 Watt Level-8™ fixtures on Eversman Field, and (48) 1500 Watt SportsCluster fixtures on the Softball Fields (replace lamps, clean lenses and reflectors, and old lamp disposal)
- Troubleshoot and repair any remaining fixture outages (additional materials may be required)

In addition to the repairs caused by the tornado, the replacement of (50) 1500 watt capacitors on the Eversman Field lighting system is recommended due to the age and output of said lights. This additional \$4,250.00 in work can be completed at the same time as the storm repairs; thereby saving a considerable amount on extra mobilization charges should this be done as a stand-alone project at a later date.

With the approval of this resolution to complete both the repairs from the tornado, along with the minor additional work on the Eversman Field lighting, all of these older lighting systems at these ballfields will be operational for the foreseeable future while upgrades are programmed in the Capital Improvement Plan in the long-term. The non-insurance work at Eversman Field, if approved, would be paid from a mix of remaining bond funds and Parks FY-23 operating budget.

Recommendation:

City staff recommends approval of this resolution accepting the proposal from Musco Lighting of Oskaloosa, Iowa to repair the tornado-damaged ballfield lighting noted above, along with the additional \$4,250.00 in recommended maintenance work at Eversman Field.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION ACCEPTING MUSCO LIGHTING PROPOSAL TO REPAIR
TORNADO-DAMAGED BALLFIELD LIGHTING**

WHEREAS, the March 5, 2022 tornado caused significant damage to Union Cemetery, Woodland Park, and the Adult Softball Complex; and

WHEREAS, staff contacted Musco Lighting of Oskaloosa, Iowa to complete an initial assessment of the ballfield lights at Eversman Field, Holland-Patterson Field, and the Softball Complex, as the existing light systems are Musco products; and

WHEREAS, the proposed scope of services recommended includes all labor, lift equipment, and materials needed to address the following tornado damage:

- Straighten the affected crossarm assemblies on Eversman Field, Holland-Patterson Field, and the North Softball Field; and fine tune the fixtures' alignment accordingly.
- Straighten the leaning common A1/A2 pole in between the North and South Softball Fields.
- Replace (1) complete SportsCluster™ fixture on the C1 Pole on Holland-Patterson Field.
- Re-lamp (40) 1500 Watt SportsCluster fixtures on Holland-Patterson Field, (50) 1500 Watt Level-8™ fixtures on Eversman Field, and (48) 1500 Watt SportsCluster fixtures on the Softball Fields (replace lamps, clean lenses and reflectors, and old lamp disposal)
- Troubleshoot and repair any remaining fixture outages (additional materials may be required); and

WHEREAS, in addition to the repairs caused by the tornado, the replacement of (50) 1500 watt capacitors on the Eversman Field lighting system is recommended due to the age and output of said lights; and

WHEREAS, this additional \$4,250.00 in work can be completed at the same time as the storm repairs; thereby saving a considerable amount on extra mobilization charges should this be done as a stand-alone project at a later date; and

WHEREAS, with completion of both the repairs from the tornado along with the minor additional work on the Eversman Field lighting, all of these older lighting systems at these ballfields will be operational for the foreseeable future while upgrades are programmed in the Capital Improvement Plan in the long-term; and

WHEREAS, City staff recommends approval of this resolution accepting the proposal from Musco Lighting of Oskaloosa, Iowa to repair the tornado-damaged ballfield lighting noted above, along with the additional \$4,250.00 in recommended maintenance work at Eversman Field.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts the proposal from Musco Lighting of Oskaloosa, Iowa to complete the needed repairs to the ballfield lighting at Woodland Park and the Softball Complex following the March 5, 2022 tornado, along with the additional \$4,250.00 in recommended maintenance work at Eversman Field.

BE IT FURTHER RESOLVED by the City Council of the City of Newton, Iowa that the \$20,550.00 in expected tornado repair costs are to be paid by insurance funds; and the additional \$4,250.00 in non-insurance work are to be paid from a mix of remaining bond funds and Parks FY-23 operating budget.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution of support of a Destination Iowa Grant application by Project Fastpitch.

Report Number: 22-149

Summary: Destination Iowa is a new grant program designed to support projects that will grow Iowa's tourism sector. Project Fastpitch aligns with the tourism attraction program area. This is a resolution of support for their application.

Date:
May 16, 2022

Lead Department:
Community Development

Recommendation:
Approve

Financial Impact: No Additional cost.

Grant Background: Destination Iowa is a \$100 million investment to bolster the quality of life in Iowa's communities and attract visitors and new residents to the state. The new effort will provide grants to help communities move forward on transformational, shovel-ready attractions. Cities, counties, nonprofits and other organizations can apply for Destination Iowa grants from four separate funds: Economically Significant Development, Outdoor Recreation, Tourism Attraction and Creative Placemaking.

While Iowa saw a record number of Iowans and out-of-state travelers utilizing outdoor amenities such as state and county parks and recreational bike trails over the last two years, the hospitality industry in the State of Iowa experienced a 46.1% decrease in employment and there was an overall 29% decline in visitor spending as a result of the COVID-19 pandemic.

Destination Iowa will provide new opportunities to create and invest in attractions that will raise Iowa's profile, welcome out-of-state travelers, and increase visitor spending while accelerating tourism's recovery. It will also spur local economies and contribute to efforts to recruit new members of Iowa's workforce.

It is recommended that communities select a single project to support for this grant program. The grant is anticipated to be highly competitive.

Project Fastpitch: Project Fastpitch appears to meet all of the grant criteria, making it a very strong project for consideration of the grant. Project Fastpitch will draw visitors to Newton and the State of Iowa on a national scale.

Recommendation:

City Staff recommends approval of the resolution of support.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION OF SUPPORT OF A DESTINATION IOWA GRANT APPLICATION BY
PROJECT FASTPITCH**

WHEREAS, Iowa Economic Development Authority has established a Destination Iowa Grant program; and

WHEREAS, the Destination Iowa Grant program is designed to support projects which will grow Iowa's tourism sector of the economy; and

WHEREAS, youth sports is a growing aspect in the tourism sector of the economy; and

WHEREAS, Project Fastpitch is planned to be a national destination for girls softball games and tournaments;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the City of Newton supports the application by Project Fastpitch for the Destination Iowa Grant in the Tourism Attraction program area.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item:

Resolution awarding contract for the Newton Sanitary Landfill Pump Station #1 Electrical Cabinet Upgrade Project

Summary:

Award of contract for the Newton Sanitary Landfill Pump Station #1 Electrical Cabinet Upgrade Project

Financial Impact:

\$38,176.00 from the Newton Sanitary Landfill Enterprise Fund



Report Number: 22-150

Date:

May 16, 2022

Lead Department:

Public Works

Recommendation:

Approve

Background:

The Newton Sanitary Landfill is tasked with maintaining 34 acres of closed cells in the 1945 Area at the landfill. Inspections, reporting, monitoring wells sampling, monitoring wells testing continue throughout the post closure period continue for up to 30 years or longer. Leachate is pumped to the Newton Water Pollution Control Plant for treatment.

The current pump station #1 electrical control cabinet, wiring and controls were installed in 1995 and are worn out and failing. Pumps are replaced every 6-12 months dependent upon pump longevity. Staff is experiencing failures in the system due to system age and new style pumps are not compatible with the antiquated electrical control cabinet and old style pumps are no longer available.

Staff worked with HLW Engineering to spec an upgraded electrical control cabinet that includes an upgraded panel, controls, pumps and includes an Omni-Beacon 2-channel Cellular Alarm Notification System with Strobe Light. The system utilizes a cellular service to notify staff of a system malfunction, per IDNR requirements. Staff requested proposals for electrical pump station improvements; the following bid prices were received and opened on May 6th, 2022:

Jetco – Altoona, IA	\$38,176.00
Iowa Pump Works, Inc. Ankeny, Iowa	\$38,176.00

The low bidder is Jetco Company of Altoona, Iowa as both bidders will be working together on the project. The completion date for the project is November 18, 2022. The project will be paid for using Newton Sanitary Landfill Enterprise Funds.

Recommendation:

Award contract to Jetco Company of Altoona, Iowa in the amount of \$38,176.00.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION AWARDING CONTRACT FOR THE NEWTON SANITARY LANDFILL
PUMP STATION #1 ELECTRICAL CABINET UPGRADE PROJECT**

WHEREAS, the Newton Sanitary Landfill is tasked with maintaining 34 closed acres in the 1945 Area at the landfill; and

WHEREAS, the current pump station #1 electrical control cabinet, wiring and controls were installed in the early 1980's and are worn out and failing; and

WHEREAS, staff worked with HLW Engineering spec an upgraded electrical control system that includes an upgraded panel and pumps with Omni-Beacon 2-channel Cellular Alarm Notification System with Strobe Light; and

WHEREAS, City staff requested proposals for these improvements; and

WHEREAS, based on the proposals received on May 6th, 2022; City staff recommends the City of Newton award a contract to Jetco, Inc. of Altoona, Iowa for the Pump Station #1 Electrical Cabinet Upgrade Project based on the low responsive, responsible base bid received in the amount of \$38,176.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract be awarded to Jetco Inc. of Altoona, Iowa in the amount of Thirty-Eight Thousand, One Hundred seventy-six dollars and Zero Cents (\$38,176.00) for the Pump Station #1 Electrical Cabinet Upgrade Project, as described in the plans and specifications.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution authorizing the purchase of an asphalt patching machine for Public Works Operations and repealing 28E agreement with Jasper County.

Report Number: 22-151

Summary: To replace an existing patching machine.

Date: May 16, 2022

Financial Impact: \$73,800.00 of available Road Use Tax funds.

Lead Department:
Public Works

Recommendation:
Approve

Background

The City of Newton and Jasper County each have a need to repair streets and roads. A spray injection patching machine is the appropriate piece of equipment for pothole street repairs. The City of Newton and Jasper County entered into a 28-E agreement to purchase and be equal owners of the existing spray injection patching machine.

The time has come to replace this unit and terminate the 28E agreement with Jasper County due to scheduling conflicts, as both entities have the need to use the patching machine at the same time of year.

A replacement asphalt patching machine was included in the capital equipment plan for fiscal year 2022-2023. Jasper County agrees for the City to place the old unit on Public Surplus with a \$25,000.00 reserve, and the highest bid will establish the fair market value. Jasper County agrees to pay the City of Newton 50% of the fair market rate for the buyout of the old machine. If the \$25,000.00 reserve is met, the unit will be sold and each entity will receive 50% of the proceeds.

Staff prepared specifications and received bids for a new asphalt patching machine. The following bids for a 2022 Spray Injection Road Repair Machine were received:

<u>Equipment Dealer</u>	<u>Model</u>	<u>Bid Price</u>
Hampton Equipment, Inc.	T-7500	\$73,800.00
Star Equipment, LTD	Cimline P2	\$78,860.00
Equipment Marketing Co.	T-7500	\$79,500.00

Recommendation

Approval to purchase spray injection patcher from Hampton Equipment of Raymond, Illinois in the amount of \$73,800.00. End 28-E agreement with Jasper County resolution 2015-051 and authorize the Public Works Director to place the old unit on Public Surplus Auction with a \$25,000.00 reserve and sell the old unit to Jasper County for 50% of the highest bid price.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION AUTHORIZING THE PURCHASE OF AN ASPHALT
PATCHING MACHINE FOR PUBLIC WORKS OPERATIONS AND
REPEALING 28E AGREEMENT WITH JASPER COUNTY**

WHEREAS, The City of Newton and Jasper County each have a need to repair streets and roads; and

WHEREAS, a spray injection patching machine is the appropriate piece of equipment for pothole street repairs; and

WHEREAS, The City of Newton and Jasper County entered into a 28-E agreement to purchase and be equal owners of the existing spray injection patching machine; and

WHEREAS, the time has come to replace this unit and terminate the 28E agreement with Jasper County due to scheduling conflicts, as both entities have the need to use the patching machine at the same time of year; and

WHEREAS, a replacement spray injection patching machine was included in the capital equipment plan for fiscal year 2022-2023; and

WHEREAS, Jasper County agrees for the City to place the old unit on Public Surplus with a \$25,000.00 reserve and the highest bid establish the fair market value; and

WHEREAS, Jasper County agrees to pay the City of Newton 50% of the fair market value for the buyout of the old machine; and

WHEREAS, If the \$25,000.00 reserve is met, the old unit will be sold and each entity will receive 50% of the proceeds; and

WHEREAS City Staff prepared specifications and received bids for a new Spray Injection patching machine; and

WHEREAS, the successful bid is a T-7500 from Hampton Equipment, Inc. for \$73,800.00; and

NOW, THEREFORE, BE IT RESOLVED, the Public Works Director is authorized to purchase a spray injection patching machine from Hampton Equipment of Raymond, Illinois in the amount of \$73,800.00; and

BE IT FURTHER RESOLVED, the Public Works Director is authorized to place the old unit on Public Surplus with a \$25,000.00 reserve and end 28-E agreement with Jasper County resolution 2015-051 and sell the old unit to Jasper County for 50% of the highest bid price; and

BE IT FURTHER RESOLVED, Jasper County and the City agree, if the \$25,000.00 reserve is met, the unit will be sold and each entity will receive 50% of the proceeds.

