

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).

September 19, 2022 6:00 p.m.

- | | |
|------------------------------|---|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Proclamation | 2. Recognizing TV Host and Journalist Sara Haines |
| Presentation | 3. Newton Community Theater (NCT) Update – Sue Beukema, Administrator, Costumes and Treasurer, NCT Board of Directors |
| Citizen Participation | 4. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 5. August 29, 2022 City Council Workshop Minutes
6. September 06, 2022 Regular City Council Meeting Minutes
7. Approve Liquor License for the following: <u>La Cabana Mexican Restaurant Inc.</u> - LC0029523, 2617 1st Ave E, Suite 5&6, Class C Liquor License, Outdoor Service, and Sunday Sales.
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-09). (Council Report 22-257)
9. Resolution approving a Property Tax Rebate for the Lion Development Group, LLC Property Located Within the North Central Urban Renewal area. (Council Report 22-258)
10. 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 Water Pollution Control Treatment Plant and SW Pump Station Improvements Project. (Council Report 22-259)
11. Resolution approving the purchase of a pickup for Public Works Operations. (Council Report 22-260) |

12. Resolution approving a Telecommunications Licensing Agreement with Aureon Network Services – First Interstate Bank. (Council Report 22-261)
13. Resolution approving a Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2022-3. (Council Report 22-262)
14. Resolution accepting completion of the City of Newton 2022 Roofing Project No. 1. (Council Report 22-263)
15. Approve Bills

Public Hearings

16. Public hearing on a Resolution approving the preliminary plat of Stelpflug Addition, in the City of Newton, Jasper County, Iowa. (Council Report 22-264)
 - Stelpflug Addition is a 7-lot subdivision located in the 1400 block of 1st Avenue West.
 - Stelpflug Addition is a replatting of 6 lots of Leepers Highland Addition and vacated right-of-way.
 - At their meeting on September 7th, the Planning and Zoning recommended approval of the Stelpflug Addition preliminary plat.
17. Resolution approving the preliminary plat of Stelpflug Addition, in the City of Newton, Jasper County, Iowa. (Council Report 22-264)
18. Public hearing on an Ordinance amending the City of Newton Official Zoning Map for property located at 1500 1st AVE E. and 201 E. 15th St. N. from R-2: One– and Two-Family Residential to C-A: Arterial Commercial. (Council Report 22-265)
 - The applicant has requested consideration of rezoning the properties at 1500 1st AVE E and 201 East 15th Street North to C-A: Arterial Commercial District.
 - At their meeting on September 7th, the Planning and Zoning Commission recommended approval of the rezoning.
19. First Consideration of an Ordinance amending the City of Newton Official Zoning Map for property located at 1500 1st AVE E. and 201 E. 15th St. N. from R-2: One– and Two-Family Residential to C-A: Arterial Commercial. (Council Report 22-265)

Resolution

20. Resolution expressing intent to enter into a development agreement and to provide economic development support to Ex Nihilo, LLC. (Council Report 22-266)
 - Ex Nihilo, LLC plans significant building improvements to the historic building at 118 North 2nd Avenue East. The proposed project aligns with the goals of the Comprehensive Plan and the North Central Urban Renewal Area Plan.
 - The developer has requested City assistance with the improvement project.
 - The resolution of intent to provide economic development support gives the understanding to the developer of the City's willingness to assist with the redevelopment project while a purchase

agreement is being finalized and planning steps are undertaken for the project.

21. Resolution approving the purchase of one 2022 Ford Police Interceptor SUV from Stivers Ford. (Council Report 22-267)
 - Ford recently cancelled the 2 Ford Police Interceptor SUVs ordered from Gregg Young in February of 2022.
 - Stivers Ford of Waukegan, IA will have an available unit in September of 2022 for \$41,089 .
22. Resolution approving the purchase and up-fit services for three 2023 Ford Police Interceptor SUVs and one 2023 Ford Transit Connect Van for \$200,000. (Council Report 22-268)
 - The Police Department replaces Ford Interceptor SUV patrol vehicles annually and is also in need of a van to perform animal control duties.
 - Stivers Ford of Waukegan, IA submitted a bid of \$200,000 for the purchase of 3 Ford Interceptor SUVs, 1 Ford Transit Connect Van and up-fit services to install emergency equipment in these vehicles.
 - Due to supply chain issues, the deadline to submit orders is September 30, 2022.

Staff Reports

23. Finance Update – Lisa Frasier, Finance Officer

Mayor/Council Comments

- 24.

Closed Session

25. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2021

Return to Open Session

- 26.

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.



Newton

PROCLAMATION RECOGNIZING TV HOST & JOURNALIST SARA HAINES

WHEREAS, Sara Haines was born in Newton, Iowa on September 18, 1977 and raised in our community with her three siblings;

WHEREAS, Sara Haines graduated from Newton High School in 1996 and received a Bachelor of Arts from Smith College in Northampton, Massachusetts;

WHEREAS, Sara Haines has pursued her dream in television by serving as a production coordinator, news correspondent, game show host, and co-host on a variety of television shows;

WHEREAS, the City of Newton recognizes Sara Haines' successes and dedication to her craft; as well as her support and praise of her hometown;

NOW, THEREFORE, I, Michael L. Hansen, Mayor of the City of Newton, Iowa, in recognition of tv host and journalist Sara Haines and of her birthday do hereby proclaim September 18th as Sara Haines Day, in the City of Newton,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Newton to be affixed.