PASSED this _____ day of _____, 2022.

APPROVED this _____ day of _____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution awarding contract for the 2022 Streetscape Light Pole Refinishing Project.

Summary: Award contract to repaint 64 existing streetscape lights in downtown Newton.

Financial Impact: \$25,600.00 from Road Use Tax.



Report Number: 22-152

Date: May 16, 2022

Lead Department: Public Works

Recommendation: Approve

Background:

Existing streetscape lights in the central business district are approaching 30 years old and have begun to show their age. This project would see 64 light poles power washed and repainted to improve their appearance. Engineers estimate for this project was \$25,600.00.

Separate from this contract Public Works Operations crews would convert these lamp fixtures to more efficient LED fixtures. This project is expected to be completed in phases over the next few years, completing approximately 50 streetscape lights per year.

The following submitted quotes were received and opened on May 5, 2022:

<u>Company</u>	<u>Bid Price</u>
Pole Painting Plus, Inc. - Maple Lake, MN	\$25,600.00
Van Maanen Electric, Inc. - Newton, IA	\$27,520.00
Jarnagin Painting Inc Johnston IA	\$43,072.00

The apparent low bidder is Pole Painting Plus Inc. of Maple Lake, MN in the amount of \$25,600.00. The completion date of the project is October 31, 2022. The project will be paid for utilizing 2022 Road Use Tax.

Recommendation:

Council awards the project to the low responsive, responsible bidder, Pole Painting Plus Inc. of Maple Lake, MN.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION AWARDING CONTRACT FOR THE
2022 STREETSCAPE LIGHT POLE REFINISHING PROJECT**

WHEREAS, existing streetscape lights in the central business district are approaching 30 years old and have begun to show their age. This project would see 64 streetscape light poles power washed and repainted to improve their appearance, and

WHEREAS, sealed quotes were received and opened on May 5, 2022; and

WHEREAS, City staff recommends that the City of Newton award a contract to Pole Painting Plus Inc. of Maple Lake, MN for the 2022 Streetscape Light Pole Refinishing Project based on the low responsive, responsible quote received in the amount of \$25,600.00 paid from 2022 Road Use Tax.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Pole Painting Plus Inc. of Maple Lake, MN, in the amount of Twenty Five Thousand Six hundred Dollars and Zero Cents (\$25,600.00) for the 2022 Streetscape Light Pole Refinishing Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest bid received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Pole Painting Plus Inc. of Maple Lake, MN for the 2022 Streetscape Light Pole Refinishing Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2022-01 PCC Patching Project

Report Number: 22-153

Date:

May 16, 2022

Summary:

Accept completion of contract to removal and replace 158 SY of 8" class C PCC. Located in 1200-1300 blocks N 3rd Ave E.

Lead Department:

Public Works

Financial Impact:

Council previously approved a contract for \$22,910.00 on March, 2022; and this action would accept the project and authorize payment of the retainage amount of \$1,145.50.

Recommendation:

Approve

Background:

This Existing section of street in the 1200-1300 blocks of N 3rd Ave E is approaching 51 years old and in need of replacement. This project consists of removal and replacement of 158 SY of 8" class C PCC. Engineers estimate for this project was \$24,490.

Separate from this contract, Public Works Operations crews will reconstruct two existing stormwater Intakes and replace two Manholes embedded in an additional 84 SY of concrete, adjacent to this project.

City Council passed a resolution on March 21, 2022 awarding a contract to TK concrete Inc. in the amount of \$22,910.00. The Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is \$22,910.00.

Recommendation:

City staff recommends accepting the completion of the PCC Patching 2022-01 project, and authorizing the retainage amount of \$1,145.50 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION ACCEPTING COMPLETION OF THE
2022-01 PCC Patching PROJECT**

WHEREAS, This Existing section of street in the 1200-1300 blocks of N 3rd Ave E is approaching 51 years old and in need of replacement. This project consists of removal and replacement of 158 SY of 8" class C PCC. Engineers estimate for this project was \$24,490.

WHEREAS, the City Council of the City of Newton awarded a contract to TK Concrete Inc. of Pella, IA in the amount of \$22,910.00 on March 21, 2022 for the 2022-01 PCC patching Project; and

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

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is \$22,910.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Public Works Director to execute payment of the retainer in the amount of \$1,145.50 no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using 2022 Road Use Tax.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

ATTEST:

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving an engineering services agreement with Bolton & Menk, Inc. for the N 4th Ave E Bridge Replacement Project.

Report Number: 22-154

Date:

May 16, 2022

Summary:

Approving an agreement with Bolton & Menk, Inc. for engineering services for the survey, design, permitting, and construction administration of the project.

Lead Department:

Public Works

Recommendation:

Approve

Financial Impact:

\$35,600 from Road Use Tax fund.

Background:

For the past several years the N 4th Ave E bridge located east of Halter Avenue has been closed to traffic due to structural deterioration. The bridge is co-owned by the City of Newton and Jasper County and when in use is utilized by both City and County residents. This project will design a replacement for the existing bridge and allow for vehicular traffic to resume use. The design and construction administration of the project is proposed to be financed using Road Use Tax funds.

Bolton & Menk, Inc. of Ames, Iowa has presented an agreement to provide engineering services for this project at an estimated cost of \$35,600. The four phases of service include the initial topographic survey not to exceed \$3,200, the project design and development phase not to exceed \$12,140, complete the Iowa DNR Flood Plain permitting process not to exceed \$15,100, and the construction management phase not to exceed \$5,160.

Recommendation:

Staff recommends approving the agreement with Bolton & Menk, Inc. of Ames, Iowa for engineering services for the N 4th Ave E Bridge Replacement Project.

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

Matt Muckler

City Administrator

RESOLUTION 2022- _____

**RESOLUTION APPROVING AN ENGINEERING SERVICES AGREEMENT WITH
BOLTON & MENK, INC. FOR THE N 4TH AVE E BRIDGE REPLACEMENT
PROJECT**

WHEREAS, for the past several years the N 4th Ave E bridge located east of Halter Avenue has been closed to traffic due to structural deterioration; and

WHEREAS, the bridge is co-owned by the City of Newton and Jasper County and when in use is utilized by both City and County residents; and

WHEREAS, this project will design a replacement for the existing bridge and allow for vehicular traffic to resume use; and

WHEREAS, the design and construction administration of the project is proposed to be financed using Road Use Tax funds; and

WHEREAS, Bolton & Menk, Inc. of Ames, Iowa has proposed to provide engineering services for the N 4th Ave E Bridge Replacement Project at a cost of \$35,600; and

WHEREAS, said total engineering cost of \$35,600 includes the initial topographic survey not to exceed \$3,200, the project design and development phase not to exceed \$12,140, complete the Iowa DNR Flood Plain permitting process not to exceed \$15,100, and the construction management phase not to exceed \$5,160.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes the Mayor to execute said Engineering Services Agreement with Bolton & Menk, Inc. of Ames, Iowa regarding engineering services as set forth above, with this expenditure to be paid from the Road Use Tax Funds.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

PROFESSIONAL SERVICES AGREEMENT

by and between
BOLTON & MENK, INC.
430 East Grand Avenue, Suite 101
Des Moines, IA 50309
Ph. (515) 259-9190 Fax (515) 233-4430
(hereinafter referred to as BMI)
and

Date of Agreement: 5/10/2022

Agreement Number:

(BMI Project Number)

Project Location: Newton, IA

Client

Name: City of Newton

Address: 101 West 4th Street S

Address: _____

City: Newton State Iowa Zip 50208

(hereinafter referred to as Client)

Phone No.:

641-792-2787

☐ Agent or Person Ordering Services and/or ☐ Billing Address (if different)

Agent or Person Ordering Services: Jody Rhone, Public Works Director

Address: _____

City: _____ State _____ Zip _____

Phone No.:

Fax No.:

Fee Arrangement

Hourly, Not-to-Exceed

Design: \$35,600

as per the 2022 Bolton & Menk rate schedule

Scope/Intent and Extent of Services

See attached scope of services (exhibit 1) for the N 4th Avenue Culvert Replacement design and construction administration.

Special Conditions

The services described in this Work Order will be consistent with the terms and conditions described in the Agreement for Professional Services between Bolton & Menk and the City of Newton dated September 7, 2021, and approved by the Newton City Council on September 7, 2021, unless modified by this Work Order.

BMI and Client agree to the Terms and Conditions as stated above and on the reverse side of this Agreement. The below signed represents that he or she has been authorized to accept this agreement on behalf of the Client and assumes financial responsibility for all services in the event of default by the Client.

Offered by: Bolton & Menk, Inc.



Matthew Ferrier, PE, Principal Engineer

5/10/2022

Date

Accepted by: City of Newton, Iowa

Michael Hansen, Mayor

Date

EXHIBIT I
SCOPE OF SERVICES BY CONSULTANT
N 4th AVENUE CULVERT REPLACEMENT
CITY OF NEWTON, IOWA

I. SCOPE OF SERVICES

Bolton & Menk, Inc., hereafter known as CONSULTANT, agrees to provide professional services required for the engineering design & construction management for the above-named project.

TASK I – ENGINEERING SERVICES

For purposes of this specific project, services to be provided by CONSULTANT are as follows:

Subtask A – Data Collection

1. CONSULTANT will collect topographic survey of the site which will include:
 - a. Horizontal and vertical location of existing surface improvements
 - b. Horizontal and vertical location of CLIENT utilities – sanitary sewer, watermain and storm sewer
 - c. Locate private utilities (natural gas, telephone, CATV, electric, watermain, etc.) based on field marking or other information from utility owners
 - d. Identify property corners to determine ROW limits
 - e. Survey existing ground to create surface model and contours for the site.
 - f. CAD drafting to create project mapping of the project area.

Deliverables:

Base map in PDF and CAD format

Subtask B – Construction Drawings

1. CONSULTANT will complete all aspects of design needed for the construction. 60% (Preliminary) and 90% (Final) plans and specifications will be provided to the City for review and approval. The anticipated plan elements include:
 - a. **Title and General Information Sheets (A Sheets).** The title sheets will include the following: index of sheets, revisions, legend, location map, project number, design traffic data.
 - b. **Typical Cross Sections (B Sheets).** The typical Cross Sections will include but not be limited to typical sections for the proposed grading, drainage and paving improvements. The Typical Cross Sections will be used for the proposed improvements as well as determination of the limits that each section will apply.
 - c. **Estimate of Quantities (C Sheets).** This includes determination of the bid items to be included in the project, along with an estimate of quantities for each item. Estimate Reference Notes (ERN) will be developed to assist the contractor in bidding the project. Erosion Control and Restoration sheets will be included in the C sheets. Sheets include the design of erosion control measures and surface restoration to be provided on the Project.
 - d. **Plan and Profiles (D Sheets).** Plan and profile sheets will show the existing and proposed horizontal and vertical roadway alignment of the corridor. Proposed Right-of-Way and Construction Easement limits based on the catch point lines will be shown. The scale of these sheets will be 1"=20'.
 - e. **Traffic Control and Staging (J Sheets).** Plan includes anticipated construction

scheduling and staging of the Project, highlighting traffic control measures to be implemented during construction. Staging plan shall include provisions for maintaining access to adjacent properties during construction. The traffic control devices, procedures, and layouts shall be as per the Manual of Uniform Traffic Control Devices (MUTCD).

- f. **Underground Utilities (M Sheets).** Plans include storm sewer, sanitary sewer, and water main design as needed. These drawings will show identified locations of franchise utilities and critical crossings. Sheets may be combined depending on clarity of the plans. The scale of these plan sheets will be 1"=20'
 - g. **Removal Plans (R Sheets).** This includes the design and drafting of the removal limits of the existing infrastructure inside of the project area. The plan includes the removals of pavement, underground utilities.
 - h. **Bridge and Culvert Design (V Sheets).** Bridge approach panel and culvert replacement plans will be developed in accordance with applicable codes and standards. The scale of these plan sheets will be 1"=20'.
 - i. **Detailed Cross Sections (W & X Sheets).** This task consists of design and drafting associated with the assembly of detailed cross sections (25' increments) to illustrate typical conditions, drainage designs, and non-typical conditions as needed for guidance during design, review, and quantity estimating purposes.
- 2. **Project Manual:** CONSULTANT will prepare a project manual for the project in accordance with Iowa SUDAS and City of Newton standards. Project Manual will be provided at the 90% design phase.
 - 3. **Engineer's Estimate:** CONSULTANT will prepare an Opinion of Probable Cost (OPC) with breakdowns provided for the various construction elements. An OPC will be provide at the 60% and 90% Design phases.
 - 4. **CLIENT Review:** Plans will be reviewed with CLIENT at the 60%, and 90% complete stages. The project manual will be reviewed with CLIENT at the 90% complete stage. If required, changes will be made to the contract documents based on CLIENT's review and comments. It is assumed that easement and right-of-way design will commence at the 60% complete stage of plan set production. The final contract documents will be presented to CLIENT for approval.
 - 5. CONSUTLANT provide acquisition plats to CLIENT for any temporary or permanent acquisitions and easements. These will be provided at the 60% design phase.
 - 6. CONSUTLANT will provide the following bidding assistance:
 - a. Assist CLIENT in the preparation of advertisement for bids and submittal to the local newspaper and other required publications, secure affidavits of publication
 - b. Post advertisement for bids on CONSULTANT's website.
 - c. Upon request by prospective bidders, subcontractors or suppliers, CONSULTANT will distribute copies of the contract/bidding documents – hard copy or electronic documents, or both. A nominal refundable fee may be charged for bidding documents.
 - d. Maintain and update plan holders list throughout bidding period.

- e. Address questions from prospective bidders, subcontractors and suppliers, and prepare and issue addenda as required.
- f. Assist CLIENT with the public opening and reading of the bids.
- g. Review bids and prepare bid tabulation and abstract of all bid items.
- h. Conduct pre-award review of the low bidder and significant subcontractors and perform other research to investigation capabilities and qualifications of the low bidder.
- i. Assist CLIENT in preparing recommendation for CLIENT Council regarding the award of the bid. CONSULTANT will attend CLIENT Council meeting to answer any questions regarding the recommendation.

Subtask C – Flood Plain Permitting

CONSULTANT will perform the required research, develop the required calculations & background information, and other documentation for the floodplain permit application. This task also includes coordination and support activities as needed for permit approval.

Subtask D – Construction Management

CLIENT will provide day to day construction project observation and documentation. Consultant will support CLIENT by providing construction administration and construction observation as follows::

1. Convene the preconstruction conference to be attended by CLIENT, contractors, and any affected utility companies. CONSULTANT will coordinate development of a pre-construction meeting agenda & meeting minutes.
2. Provide supervision and support to CLIENT's resident project representatives.
3. Attend and support weekly construction scheduling meetings
4. Coordinate with business owners and resident meetings during the construction, as needed.
5. Review, for conformance with design concept only, any shop drawings required to be furnished by the Contractor.
6. Review any material lists, supplier's lists, or other submittals required to be furnished by the Contractor.
7. Perform visits to the site as need to support CLIENT construction observation.
8. Obtain additional information or clarifications from CLIENT when required for the proper execution of the work.
9. Modifications: Consider and evaluate contractor's suggestions for modifications in Drawings or Specifications and report with RPR's recommendations to project engineer. Transmit to contractor decisions as issued by project engineer.
10. CONSULTANT will conduct an inspection of the project in the company of CLIENT and the Contractor for conformance with contract documents. A punch list will be developed from the inspection and be used to track completion of those items.
11. CLIENT will prepare record drawings reflecting constructed conditions from information

observed by RPR or supplied by others and furnish one reproducible copy and one electronic copy of the plans.

12. CONSULTANT will support CLIENT with project closeout documentation.

II. HOURLY RATE SERVICES

The following services shall be provided at CONSULTANT's standard hourly rate and a fee estimate shall be developed and mutually agreed upon prior to commencement of work:

III. PROPOSED SCHEDULE

The schedule is dependent upon Iowa DNR Flood Plain permitting, which will be confirmed when the permit package is submitted. The tentative project is:

- Topographic Survey: May/June 2022
- 60% Design Review: July 2022
- Iowa DNR Permit Submittal: July 2022
- 90% Design Review: August 2022
- Bidding Phase: September 2022
- Construction Award: October 2022
- Construction Start: November 2022
- Construction Completion/Project Closeout: May 2023

IV. ESTIMATED FEES:

The fees for the completion of the above scope are:

Subtask A – Data Collection	\$ 3,200.00
Subtask B – Construction Drawing	\$ 12,140.00
Subtask C – Flood Plain Permitting	\$ 15,100.00
<u>Subtask D – Construction Management</u>	<u>\$ 5,160.00</u>
Total	\$ 35,600.00

City of Newton Council Report

Item: Resolution approving payment to Hamilton Glass for the installation of new interior doors in the Fire Department

Summary: This resolution approves payment to Hamilton Glass of Newton for installation of new interior doors on the wash bay and workshop of the Fire Department.

Financial Impact: \$21,519 to be paid from the 2021 Bonds for Fire Building Improvements



Report Number: 22-155

Date: May 16, 2022

Lead Department:
Fire

Recommendation:
Approve

BACKGROUND

The steel doors in the Fire Department west workshop and wash bay in the southwest corner of the Fire Department have deteriorated significantly in past few years. Rusting at the base of the doors due to exposure to the elements had resulted in shifting of the doors making them difficult to close and latch. The doors to the Fire Department area had reached a point where they were no long closing appropriately.

The Fire Department contracted with Hamilton Glass of Newton to replace the doors that match those from the completed door replacement project in April of 2018 and the doors to the exterior in 2021.

RECOMMENDATION

City Staff recommends approval of the payment to Hamilton Glass of Newton in the amount of \$21,519 to be paid from the 2021 Bonds for Fire Building Improvements.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION APPROVING PAYMENT TO HAMILTON
GLASS FOR THE INSTALLATION OF NEW INTERIOR
DOORS IN THE FIRE DEPARTMENT**

WHEREAS, the interior doors on the inside of the Fire Department are in need of replacement; and,

WHEREAS, Hamilton Glass has replaced windows and doors at other locations in the City Hall Building complex and the Fire Department,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa that Hamilton Glass is authorized to remove and replace 4 steel doors and install one steel door in a new opening at the Fire Department in the amount of \$21,519. This expense will be paid from the 2021 bond proceeds earmarked for Fire building improvements.

PASSED this 16th day May, 2022.

APPROVED this ____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis,
City Clerk

Vendor	Department	Description	Amount
Acushnet Company	Golf	Merchandise	\$ 1,336.57
Airgas USA LLC	Fire	Supplies	\$ 127.13
Alliant Energy/IPL	All	Utilities	\$ 45,827.39
Amazon Capital Services	All	Supplies	\$ 960.03
Arborpro Tree Service LLC	Library/Parks	Service	\$ 20,358.35
ArcMate Manufacturing Corp	Landfill	Supplies	\$ 118.92
Bahl, Andrew	Fire	Reimbursement	\$ 67.91
Berkey, Jakob & Jena	Private Incentives	Incent	\$ 10,000.00
Bituminous Materials & Supply	Street	Supplies	\$ 2,309.47
Blackburn Mfg Co	Traffic Control	Supplies	\$ 426.97
Bound Tree Medical LLC	Fire	Supplies	\$ 1,289.60
Brick Gentry P.C.	Legal Services	Service	\$ 16,060.00
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 684.00
Callaway Golf	Golf	Merchandise	\$ 124.98
Cappy's Tire & Auto Service	Cemetery/Parks	Supplies	\$ 761.69
Card Services	All	Training	\$ 2,026.84
Carpet One Floor & Home	Fire	Supplies	\$ 4,047.92
CCP Industries	Landfill	Supplies	\$ 434.22
Central Iowa Distributing Inc	Water Pollution Control	Supplies	\$ 826.00
Cintas	All	Service	\$ 724.39
Clapsaddle-Garber Assoc	Airport	Service	\$ 27,535.77
Cocina Hernandez	Executive	Service	\$ 750.00
Computer Resource Specialists	Administration	Service	\$ 1,708.20
Con-Struct Inc	Airport	Service	\$ 301,225.86
D & K Products	Golf	Supplies	\$ 1,495.00
Darrell's Electric	City Center	Service	\$ 113.00
Davis Equipment Corp	Parks	Supplies	\$ 255.85
Diamond Vogel Inc	Parks	Supplies	\$ 86.38
DMF Gardens	Parks	Supplies	\$ 2,602.00
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 2,014.61
Dorsey & Whitney LLP	All	Service	\$ 47,000.00
Earl May Nursery & Garden	Parks	Supplies	\$ 524.00
Evident Inc	Police	Supplies	\$ 53.10
EZ Lease	Water Pollution Control	Service	\$ 245.01
Fire Service Training Bureau	Fire	Service	\$ 600.00
Forbes Office Solutions	All	Service	\$ 1,222.02
Galls LLC	Police	Supplies	\$ 13,525.18
Global Industrial	Water Pollution Control	Supplies	\$ 3,251.43
Gregg Young Auto Center	Police	Service	\$ 736.87
Grimes Asphalt and Paving	Street	Supplies	\$ 789.86
Hamilton Glass	Fire	Supplies	\$ 21,519.00
Hartgers, Jacob & Echo	Private Incentives	Incent	\$ 10,000.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,480.10
HLW Engineering Group	Landfill	Service	\$ 175.00
Home Depot Pro	Parks	Supplies	\$ 234.12
Howe Excavating	D&D Program	Service	\$ 41,325.00
Hydro International	Water Pollution Control	Supplies	\$ 264.40
Hy-Vee Inc	Executive/Fire	Supplies	\$ 369.76
Iowa Department of Transportation	Street	Supplies	\$ 1,811.85

IA Department of Natural Resources	Landfill	Dues	\$ 120.00
Iowa Inspections	Fire	Service	\$ 4,300.00
Iowa One Call	Engineering/WPC	Service	\$ 332.40
Iowa State Sheriffs' & Deputies' Assoc	Police	Training	\$ 50.00
Iowa State University	Executive	Training	\$ 65.00
Iowa Total Care	Fire	Reimbursement	\$ 914.56
Jasper County Recorder	Economic Dev/Finance	Service	\$ 388.00
Jeff Seals Construction	Fire	Supplies	\$ 2,700.00
Johnson Aviation	Airport	Reimb	\$ 48.14
Kemper Health	Fire	Reimbursement	\$ 79.65
Key Cooperative	All	Fuel	\$ 14,836.06
Liberty Tire Services LLC	Landfill	Service	\$ 1,419.49
Lyman, Rick	Police	Service	\$ 322.72
Magnum Automotive	Fire	Service	\$ 2,638.26
Mahaska Bottling Co	Golf	Concessions	\$ 1,355.50
Manatts - D.M.	Street	Supplies	\$ 8,809.75
Martin Marietta Materials	Street	Supplies	\$ 1,586.34
McMaster-Carr	Water Pollution Control	Supplies	\$ 128.38
McVey, Denise	Public Works Administration	Reimb	\$ 30.00
Mediacom	Golf	Utility	\$ 109.95
Menards-Altoona	Parks/Tort Liability	Supplies	\$ 3,563.30
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 798.91
MercyOne Occupational Health Clinic	Police	Service	\$ 900.00
Metro Waste Authority	Landfill	Service	\$ 8,192.10
MG Laundry Corporation	City Center	Service	\$ 85.85
Mid Country Machinery	Landfill	Supplies	\$ 2,341.26
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 1,554.41
Midwest Automatic Fire	City Center/Street	Service	\$ 434.03
Midwest Lawn Services	City Center	Service	\$ 475.00
Midwest Turf Support	Golf	Supplies	\$ 954.00
Montgomery, Lisa	Police	Supplies	\$ 165.29
Moose Lodge #993	Fire	Reimbursement	\$ 25.00
NAPA Auto Parts	All	Supplies	\$ 781.81
News Printing Company	All	Supplies	\$ 4,365.84
NFPA-Membership Fulfillment	Fire	Service	\$ 175.00
Northern Lights Display	North Central TIF	Supplies	\$ 1,770.00
O'Halloran International	Landfill	Supplies	\$ 98.41
O'Reilly Auto Parts	Golf/Parks	Supplies	\$ 105.33
Parkview Animal Hospital	Animal Control	Service	\$ 2,200.00
Pfander, Steve	Landfill	Reimb	\$ 210.00
Pleva Mechanical Inc	Maytag Pool-RESO 2022-114	Service	\$ 125,803.75
Premier Office Equipment	Police	Service	\$ 73.67
PRI Management Group	Police	Training	\$ 259.00
Quill Corporation	Police/PW Admin	Supplies	\$ 73.15
RCSYSTEMS Radio Communications	Disaster Services	Service	\$ 288.02
Sandry Fire Supply LLC	Fire	Supplies	\$ 1,641.95
SHRM	Administration	Service	\$ 229.00
Smith Quality Rental	Fire	Supplies	\$ 108.00
Spahn & Rose Lumber Co	All	Supplies	\$ 452.96
Stacy's Sweetstuff	Fire	Supplies	\$ 32.00
Stanard & Associates	Police	Supplies	\$ 57.50
Strauss Security Solutions	Police	Supplies	\$ 234.00
Terminal Supply Company	City Garage	Supplies	\$ 86.34

Terracon Consultants Inc	N Central TIF-RESO 2021-213	Service	\$ 15,726.85
The Scale Guys LLC	Landfill	Service	\$ 500.00
Theisen's	All	Supplies	\$ 964.52
Theisen's Marshalltown	Street/WPC	Supplies	\$ 123.97
TK Elevator	City Center	Service	\$ 198.65
Tompkins Industries Inc	City Garage	Supplies	\$ 1,159.35
Tour edge	Golf	Merchandise	\$ 480.44
Town & Country Wholesale Co	Golf	Concessions	\$ 794.15
Townsend Ventures LLC	Tort Liability	Supplies	\$ 792.00
Truck Equipment	City Garage	Supplies	\$ 275.69
True Value Hardware	All	Supplies	\$ 827.54
Two Rivers Cooperative	City Garage/Landfill/WPC	Supplies	\$ 8,981.55
United States Cellular	All	Utilities	\$ 1,373.11
Unity Point Health	Fire	Service	\$ 293.75
USABlueBook	Water Pollution Control	Supplies	\$ 171.74
Utility Equipment Co	Storm Water	Supplies	\$ 2,863.97
Van Maanen Electric Inc	Traffic Control	Service	\$ 405.00
Vermeer Sales	City Garage	Supplies	\$ 162.00
Warnick & Reeves Mechanical	All	Service	\$ 1,564.77
Water Department	All	Utilities	\$ 11,378.92
WesTech	Water Pollution Control	Supplies	\$ 2,086.64
Windstream	All	Utilities	\$ 990.97
Zoll	Fire	Supplies	\$ 257.48
Zonar Systems	Snow Removal/Street Cleaning	Service	\$ 1,368.00
Total			\$ 843,935.89

Pre-Authorized Payments

AT&T Mobility	Police	Utilities	\$ 897.19
Black Hills Energy	Golf/Parks	Utilities	\$ 602.75
Black Hills Energy	Airport/WPC	Utilities	\$ 6,383.96
Dish Network	Airport	Utilities	\$ 142.07
Iowa Plains Signing Inc	N Central TIF - RESO 2022-096	Service	\$ 7,104.00
OPEN	Executive - RESO 2022-135	Service	\$ 2,000.00
Thomas Bus Sales Inc	N Central TIF - RESO 2022-096	Service	\$ 2,195.00
Windstream	Airport/City Center	Utilities	\$ 103.41
Total			\$ 19,428.38

City of Newton Council Report

Item: Resolution awarding contract for the 2022 Streetscape Improvement Project

Summary: Award contract to Caliber Concrete LLC for the 2022 Streetscape Improvement Project

Financial Impact: \$835,213.72 from 2021 Road Use Tax Revenue Bonds



Report Number: 22-156

Date: May 16, 2022

Lead Department: 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.

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

The following submitted bids were received and opened on May 6, 2022:

<u>Company's</u>	<u>Bid Price</u>
Caliber Concrete, LLC	\$835,213.72
TK Concrete Inc.	\$1,163,997.00

The lowest responsive, responsible bidder is Caliber Concrete, LLC of Adair, IA in the amount of \$835,213.72. Engineer's construction cost estimate was \$753,077.00. This project has a completion date of November 30, 2022

Recommendation:

Award the project to the lowest responsive, responsible bidder, Caliber Concrete, LLC of Adair, Iowa, utilizing \$835,213.72 2021 Road Use Tax Revenue Bonds

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION AWARDING CONTRACT FOR THE
2022 STREETSCAPE IMPROVEMENT PROJECT**

WHEREAS, the south 100 blks 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; and

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

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

WHEREAS, sealed bids were received and opened on May 6, 2022; and

WHEREAS, City staff recommends that the City of Newton award a contract to Caliber Concrete, LLC of Adair, IA for the 2022 Streetscape Improvements Project based on the low responsive, responsible bid received in the amount of \$835,213.72, 2021 Road Use Tax Fund revenue Bonds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Caliber Concrete, LLC of Adair, IA, in the amount Eight Hundred and Thirty-Five Thousand and Two Hundred Thirteen Dollars and Seventy-Two Cents (\$835,213.72) for the 2022 Streetscape Improvements Project, as described in the plans and specifications, is hereby accepted; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Caliber Concrete, LLC of Adair, IA for the 2022 Streetscape Improvements Project as described by the plans and specifications filed in the office of the City Clerk, be signed by the Mayor and City Clerk on behalf of the City.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Approving the First Budget Amendment for Fiscal Year 21-22



Summary:

Iowa Code requires that the City not exceed the budgeted expenditures for each of nine programs, so adjustments are made to reflect changes that have occurred throughout the fiscal year.

Financial Impact:

No new financial impact as proposed amendments reflect City Council actions during past fiscal year and actual expenditures to date.

Report Number: 22-157

Date: May 16, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

At the May 2, 2022 City Council meeting, the Council designated May 16, 2022 as the public hearing date to consider the first 2021-22 budget amendment for the City of Newton. Notice of the hearing was published in the *Newton Daily News*, in compliance with State requirements on Friday, May 6, 2022. The Iowa Code requires that expenditures for each of the nine general City programs not exceed the budget for the respective programs and allows budgets to be amended by cities prior to May 31st each year to accommodate this requirement.

The attached budget amendment adjusts the current year 2021-22 budgeted revenues and expenditures to reflect the changes that have occurred and are expected thru June 30, 2022.

The detailed account numbers for the amendments for each program are found in the pages following the attached Resolution. The amendments do not impact the current property tax levy.

Recommendation:

It is recommended the City Council adopt the attached Resolution approving the first 2021-22 budget amendment for the City of Newton.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE FIRST BUDGET AMENDMENT FOR
FISCAL YEAR 2021-22**

WHEREAS, Iowa Code requires that the City not exceed the budgeted expenditures for each of nine programs and allows cities to amend local budgets to accommodate this requirement; and

WHEREAS, a budget amendment for FY22 has been prepared to conform to the Iowa Code requirement to not exceed a budgeted amount in each of the State's nine programs and was published in the Newton Daily News on May 6, 2022 in accordance with State requirements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the first amendment to the City of Newton's 2021-22 Budget is hereby approved.

PASSED this 16th day of May, 2022

APPROVED this _____ day of May, 2022

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

NOTICE OF PUBLIC HEARING - AMENDMENT OF CURRENT BUDGET

City of NEWTON
Fiscal Year July 1, 2021 - June 30, 2022

The City of NEWTON will conduct a public hearing for the purpose of amending the current budget for fiscal year ending June 30, 2022

Meeting Date/Time: 5/16/2022 06:00 PM

Contact: Lisa Frasier

Phone: (641) 792-2787

Meeting Location: 101 W 4th St S, Newton Iowa City of Newton Council Chambers

There will be no increase in taxes. Any residents or taxpayers will be heard for or against the proposed amendment at the time and place specified above. A detailed statement of: additional receipts, cash balances on hand at the close of the preceding fiscal year, and proposed disbursements, both past and anticipated, will be available at the hearing.

REVENUES & OTHER FINANCING SOURCES		Total Budget as Certified or Last Amended	Current Amendment	Total Budget After Current Amendment
Taxes Levied on Property	1	8,160,658	0	8,160,658
Less: Uncollected Delinquent Taxes - Levy Year	2	0	0	0
Net Current Property Tax	3	8,160,658	0	8,160,658
Delinquent Property Tax Revenue	4	0	0	0
TIF Revenues	5	2,593,050	0	2,593,050
Other City Taxes	6	2,296,126	0	2,296,126
Licenses & Permits	7	317,875	0	317,875
Use of Money & Property	8	201,210	0	201,210
Intergovernmental	9	6,043,137	1,135,029	7,178,166
Charges for Service	10	12,039,867	0	12,039,867
Special Assessments	11	14,000	0	14,000
Miscellaneous	12	581,210	0	581,210
Other Financing Sources	13	10,568,500	0	10,568,500
Transfers In	14	4,258,162	0	4,258,162
Total Revenues & Other Sources	15	47,073,795	1,135,029	48,208,824
EXPENDITURES & OTHER FINANCING USES				
Public Safety	16	8,047,086	320,000	8,367,086
Public Works	17	5,572,041	0	5,572,041
Health and Social Services	18	0	0	0
Culture and Recreation	19	2,330,365	234,000	2,564,365
Community and Economic Development	20	1,417,356	260,000	1,677,356
General Government	21	1,262,597	200,000	1,462,597
Debt Service	22	3,962,847	200,000	4,162,847
Capital Projects	23	5,915,500	0	5,915,500
Total Government Activities Expenditures	24	28,507,792	1,214,000	29,721,792
Business Type/Enterprise	25	13,670,039	824,161	14,494,200
Total Gov Activities & Business Expenditures	26	42,177,831	2,038,161	44,215,992
Transfers Out	27	4,258,162	0	4,258,162
Total Expenditures/Transfers Out	28	46,435,993	2,038,161	48,474,154
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	637,802	-903,132	-265,330
Beginning Fund Balance July 1, 2021	30	18,416,496	11,595,331	30,011,827
Ending Fund Balance June 30, 2022	31	19,054,298	10,692,199	29,746,497

Explanation of Changes: Revenues increased because of American Rescue Plan funds. Expenditure increased in Public Safety are due to increased overtime, additional firefighter position, and capital equipment purchases. Expenditure increases in Culture and Recreation are due to upgrades to the mechanical equipment to Maytag Pool before the 2022 season. Increases in Economic Development are due to TIF incentives and legal fees. General Government increases are Tort Liability claims paid out due to the 2020 Derecho. Debt Service increase is additional bonding expenses as well as interest costs for the 2021 bonds that were not budgeted. Business Type/Enterprise increased is due to the Newton Waterworks budgeted adjustments.

2021-22 City of Newton 1st Budget Amendment May 16, 2022

Revenues

Other Financing Sources

		Budget	Amendment	Adjusted Budget
300-5075-3-44000	Federal Grant - American Rescue Plan	\$ -	\$ 1,135,029	\$ 1,135,029
TOTALS		\$	1,135,029	
Grand Total all Revenue Amendments May 16, 2022		\$	1,135,029	

2021-22 City of Newton Budget Amendment May 16, 2022

Expenditures

Program 1 Public Safety Budget Amendments

	Police	Budget	Amendment	Adjusted Budget
001-1010-60400	Overtime	\$ 65,000	\$ 25,000	\$ 90,000
001-1010-63320	Vehicle Repair	\$ 27,000	\$ 20,000	\$ 47,000
001-1010-64310	City Wide Nuisances	\$ 12,000	\$ 20,000	\$ 32,000
Total Police Amendments:		\$	65,000	
	Fire	Budget	Amendment	Adjusted Budget
001-1050-60400	Overtime	\$ 30,000	\$ 60,000	\$ 90,000
001-1050-62750	Hiring Expenses	\$ 2,000	\$ 10,000	\$ 12,000
001-1050-63100	Building Maintenance & Repair	\$ 15,000	\$ 5,000	\$ 20,000
001-1050-63320	Vehicle Repair	\$ 34,000	\$ 10,000	\$ 44,000
001-1050-65040	Minor Equipment	\$ 7,000	\$ 15,000	\$ 22,000
001-1050-67370	HSGP Grant Expenditures	\$ -	\$ 60,000	\$ 60,000
112-1050-61500	Group Insurance	\$ 568,516	\$ 30,000	\$ 598,516
112-1050-61600	Workers Compensation	\$ 230,000	\$ 35,000	\$ 265,000
300-1050-67270	Other Capital Equipment	\$ -	\$ 30,000	\$ 30,000
Total Fire Amendments:		\$	255,000	
TOTAL Program 1:		\$	320,000	

Program 4 Culture & Recreation Budget Amendments

	Library	Budget	Amendment	Adjusted Budget
001-4010-65150	Donation Expenditures	\$ 1,000	\$ 14,000	\$ 15,000
Total Library Amendments:		\$	14,000	
	Maytag Pool	Budget	Amendment	Adjusted Budget
001-4040-67270	Other Capital Equipment	\$ -	\$ 220,000	\$ 220,000
Total Maytag Pool Amendments:		\$	220,000	
TOTAL Program 4:		\$	234,000	

Program 5 Economic Development Budget Amendments

	TIF General Funds	Budget	Amendment	Adjusted Budget
001-5150-64130	Payments to Other Agencies	\$ 19,500	\$ 10,000	\$ 29,500
	Purchase of Trailer & Barricades			
001-5159-64050	Court & Recording Expense	\$ -	\$ 12,000	\$ 12,000
001-5166-64050	Court & Recording Fee Expense	\$ -	\$ 10,000	\$ 10,000
001-5170-64050	Court & Recording Expense	\$ -	\$ 3,000	\$ 3,000
001-5170-64291	Infrastructure Improvements	\$ -	\$ 10,000	\$ 10,000
001-5175-64050	Court & Recording Expense	\$ -	\$ 20,000	\$ 20,000
001-5175-64130	Payments to Other Agencies	\$ -	\$ 90,000	\$ 90,000
001-5175-67627	Development Initiative Assista	\$ -	\$ 105,000	\$ 105,000
Total TIF General Funds:		\$	260,000	
TOTAL Program 5:		\$	260,000	

Program 6 General Government Budget Amendments

	Tort Liability	Budget	Amendment	Adjusted Budget
012-6060-64060	Damages/Tort Claims	\$ 20,000	\$ 200,000	\$ 220,000
TOTAL Program 6:		\$	200,000	

Program 7 Debt Service Expenditures Budget Amendments

	Debt Service Fund	Budget	Amendment	Adjusted Budget
200-7010-64390	Bonding & Refinancing Expenses	\$ -	\$ 200,000	\$ 200,000
TOTAL Program 7:		\$	200,000	

Program 9 Business Type Activities

	Water Department	Budget	Amendment	Adjusted Budget
	Water Department	\$ 3,088,263	\$ 824,161	\$ 3,912,424
TOTAL Program 9:		\$	824,161	

Grand Total all Expenditure Amendments **\$ 2,038,161**

City of Newton Council Report



Item: Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to Make Changes to Street Parking 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: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 95: Cemeteries.

Summary: The proposal is to update language to reflect the recent platting of Veteran's Block 3 (V-3) at Union Cemetery.

Financial Impact: None



Report Number: 22-138

Date: May 2, 2022

Lead Department:
Community Services

Recommendation:
Approve

Background: In 2021, City staff worked with Bolton & Menk and the local Veteran's groups to plat the new Veteran's Block 3 (V-3) at Union Cemetery. This was needed to assure available burial spaces for Veterans after the existing V-1 and V-2 areas are full.

This proposed ordinance change includes the following revisions in Section 95.09 Veteran's Plot:

- Changes all references of "*Veteran's Blocks V-1 and V-2*" to "*All Platted Veteran's Blocks*"
- Changes all references of "*Veteran's Sections V-1 and V-2*" to "*All Platted Veteran's Sections*"

Recommendation: Staff recommends approval of the ordinance.

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

Matt Muckler
City Administrator

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF
NEWTON, IOWA, 2016, TITLE IX, CHAPTER 95: CEMETERIES.

WHEREAS, in 2021, City staff worked with Bolton & Menk and the local Veteran's groups to plat the new Veteran's Block 3 (V-3) at Union Cemetery; and

WHEREAS, this was needed to assure available burial spaces for Veterans after the existing V-1 and V-2 areas are full; and

WHEREAS, this proposed ordinance change in Section 95.09 Veteran's Plot reflects the recent addition of the new Veteran's Block 3 (V-3); and

WHEREAS, staff recommends approval of the ordinance.

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

Section 1.

Title IX, Chapter 95 is amended as shown in "Attachment A."

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 _____, 2018 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2018.

Dated this ____ day of _____, 2018.

Katrina Davis, City Clerk

ATTACHMENT A

Amendments or additions to the ordinance are found in **bold, underlined** text, while deletions are shown ~~with a strikethrough line~~.

CHAPTER 95: CEMETERIES

§ 95.09 VETERAN'S PLOT.

(C) *Time of sale of lots in **all platted** Veteran's Blocks ~~V-1 and V-2~~*. No lot shall be granted or sold until it is required for the immediate burial of a veteran; except that, the spouse of such person may at the time of such burial or at any time thereafter that such lot is available, purchase the immediately adjoining lot for the burial of the surviving spouse of such veteran. Only one casketed or cremation remains burial shall be allowed per lot in **all platted** Veteran's Sections ~~V-1 and V-2~~.

(D) *Grave markers in **all platted** Veteran's Blocks ~~V-1 and V-2~~*. Each grave shall be marked with one government issue, flat, gray granite veteran's marker two feet long, one foot wide and not less than four, nor more than six, inches thick, or a like marker obtained from other sources, which shall be set so that the top is flush with the surface of the ground. No lettering shall be permitted on such markers, except the name of the person, military rank, if any, the year of birth and the year of death. No raised lettering shall be permitted. Lettering on markers which are not obtained from the government shall be like that on government issue markers. The grave of each person, whether a veteran or the spouse of a veteran, shall be marked with a separate marker. No other marker of any kind shall be allowed or used; except that, the grave of each veteran may also be marked by one or more standard bronze combination veteran's grave marker and flag holder which can be readily removed while mowing or caring for the lot. No double marker of any kind or additional marker shall be permitted for any single burial lot.

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 2100-2200 block of South Fifth Avenue East.

Report Number: 22-139

Date: May 2, 2022

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

Lead Department: Police Department

Financial Impact: None

Recommendation: Approve

Background:

The City received safety concerns from citizens regarding street parking in the 2100-2200 blk of S 5th Ave E. These complaints are a result of vehicles being parked on both sides of street during school pick up and drop off and the street is too narrow to allow this parking capacity and still allow vehicles free and safe passage. A primary concern is that emergency vehicles may not be able to travel through this area on emergency calls and there is a heightened risk of motor vehicle and pedestrian accidents as a result of the current parking design.

The 2100-2200 blk of S 5th Ave E is 26 feet wide and is not wide enough to safely accommodate parking on both sides of the street during school days when pick up and drop off operations are underway. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on the north side of the street.

Twelve (12) surveys describing the recommended changes were sent to the adjacent property owners. Two (2) surveys were returned with two (2) residents agreeing with the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment.

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

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 2100-2200 BLOCK OF SOUTH FIFTH 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.

AVENUES, SOUTHEAST QUADRANT

South Fifth Avenue East.

"No Parking Anytime".

Both sides from First Street South east to East Second Street South.

South side from East Second Street South east to East Third Street South.

Both sides from East Third Street South east to East Fifth Street South.

Both sides from East Sixth Street South east to East Eighth Street South.

North side from East Twelfth Street South east to South Fourth Avenue Place East.

"No Parking 8:00 a.m. - 5:00 p.m. School days".

South side from Twenty-fourth Street South to East Twenty-third Street South.

North side from East Twenty-first Street South to East Twenty-third Street South.

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

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

Section 4. Effective. This ordinance shall be effective on _____, 2022, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

Dated this ____ day of _____, 2022.

Katrina Davis, City Clerk

Parking Survey—S 5th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on north side of S 5th Ave E in the 2100-2200 blk and return to the City of Newton Police Department by April, 25, 2022.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

I have had issues with house directly across the road from me having multiple visitors parking on both sides of road & sometimes directly behind my driveway & sometimes blocking my curb cut to my drive.

502 E 21st St S

It's been a struggle, but this might help!

I've never had an issue in the 13 yrs. that I've lived here - until that house was sold in 2019

100% agree!!!

410 E 21st S

Parking Survey—S 5th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on north side of S 5th Ave E in the 2100-2200 blk and return to the City of Newton Police Department by April, 25, 2022.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

2205 S 5th Ave E

City of Newton Council Report

**Item:**

Resolution approving rules and guidelines for Mobile Food Vendors in City parks.

Report Number: 22-158

Date:

May 16, 2022

Summary:

Approval of plan for Community Services Department staff to seek approval for, and regulate the numbers and locations of, mobile food vendors in certain City parks.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

minimal

Background:

Recent Council discussion and activity has centered on mobile food units, or food trucks, being allowed and regulated in Newton. As these discussions were occurring, requests to allow these vendors access to City parks were also being received from the public and certain groups. On March 21, 2022; City Council adopted ordinance language which stated “*Mobile food units may be permitted within Newton city parks provided the individual mobile food unit vendor has received approval from the City of Newton prior to operating.*”

Following the above Council action, the Community Services Director presented staff’s plan to the Newton Park Board for their input and recommendations regarding food trucks in City parks. At the April 20, 2022 Park Board meeting, the board approved a recommendation of staff’s proposed plan for placement of food trucks in City parks by a 3-0 vote. The highlights of the plan included:

- The Community Services Director or designee, representing the City as the owner of the property, would be the applicant for all Premise Permits at City park locations.
- Mobile food vendors would follow all rules established by City Council.
- The Community Services Department would establish a no-cost, online reservation system for these pre-approved locations spelled out in the premise permits. Available dates and times, as they are made available by the Community Services Department, could be viewed and reserved online. Vendors would not be allowed to set up in the pre-approved spots without first reserving an available date and location.
- Premise permits would be applied for at the following park locations only:
 - o Maytag Park – 2 proposed locations near the Rotary seating area (SE corner of pkg. lot) and 1 proposed location on loop drive NW of pool pavilion entrance.

- o Woodland Park – 1 proposed location near Eversman Field and 1 proposed location near the main shelter south of Holland-Patterson Field.
 - o Agnes Patterson Park – 1 proposed location near softball concession stand and 1 proposed location near soccer concession stand.
 - o Aurora Park – 1 proposed location near restroom and playground.
 - o Softball Complex – 1 proposed location near concession stand.
 - o Westwood Golf Course – 1 proposed location in SW corner of main parking lot.
- Premise permits would be applied for at off-street locations only, with no plan to allow or seek approval for mobile food vendors at neighborhood parks.
 - Locations proposed in public parks must provide adequate public parking, afford a level of safety to pedestrians, and be nearby park restrooms.
 - Additional premise permits would be applied for by the Community Services Director on a case-to-case basis for special events, or other circumstances where additional locations or vendors are requested.

Based on the Park Board's recommendation of staff's proposed plan, approval of this resolution would place the responsibility to implement said plan on the Community Services Department. Vendors would be required to follow said plan to receive permission from the Community Services Department to operate in City parks (per the Code language: "*....received approval from the City of Newton prior to operating.*")

Recommendation:

City staff recommends approval of this resolution approving rules and guidelines for Mobile Food Vendors in City parks.



Matt Muckler
City Administrator

RESOLUTION 2022- _____

RESOLUTION APPROVING RULES AND GUIDELINES FOR MOBILE FOOD VENDORS IN CITY PARKS.

WHEREAS, recent Council discussion and activity has centered on mobile food units, or food trucks, being allowed and regulated in Newton; and

WHEREAS, as these discussions were occurring, requests to allow these vendors access to City parks were also being received from the public and certain groups; and

WHEREAS, On March 21, 2022; City Council adopted ordinance language which stated *“Mobile food units may be permitted within Newton city parks provided the individual mobile food unit vendor has received approval from the City of Newton prior to operating.”*; and

WHEREAS, following the above Council action, the Community Services Director presented staff’s plan to the Newton Park Board for their input and recommendations regarding food trucks in City parks; and

WHEREAS, at the April 20, 2022 Park Board meeting, the board approved a recommendation of staff’s proposed plan for placement of food trucks in City parks by a 3-0 vote; and

WHEREAS, said recommended plan included the following rules and guidelines:

- The Community Services Director or designee, representing the City as the owner of the property, would be the applicant for all Premise Permits at City park locations.
- Mobile food vendors would follow all rules established by City Council.
- The Community Services Department would establish a no-cost, online reservation system for these pre-approved locations spelled out in the premise permits. Available dates and times, as they are made available by the Community Services Department, could be viewed and reserved online. Vendors would not be allowed to set up in the pre-approved spots without first reserving an available date and location.
- Premise permits would be applied for at the following park locations only:
 - o Maytag Park – 2 proposed locations near the Rotary seating area (SE corner of pkg. lot) and 1 proposed location on loop drive NW of pool pavilion entrance.
 - o Woodland Park – 1 proposed location near Eversman Field and 1 proposed location near the main shelter south of Holland-Patterson Field.
 - o Agnes Patterson Park – 1 proposed location near softball concession stand and 1 proposed location near soccer concession stand.
 - o Aurora Park – 1 proposed location near restroom and playground.
 - o Softball Complex – 1 proposed location near concession stand.
 - o Westwood Golf Course – 1 proposed location in SW corner of main parking lot.
- Premise permits would be applied for at off-street locations only, with no plan to allow or seek approval for mobile food vendors at neighborhood parks.
- Locations proposed in public parks must provide adequate public parking, afford a level of safety to pedestrians, and be nearby park restrooms.
- Additional premise permits would be applied for by the Community Services Director on a case-to-case basis for special events, or other circumstances where additional locations or vendors are requested.

; and

WHEREAS, based on the Park Board’s recommendation of staff’s proposed plan, approval of this resolution would place the responsibility to implement said plan on the Community Services Department; and

WHEREAS, City staff recommends approval of this resolution approving the above rules and guidelines to allow Mobile Food Vendors to operate in City parks.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the Community Services Department, per the above Park Board recommended rules and guidelines, is directed to implement, schedule, and otherwise oversee the process allowing mobile food vendors to operate in several City parks.

BE IT FURTHER RESOLVED by the City Council of the City of Newton, Iowa that the Community Services Director, or designee, shall be the applicant for all Premise Permits at City park locations; and said applicant shall also be directed to submit premise permits on behalf of

the City for other special events or occasions planned for City parks where additional food trucks have been requested or are proposed.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution adopting the low-moderate income set aside funds policy.

Summary: Adopting a policy for the use of the State code required low-mod income set aside funds.

Financial Impact: None. Policy Adoption.



Report Number: 22-159

Date: May 16, 2022

Lead Department: Community Development Department

Recommendation:
Approve

When Tax Increment Financing (TIF) is used for residential development, State of Iowa law requires that a portion of the newly generated tax increments be set aside for low-moderate income (LMI) housing uses throughout the City. Before using any of the set-aside dollars, the City should first put into place a policy that will guide the use of those dollars.

The resolution approves the attached LMI Set-Aside Policy, which will provide the guidance on what projects may be eligible to utilize those funds. Final decisions on funding award or allocation will require additional council action.

LMI Families: means those families earning no more than 80 percent of the median family income of the county as determined by the latest United States Department of Housing and Urban Development.

There are four program areas established by the policy:

- Low-Mod Income Existing Housing Improvement Grant
- State/Federal Affordable Housing Application Financial Support
- Neighborhood Sidewalk Construction, Reconstruction, and ADA Improvements
- Neighborhood Revitalization and Blight Removal

Recommendation: City Staff recommends approval.

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

Matt Muckler
City Administrator

Low-Mod Income Table for Jasper County

Source: HUD's Office of Policy Development and Research

FY 2021 Income Limit Area	Median Family Income Click for More Detail	FY 2021 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Jasper County, IA	\$70,700	Very Low (50%) Income Limits (\$) Click for More Detail	25,150	28,750	32,350	35,900	38,800	41,650	44,550	47,400
		Extremely Low Income Limits (\$)* Click for More Detail	15,100	17,420	21,960	26,500	31,040	35,580	40,120	44,660
		Low (80%) Income Limits (\$) Click for More Detail	40,250	46,000	51,750	57,450	62,050	66,650	71,250	75,850

RESOLUTION NO. 2022 – _____

**RESOLUTION ADOPTING THE LOW-MODERATE INCOME
SET ASIDE FUNDS POLICY**

WHEREAS, the comprehensive plan identifies housing development as a community priority; and

WHEREAS, the City has utilized Tax Increment Financing as a means for developing new housing; and

WHEREAS, State of Iowa Code requires a low-moderate income housing set-aside fund for a portion of the new tax increment from the residential tax increment financing district; and

WHEREAS, a Low-Moderate Income Set Aside Funds Policy will provide the necessary guidance on when and where the funds can be used for future projects;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Low-Moderate Income Set Aside Funds Policy is hereby adopted.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



City of Newton Low-Moderate Income Housing Set-Aside Funds Policy

Purpose. The City of Newton has identified housing development as a serious need for the community since the adoption of the 2012 comprehensive plan, *Newton's Future*. Some barriers to providing housing options are the cost of infrastructure construction, the cost of labor and materials, and the challenge of enticing regional developers into the community.

To address such barriers to general housing development, the City of Newton utilizes Tax Increment Financing (TIF), when and where City Council has determined it is appropriate. When TIF funding is used for residential development, State of Iowa law requires that the City of Newton set aside a portion of the newly generated tax increment for Low-Moderate Income (LMI) Housing. The purpose of this policy is to provide guidance on when and how the City intends to utilize the LMI funds throughout the community.

Policy Goals. The following are the City's identified goals for the Low-Moderate Housing Set-Aside Funds Policy:

- Assist with the development and construction of high-quality, safe, and affordable housing.
- Support neighborhood revitalization and improve neighborhood livability.

Policy Areas. The following program areas accomplish the City's goals for improving and increasing affordable housing in the community.

Any incentive to private persons or entities that may qualify under programs listed in this policy requires additional City Council approval.

- I. **Low-Mod Income Existing Housing Improvement Grant.** Supporting low-moderate income households through the revitalization or rehabilitation of their existing home provides an affordable housing opportunity while also improving existing neighborhood.
 - a. Eligible for rehabilitation/revitalization projects for owner-occupied homes. The applicant must show proof of ownership of the property and proof that the property serves as the owner's primary residence.

- b. The property owner/applicant shall have an income at or lower than 80% of the median income for Jasper County. The applicant shall provide proof of income eligibility by submitting the most recent income tax return.
- c. The City will not invest in a property found to have structural deficiencies that are not planned to be addressed in the work plan. Property owners should plan to have the property available for inspection by City as part of the review of the proposal and funding request.
- d. The maximum grant received per property from the City's LMI set-aside funds will be based on project area. A 25% applicant cash match for each program area shall be met.
 - i. Foundation Work: \$10,000
 - ii. Permanent/Semi-permanent Interior Work, including wall reconstruction, floor refinishing and flooring, cabinetry, paint, etc. Not eligible items include window coverings, furnishings, etc.: \$15,000
 - iii. Windows and Doors: \$10,000
 - iv. HVAC: \$6,000
 - v. Plumbing: \$8,000
 - vi. Electrical: \$5,000
 - vii. Exterior Treatments, including siding, tuck-pointing, stucco, exterior paint, etc.: \$10,000
 - viii. Roofing: \$6,000
- e. Floor plans and/or product specific information shall be submitted for City review.
- f. All required building and trades permits shall be obtained.

II. State/Federal Affordable Housing Application Financial Support. Successful affordable housing projects are often the result of public-private partnerships.

- a. Projects that seek Low Income Housing Tax Credits (LIHTC) from the Iowa Finance Authority (or other low-mod income housing programs from a state or federal agency) may be eligible for a local housing grant, funded by the City's LMI set-aside funds.
- b. Projects qualifying for this local grant shall meet the requirement of providing housing to households earning less than 80% of median county income.
- c. The City's Affordable Housing Application Financial Support shall be in the form of a reimbursement grant, in an amount determined by City Council before the project is initiated. The reimbursement grant is issued to the developer at the time the project is completed and the Certificate of Occupancy is issued.
- d. All City approvals and permits, as required by the adopted codes, shall be obtained.

III. Neighborhood Sidewalk Construction, Reconstruction and ADA Improvements. Infrastructure development and improvement is important for the revitalization of low and moderate income neighborhoods. Sidewalks are a critical piece of neighborhood infrastructure and have a significant impact on neighborhood

livability. Walkable neighborhoods are directly connected to lower obesity rates, higher property values, and improved quality of life. As Bereitschaft writes in his article for *Urban Science* about walkability and housing affordability, “overall there is reason for concern that households earning the median income or below may have more limited access to safe, walkable neighborhoods proximal to job centers.”¹

Through the improvement of sidewalks, the City will uplift the livability for many low and moderate income neighborhoods and residents.

City Construction Projects. The City may reconstruct existing sidewalks, construct new sidewalks, and/or make ADA improvements in low and moderate income neighborhoods using LMI set-aside funds under the following guidance:

- a. The City has conducted an income survey of the residents of properties adjacent to the proposed sidewalk or ADA improvements and determined that the majority of the households have an income at or lower than 80% of the median income for Jasper County.
- b. The sidewalk or ADA improvement(s) are constructed in accordance to the City’s adopted standards.

Private Construction Projects. The City may provide sidewalk construction/reconstruction or ADA improvement grants (as a reimbursement) to property owners from LMI set-aside funds under the following guidance:

- a. The owner(s) of the property or the resident (tenant) of the property adjacent to the proposed public sidewalk/ADA improvement has an income at or lower than 80% of the median income for Jasper County; **OR** the owner of the property adjacent to the proposed public sidewalk/ADA improvement is a non-profit affordable housing entity or a partner of a non-profit affordable housing entity and is engaged in the construction of a new affordable home at the location.
- b. The sidewalk or ADA improvement(s) are constructed in accordance to the City’s adopted standards and all necessary permits are obtained.

IV. Neighborhood Revitalization and Blight Removal. Acquiring and demolishing blight in neighborhoods uplifts property values for the surrounding property owners. In addition, it provides a redevelopment lot for the construction of a new affordable home.

City acquisition and demolition. The City will utilize LMI set-aside funds for the acquisition and demolition of dilapidated property under the following guidance:

¹ Bereitschaft B. Neighborhood Walkability and Housing Affordability among U.S. Urban Areas. *Urban Science*. 2019; 3(1):11. <https://doi.org/10.3390/urbansci3010011>

- a. The property or properties exhibit conditions or defects that render the structure dangerous or blighted (see 1997 Uniform code for the Abatement of Dangerous Buildings), and/or the property was acquired through the process described by State of Iowa Code Section 657A.10A (Abandoned Buildings).
- b. The property or properties, once acquired by the City cleared of blight, will be utilized for the construction of affordable housing by or in conjunction with a non-profit housing partner (such as Habitat for Humanity, Homes for Iowa, etc.), or by any other private housing developer constructing a project eligible for state or federal low income housing tax credits or grants, or by any other private housing developer who successfully sells the home to a household at or lower than 80% of the median income for Jasper County.
- c. The property or properties, once cleared of blight, may be sold to an income-qualified, adjacent property owner for the benefit and enhancement of their existing home site when utilized as additional yard space.
 - i. The City of Newton will use the buyer's most recent income tax return to verify income eligibility at or below 80% of the median income for Jasper County.
- d. If the City of Newton acquires and demolishes any property utilizing the LMI set-aside fund, but then sells, deeds, or otherwise utilizes the property for any purpose other than affordable housing, then the City of Newton will reimburse the LMI set-aside fund an amount equal to the cost of said property's acquisition and demolition from another revenue source (lot sales, general obligation bonds, or other).

Private Sector acquisition and demolition. Private citizens that have an income at or lower than 80% of the median income for Jasper County may privately purchase and demolish a blighted structure in their neighborhood and receive a reimbursement grant for the acquisition and demolition under the following guidance:

- a. The acquired property exhibits conditions or defects that render the structure dangerous or blighted. (see 1997 Uniform Code for the Abatement of Dangerous Buildings)
- b. A copy of the settlement statement from the purchase of the property, a copy of the recorded deed showing ownership, and a copy of the paid invoice for the demolition shall be provided to the City following the completion of the project prior to reimbursement.
- c. A demolition permit shall be obtained prior to demolition work commencing.

City of Newton Council Report

Item: Resolution authorizing the filing of 657A.10A petitions for abandoned property at 1417 East 10th Street South, 812 1st Street North, and 740 North 3rd Avenue East, Newton, Jasper County, Iowa

Summary: These properties appear to have been abandoned by the owners. The 657A.10A process will allow the City to acquire the property in order to address the abandonment.

Financial Impact: estimated \$15,000 in legal and court fees to be paid from the D&D Bonded Funds



Report Number: 22-160

Date: May 16, 2022

Lead Department: Community Development Department

Recommendation:
Approve

Summary: City staff has been monitoring the subject addresses. Each of these properties exhibit some evidence of abandonment by their property owners.

The State Code 657A.10A process allows cities to petition the court for ownership of abandoned buildings.

Funding Source: D&D Bonded Funds will be utilized to pay for the legal costs associated with acquiring the property through the process authorized by State Code 657A.10A. Upon ownership, the City may demolish the structures on the properties. If any structure appears salvageable, an opportunity for rehabilitation may be available.

Recommendation: City Staff recommends approval.

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

Matt Muckler
City Administrator

1417 East 10th Street South



812 1st Street North



740 North 3rd Avenue East



**RESOLUTION AUTHORIZING THE FILING OF 657A.10A
PETITIONS FOR ABANDONED PROPERTY AT 1417 EAST
10TH STREET SOUTH, 812 1ST STREET NORTH, AND 740
NORTH 3RD AVENUE EAST, NEWTON, JASPER COUNTY,
IOWA**

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

WHEREAS, State of Iowa Code 657A.10A allows for cities to petition for ownership of abandoned buildings, and these identified properties appear to meet the criteria of abandoned buildings;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That staff is directed to file a petition for the following property in accordance with State of Iowa Code 657A.10A for ownership of the abandoned building at the following locations:

1417 East 10th Street South, legally described as:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 3, TOWNSHIP 79 NORTH, RANGE 19 WEST OF THE 5TH P.M., JASPER COUNTY, IOWA, RUNNING THENCE SOUTH 86° 49 ½' WEST 347 FEET, THENCE SOUTH 288.8 FEET WHICH IS THE POINT OF BEGINNING, THENCE RUN SOUTH 357.3 FEET, THENCE RUN NORTH 86° 49 ½' EAST 154.2 FEET, THENCE RUN NORTH 2° 49 ½' EAST 95.1 FEET, THENCE NORTH 31° 25 ½' WEST 303.8 FEET TO THE PLACE OF BEGINNING.

812 1st Street North, legally described as:

LOT 14 IN NORTH ADDITION IN THE CITY OF NEWTON, IOWA, EXCEPT THE FOLLOWING DESCRIBED TRACTS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 14, RUN SOUTH 66 FEET, THENCE EAST 132 FEET, THENCE NORTH 66 FEET, THENCE WEST TO THE PLACE OF BEGINNING, ALSO EXCEPT THE EAST 74.25 FEET OF SAID LOT 14.

740 North 3rd Avenue East, legally described as:

PART OF LOT SEVEN, BLOCK "D", DESCRIBED AS FOLLOWS: BEGINNING AT POINT "G" ON THE SOUTH LINE OF SAID LOT SEVEN, THENCE EAST TO POINT "H", THENCE NORTH TO THE NORTH LINE OF SAID LOT SEVEN, THENCE NORTHWESTERLY ALONG THE NORTH LINE OF SAID LOT SEVEN TO A POINT DIRECTLY NORTH OF THE POINT OF BEGINNING, THENCE SOUTH TO THE POINT OF BEGINNING, ALSO PART OF LOT SIX, BLOCK "D", DESCRIBED AS FOLLOWS: BEGINNING AT POINT "L" ON THE NORTH LINE OF SAID LOT SIX, THENCE EAST TO POINT "K", THENCE SOUTH TO THE SOUTH LINE OF SAID LOT SIX, THENCE NORTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT SIX TO A POINT DIRECTLY SOUTH OF THE POINT OF BEGINNING, THENCE NORTH TO THE POINT OF BEGINNING, ALL IN EAST ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA AS APPEARS IN PLAT BOOK G, AT PAGE 65 (NOW SHOWN IN PLAT BOOK 960 AT PAGE 76) IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving a Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2022-1

Report Number: 22-161

Date:

May 16, 2022

Summary:

An agreement with Windstream Iowa Communications, LLC to utilize public right-of-way for installing a fiber optic communications network.

Lead Department:

Public Works

Recommendation:

Approve

Financial Impact:

\$5,740.56 agreement fee to be paid to the City by Windstream Iowa Communications, LLC.

Background:

Windstream Iowa Communications, LLC of Little Rock, Arkansas is proposing an extension of their fiber optic network in Newton. This extension covers a large portion of Newton and is shown on the route attachment.

The proposed underground portion of the route includes 91,036 lineal feet of improvements in the City of Newton right-of-way. Based on the rates City Council established in Resolution No. 2022-048 passed on February 21, 2022, the licensing fee for the portion of this line in City of Newton right-of-way is \$5,740.56.

The Public Works Department has reviewed the route of the proposed improvements, and will be working with Windstream and their installation contractor to eliminate conflicts with existing utilities and other possible future improvements. All construction work and surface restoration proposed on this project will be subject to this agreement, along with a separate right-of-way excavation permit issued by the Public Works Department.

Recommendation:

Approval of the telecommunications licensing agreement with Windstream Iowa Communications, LLC of Little Rock, Arkansas.

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

Matt Muckler

City Administrator

RESOLUTION 2022- _____

**RESOLUTION APPROVING A TELECOMMUNICATIONS LICENSING AGREEMENT
WITH WINDSTREAM IOWA COMMUNICATIONS, LLC – 2022-1**

WHEREAS, Windstream Iowa Communications, LLC of Little Rock, Arkansas is proposing an extension of their fiber optic network in Newton; and

WHEREAS, this extension covers a large portion of Newton and is shown on the route attachment; and

WHEREAS, the proposed underground portion of the route includes 91,036 LF of improvements in the City of Newton right-of-way; and

WHEREAS, the City of Newton has prepared a licensing agreement for the construction and maintenance of said telecommunications system based on that portion of said telecommunications system inside the City right-of-way; and

WHEREAS, based on the rates City Council established in Resolution No. 2022-048 passed on February 21, 2022; the licensing fee for the portion of this line in City of Newton right-of-way is \$5,740.56.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the City hereby authorizes the Mayor and City Clerk to execute the attached Licensing Agreement with Windstream Iowa Communications, LLC of Little Rock, Arkansas.

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

A LICENSE TO UTILIZE PUBLIC RIGHT-OF-WAYS FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A FIBER OPTIC NETWORK

SECTION 1. DEFINITIONS

- a. "City" shall mean the City of Newton, Iowa and, where appropriate, shall include its officers, employees and agents.
- b. "Public Improvements" shall mean any improvements as defined in Code of Iowa Section 384.95, including but not limited to paving, sidewalks, grass, vegetation, trees, street lights, traffic signals, water mains, sewers, electric transmission lines and equipment related thereto, and in addition public utilities, on Public Property.
- c. "Public Property" shall mean City-owned or controlled public rights-of-way, easements, bridges, squares or commons.
- d. "Licensee" shall mean Windstream Iowa Communications, LLC and shall include all equipment owned, operated, leased or subleased in connection with the operation of the network, and shall include but not be limited to poles, overhead or underground wires, pipes, overhead or underground cables, underground conduits, ducts, manholes, vaults, fiber optic cables, and other structures or appurtenances.

SECTION 2. BASIC GRANT

Licensee is hereby granted a license to construct, maintain, inspect, protect, repair, replace and retain a communications system in, under, upon, along and across the Public Property shown and identified in Exhibit A hereto, subject to the regulatory powers of the City and subject to the conditions hereinafter set forth.

SECTION 3. TERM OF LICENSE

This License shall consist of two separate duration periods, a construction period and a maintenance period. Both periods commence on the execution of the license by both parties.

Construction – Licensee shall have a period of 18 months to put into place the utilities, which Licensee has provided the details on pursuant to other sections of this License.

Maintenance - Licensee shall have the right under this License, after providing proper notice to the City, to maintain/repair its existing utilities. The expansion of (either in geography or in size/capacity) or upgrading of the utility is not considered maintenance/repair.

SECTION 4. FEES REQUIRED

a. Licensee shall pay the City an administrative license fee in the amount of \$5,740.56 (Five Thousand Seven Hundred and Forty dollars and Fifty-Six cents) for locations of new underground infrastructure, payable upon execution of this License, for use of the public property as shown in Exhibit "A" during the term of this License.

b. If during the term of this License the City enacts an Ordinance requiring compensation from telecommunications providers on a competitively neutral and

nondiscriminatory basis for use of public property Licensee shall within sixty (60) days after request by City pay the fees required by such Ordinance, with the effective date of said ordinance being the starting date for the accrual of fees. Any fees paid during the term of this License, however, shall be credited toward the fees required by the Ordinance. If the Ordinance enacted requires fees for this transaction which are less than \$5,740.56, the City shall refund the excess of \$5,740.56 over the fees required under such Ordinance, provided, however, that in no event shall the amount refunded exceed the sum of \$2,000.00.

SECTION 5. PERMIT PROCESS FOR INSTALLATION, REPAIR, EXTENSION OR EXPANSION OF THE NETWORK

Before commencing any extension or expansion of its system, or any major repair work, or the installation of any new system in the City, the Licensee shall file with the Public Works Department of the City a written statement verifying the Public Property under which or upon which it proposes to extend, expand, install or repair its system. The statement shall be accompanied by a map, plan or specifications showing the proposed location of the system components with reference to streets and alleys. If the proposed locations of any facilities shall interfere with the reasonable and proper use, construction, reconstruction and maintenance of any public improvements or any existing public utility system component, or other structure upon or under public property, the Public Works Director shall within 30 days after the filing of such plan, map or specifications, note the changes necessary, eliminate all interference with a public improvement or existing public utility system facility and refer the same back to the Licensee for amendment. Such map, plan or specifications, when properly changed and corrected, shall be filed in the Public Works Department, and after the approval of the same by the Public Works Director, a permit shall be issued authorizing the Licensee to proceed in accordance with the approved maps, plans or specifications. No such excavation, construction or erection shall be commenced before the issuance of the permit herein provided for, unless it is an emergency as described in the Newton City Code, and all work shall be in accordance with the approved maps, plans or specifications.

SECTION 6. CONSTRUCTION AND REPAIR OF NETWORK

In the process of location, construction, reconstruction, replacement, or repair of any system component, the excavation or obstruction made or placed in public property at any time or for any purpose by the Licensee shall, to protect the public and to assure the safe and efficient movement of traffic, be properly barricaded to comply, at a minimum, with requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD). All pavement taken up or damaged or other disturbed areas shall be properly and speedily replaced in accordance with the City's Regulations. As a condition to use of Public Property, the Licensee shall at its own expense repair any private property, utility system component, public improvement or Public Property damaged by such location, construction, reconstruction, replacement or repair work, in a manner reasonably acceptable to City. If the Licensee fails to repair or arrange with the City for the proper repair of any Public Property after excavations have been made, and after seven days' notice in writing to do so is given to its designated representative, the City may make such repairs at the expense of the Licensee.

SECTION 7. EXCAVATIONS

The Licensee is authorized to make excavations in City streets, avenues, alleys and

public property for purposes of routine repair, replacement, and maintenance of poles, wires, or other excavations. The Licensee shall obtain a permit pursuant to City Ordinances and Regulations, shall not unnecessarily obstruct the use of streets, avenues, alleys or public places, shall provide the Public Works Director with notice prior to the actual commencement of the work and shall comply with all provisions, requirements, and regulations in accordance with the existing City Ordinance in performing such work. In emergencies which require immediate excavation the Licensee may proceed with the work without first applying for the permit, provided, however, that the Licensee shall apply for and obtain the permit as soon as possible after commencing such emergency work.

If the Licensee fails to comply with the provisions of the City Code the City may repair or restore the public property to a condition as good as the condition of the property prior to the disturbance by the Licensee and the Licensee shall pay the costs of such repair or restoration. The Licensee shall pay to the City its costs and charges for such work within thirty days after receipt of the City's billing.

SECTION 8. WORK BY OTHERS, ALTERATION TO CONFORM WITH PUBLIC IMPROVEMENTS

The City reserves the right to lay, and permit to be laid, wires, pipes, cables, conduits, ducts, manholes and other appurtenances, and to do, or permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in, across, along, over or under any public property occupied by the Licensee and to change any curb or sidewalk or the grade of any street. In permitting others to do such work the City shall not be liable to the Licensee for any damages arising out of the performance of such work by other parties. Nothing in this License shall be construed as to relieve any other person or corporation from liability for damage to the Licensee's facilities.

SECTION 9. LICENSEE CONTRACTORS

The requirements of the License shall apply to all persons, firms or corporations performing work for the Licensee under a contract, subcontract or other type of work order.

SECTION 10. CONDITIONS OF STREET OCCUPANCY

This fiber optic cable systems and other components of the facilities erected by the Licensee within the City shall conform to established grades of streets, alleys, and sidewalks, and be so located as to cause minimum interference with other public utilities located in or upon public property, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin public property.

The Licensee shall conduct its work hereunder in such manner as to cause as little interference as possible with pedestrian and vehicular traffic, and shall abide by scheduling directions, if any, given by the Public Works Director.

The Licensee shall, upon reasonable notice and at its sole cost and expense, remove, locate and relocate its facilities in, on, over or under public property in such manner as the City may at any time require for the purpose of facilitating the construction, reconstruction, maintenance, repair or change in grade of any public improvement on, in or about any such public property, for the purpose of promoting the efficient operation of any such

improvement, or for the purposes of facilitating the vacation and/or redevelopment of public right-of-way by the City. In the event the Licensee fails to act within a reasonably allocated time, the City may cause the Licensee facilities to be relocated or removed, and the costs thereof shall be to the Licensee and shall be paid as provided in Section 6 hereof.

The Licensee shall not place its facilities in the public property where the same will interfere with the normal use or maintenance of any public improvement including but not limited to streets, alleys, sidewalks, traffic control devices, sanitary sewers, storm sewers, storm drains or water mains, or electrical transmission lines, or any public utility facility.

Upon request, the Licensee agrees to assist in locating underground facilities which are part of its system. Such assistance will be provided in a timely manner, but not more than forty-eight hours after the time of request. As a condition of this License the Licensee shall enroll as a member of the 'Iowa One-Call System' and shall respond to all requests and notifications placed to the toll free 'One-Call' number.

Installation, repair, or replacement work completed by the Licensee on any facilities requiring excavation of public property or public right-of-way shall require restoration and replacement of surface vegetation.

SECTION 11. POWERS OF CITY

Nothing in this License shall be construed to abridge the right or power of the City to make further regulations relative to the use of the streets, alleys and public grounds by anyone using the same for the erection and maintenance of utility systems.

SECTION 12. PLANS AND COORDINATION

Upon completion of the work the Licensee shall promptly furnish to the City copies of 'as-built' plans related to its facilities located on Public Property.

The Licensee shall keep complete and accurate maps and records on the locations and operations of its facilities in connection with this License.

SECTION 13. VIOLATIONS OF LICENSE

Upon evidence being received by the City that a violation or breach of this License or violation of codes or ordinances lawfully regulating the Licensee in the operation of its facilities, or in the use of public property therefore is occurring or has occurred, (hereinafter referred to as a "default") the City shall cause an investigation to be made. If the City finds that a default exists or has occurred the City may take appropriate steps to secure compliance with the terms of this License or the codes or ordinances.

The City shall notify the Licensee of the default and the Licensee shall cure such default within thirty days after receipt of such notice; provided, however, where any such default cannot reasonably be cured within such thirty (30) day period, if Licensee shall proceed promptly to cure the same and prosecute such cure with due diligence, the time for curing such default shall reasonably be extended for such period of time as may be necessary to complete such cure, as mutually agreed upon by the parties.

If the Licensee fails to cure a default within the time allowed the City shall have the right to:

- (i) seek specific performance; or
- (ii) remedy the default by doing the act itself, or through a contractor, and charge the costs of such work to the Licensee; or
- (iii) seek damages for such default; or
- (iv) any combination of (i), (ii) and (iii).

SECTION 14. LIABILITY, INDEMNIFICATION AND INSURANCE

The Licensee covenants to indemnify, defend, and save the City and its officers, agents and employees, harmless from any and all damages arising directly from the exercise of the rights granted herein. The Licensee agrees to require contractors and subcontractors engaged in work for the Licensee within the public rights-of-way or on public property to maintain in effect during the term of work liability insurance in comprehensive form and in the amounts to be set by the City. Licensee agrees to accept the risk of having its communications systems and equipment upon the public right-of-way, including the possible risk of damage or injury to its system or equipment, and agrees to release and discharge the City of any liability for damage or injury to Licensee's equipment, except to the extent caused by the City's gross negligence. In no event shall the City be liable for any consequential damages arising out of any damage or injury to Licensee's equipment placed in the right-of-way.

SECTION 15. SEVERABILITY

In the event that a court of competent jurisdiction shall adjudge any provision or provisions hereof invalid or illegal, or direct a change by the Licensee in any matter or thing herein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this License or their validity or legality, and this License in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal, or such change had not been directed, or shall at the City's option, cause a termination of this License.

SECTION 16. ASSIGNMENT

Neither party shall assign or otherwise transfer this License or any of its rights and interest to any firm, corporation or individual without the prior written consent of the other party, except either party shall have the right to assign, convey or otherwise transfer its rights, title, interest and obligations under this License, in whole or in part, to any entity controlled by, controlling or under common control with a party hereto, or any entity into which a party may be merged or consolidated or which purchases all or substantially all of the assets of such party, or any lease, sublease, indefensible right of use, or sale or transfer of, conduit, fiber or similar facilities with Licensee's telecommunication system to any third party users of such facilities.

SECTION 17. VACATION OF STREETS AND ALLEY

So long as the Licensee exercises the rights granted to it hereunder the City will not, by ordinance or otherwise, vacate any street, alley or public way in which the Licensee has installed its facilities without reserving such rights as necessary to allow continued use of such property for the said facilities in accordance with the terms of this License, provided

that nothing herein shall limit the City's right to require the Licensee to relocate its facilities as provided in Section 10 hereof.

SECTION 18. DELIVERY OF NOTICES

Except as may be expressly provided herein, any notices hereunder shall be in writing and shall be delivered via certified mail and addressed as follows, unless indicated otherwise in the future:

If to City:

Public Works Director
403 W 4th St N, Suite 501
Newton, Iowa 50208

If to Licensee:

Windstream Iowa Communications, LLC
4001 N Rodney Parham Rd.
Little Rock, AR 72212

Provided, however, that in the case of an emergency, notices may be given verbally to the above named persons. In such case written confirmation should be provided. Nothing contained herein shall prevent other forms of notice if actually received by the addressee. Notice shall be deemed given on the date of mailing in done by certified mail, or otherwise on the date actual notice is received.

SECTION 19. TELECOMMUNICATIONS ACT

This License is subject to all applicable federal, state and local laws, regulations and orders of governmental agencies as amended, including but not limited to the Communications Act of 1934 as amended, the Telecommunications Act of 1996 as amended and the Rules and Regulations of the FCC. Neither City nor Licensee waive any rights they may have under any such laws, rules or regulations.

This LICENSE is entered into as of the _____ day of _____, 20__.

LICENSEE

CITY OF NEWTON

By: _____

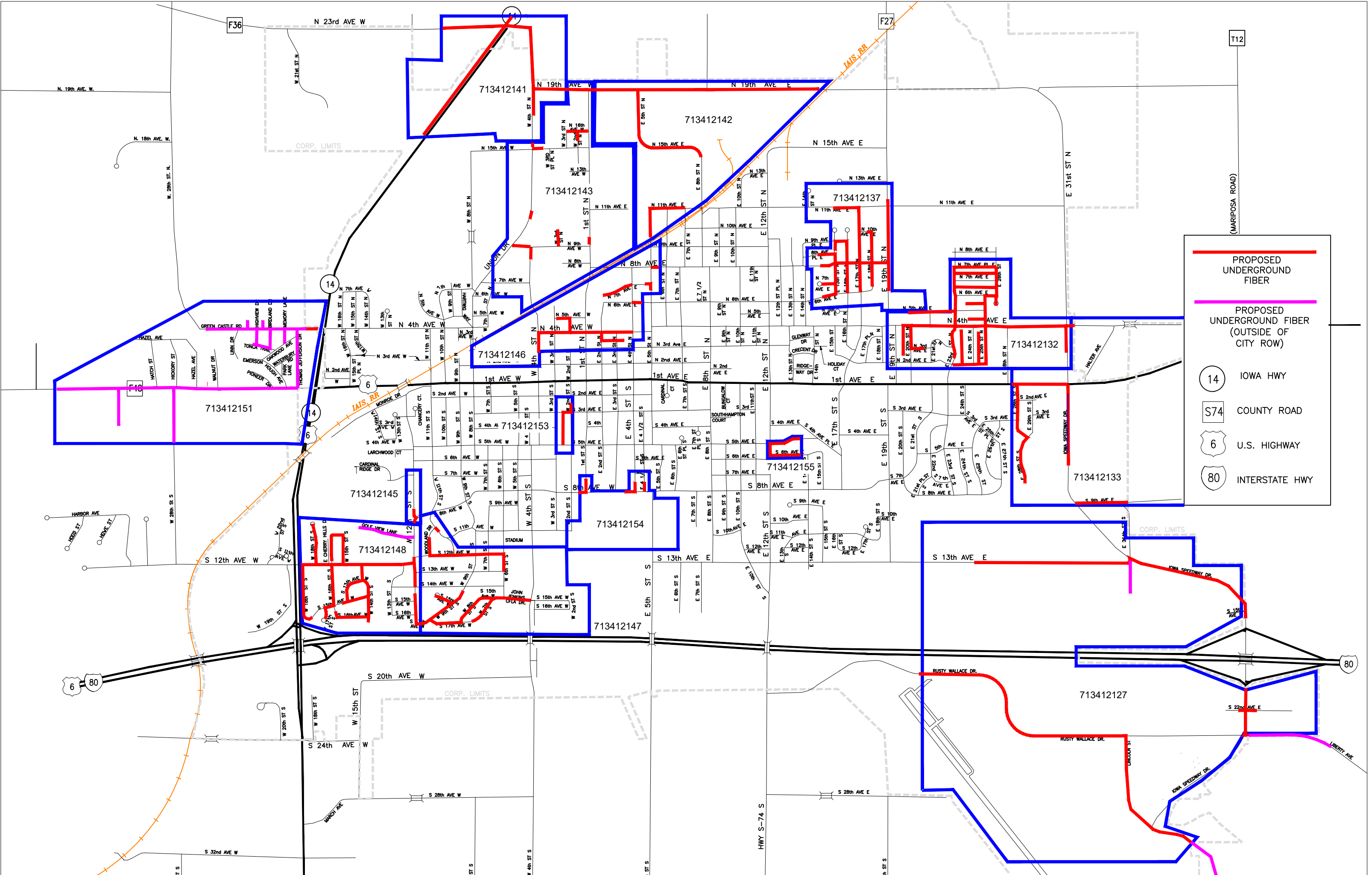
By: _____

Michael L. Hansen, Mayor

Title: _____

Attest: _____

City Clerk



PROPOSED
UNDERGROUND
FIBER

PROPOSED
UNDERGROUND FIBER
(OUTSIDE OF
CITY ROW)

14

IOWA HWY

S74

COUNTY ROAD

6

U.S. HIGHWAY

80

INTERSTATE HWY

(MARIPOSA ROAD)

CORP. LIMITS

CORP. LIMITS

**RESOLUTION APPROVING A SPECIAL EVENT STREET
CLOSURE FOR THE WILDCAT COUNTRY FEST & WORSHIP
FEST ON JUNE 17TH – JUNE 19TH**

WHEREAS, The Wild Cat Country Fest & Worship Fest Organizing Committees are planning their first annual event on Friday June 17 thru Sunday, June 19, 2022 in Newton. The chair of Wild Cat Country Fest made a presentation to the City Council at the February 7, 2022 City Council meeting providing details of the event and sent a letter to council requesting funding. At the February 21, 2022 City Council Meeting, the City Council approved a resolution approving a funding request of \$10,000 to the First Annual Wild Cat Country Fest Event; and

WHEREAS, Organizers of the Wild Cat Fest and Worship Fest events approached the Jasper County Board of Supervisors at their May 10, 2022 Board Meeting requesting permission to use the Courthouse Lawn for the event. That request was approved with four conditions, one of which was the approval of the street closure by the City of Newton; and

WHEREAS, Organizers are now seeking a special event street closure from the City Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, to approve the Special Event Street Closure for Wildcat Country Fest & Worship Fest On June 17th – June 19th

PASSED this _____ day of May, 2022.

APPROVED this _____ day of May, 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: 22-162

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

Date: May 16, 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 cursive script, 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 May 2022.

APPROVED this _____ day of May 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. 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.

Exceptions:

- a. Events contained completely on private property for businesses designated for entertainment.
 - b. Events contained completely on private property for religious organizations or events.
 - c. Events contained completely within a park in the City of Newton. Discussion regarding the size of the event in a park should be completed with the Community Services Department of the City of Newton.
 - d. Events at large recreational and amusement facilities/parks, sports arenas, fields, and complexes where a street closure or traffic management plan is necessitated, and/or events at said facilities with an incident action and emergency operations plan for the individual event approved by the City of Newton Public Safety Departments.
2. Special Events that charge a fee for entry or participation are not allowed to close City streets.
 3. 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.**
 4. 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.
 5. 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
 6. 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.
 7. 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.
 8. A **minimum of 50%+1** 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
 9. **Communication Plan:** Two emails shall be sent to the affected tenants/property owners. One is to be sent prior to the application being submitted and one week prior to the event. An email list can be requested from the Fire Department developed from the Commercial Business Property Inspection program. At a minimum, the email will be required to contain the name and key contacts for the event organizer and the dates and times of parking limitations and street closures. The email list shall contain the Fire Department at newtonfiredepartment@gmail.com
 10. 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.

11. Keep all fire hydrants clear, undecorated, and unobstructed.

12. 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.
13. Any use of City park pavilions is subject to rules and regulation by the Community Services Department.
14. Limited public utilities such as electrical or water may be available. Check with Community Services Department for availability and cost.
15. 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.
16. 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.
17. Restrooms are required for all events. Restrooms must be accessible to all attendees.
18. 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.
19. 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.
20. 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.
21. A severe weather contingency plan must be submitted with designated contacts in case dangerous weather approaches.
22. 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.
23. 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 reasonably 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.



on _____ (start date) _____ (start time) to _____ (end date) _____ (end time).

"A" = Approve / "D" = Disapprove

(Description)

[illegible]