Signed this _____ day of September, 2022.

Michael L. Hansen, Mayor



CITY COUNCIL WORKSHOP MINUTES
AUGUST 29, 2022, 6:00 PM
NEWTON ARBORETUM

The City Council of Newton, Iowa met in special session at 6:00 pm, on the above date at the Newton Arboretum and Botanical Gardens, 3000 N 4th Ave E., Newton, Iowa 50208. Mayor Hansen presided. Present: Council Members Hallam, Dalton, George, Ervin, Trotter, Wade. Absent: None.

Patrick Callahan, Municipal Consultant presented on the following:
Introductions and Responses to Callahan's Legacy Question of looking back to determine why they chose to run for office.

Next was a General Review of Roles and Responsibilities, City Council are the Policy Makers, the Mayor is the City & Community Leader, and City Staff Implementation of Council Directions & Service Providers.

Following was about Communications & Relationships and Council took a survey on the priorities of Potential Policies and Procedures to focus on:

- A. Code of Conduct
- B. Code of Ethics
- C. Council Meetings – Rules & Procedures
- D. Social Media Policies

Council discussed Action Items Going Forward:

- A. Summary of Tonight's Meeting
- B. Teamwork Objectives
- C. New Policies and Codes
- D. Time Table for Adoption
- E. Matrix – Action Plan & Updates

Then Final Comments & Suggestions.

Moved by George, seconded by Wade to adjourn the meeting at 8:07 PM. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

REGULAR CITY COUNCIL MEETING MINUTES
SEPTEMBER 06, 2022, 6:00 P.M.
CITY COUNCIL CHAMBERS

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

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

Captain Tim North with the Newton Salvation Army spoke on services and events. The Salvation Army provides the thrift store, social services, family services, disaster services, food pantry, clothing, and interim assistance. They are implementing the Pathway of Hope to break the poverty cycle.

During citizen participation a Newton Community School District student named Maria presented to council regarding promoting tourism.

Moved by Wade, seconded by Hallam to approve consent agenda items 4-12.

4. August 15, 2022 Regular City Council Meeting Minutes
5. Approve Liquor License for the following: Okoboji Grill of Newton LLC, 1425 W 19th St S., Class C Liquor License, Outdoor Service, Sunday Sales, Catering; Montana Mike's Steakhouse, Wedding Event, DMACC-600 N 2nd Ave W, pending staff approval; Kwik Star #1001, 1910 1st Ave E, Class C Beer Permit, Class B Wine Permit, Sunday Sales.
6. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-08). Resolution 2022-243 adopted.
7. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-09). Resolution 2022-244 adopted.
8. Resolution revising the funding source for the purchase of 10 golf cars approved earlier by Resolution 2021-261. Resolution 2022-245 adopted.
9. Resolution Approving the Agreement between Brycer LLC. and the Fire Department for the Compliance Engine. Resolution 2022-246 adopted.
10. Resolution approving Municipal Solid Waste Sanitary Landfill Local Government Dedicated Fund. Resolution 2022-247 adopted.
11. Resolution awarding contract for the Newton Sanitary Landfill Pump Station #2 Electrical Cabinet Upgrade Project. Resolution 2022-248 adopted.
12. Approve Bills.

AYES: Six. NAYS: None. Consent Agenda was adopted.

Moved by Hallam, seconded by Trotter to adopt the Resolution approving the design and construction of a park project at 224 W. 3rd St. N. per an updated design concept and approving a funding contribution for this project from the city in an amount not to exceed \$150,000. Various citizens spoke supporting the action and requesting the amount change to \$225,000 including Emily Thomason, Jonathan Hammerly, Jason Parsens, Lori Moffit, Jon Dunwell, Noreen Otto, Colin Barnes, Noah Peterson, and Lori Lauderbaugh. Council discussion ensued. Moved by George, seconded by Ervin to amend the Resolution to \$225,000. AYES: Six. NAYS: None. The Amendment passed. AYES: Six. NAYS: None Resolution 2022-249 adopted as amended.

Moved by Trotter, seconded by Hallam to adopt the Resolution approving the settlement agreement and release between the City of Newton, Iowa and Home Key, L.C. In The Matter of City Of Newton, Iowa V. Home Key L.C., CVCV122655. AYES: Five. NAYS: None. Abstained: Dalton due to a conflict of interest (owning a business abutting this property) Resolution 2022-250 adopted.

Moved by Ervin, seconded by Hallam to adopt the Resolution approving the development and minimum assessment agreement between the city of Newton, Iowa and 427 North 3rd LLC Resolution approving the development and minimum assessment agreement between the city of Newton, Iowa and 427 North 3rd LLC. AYES: Six. NAYS: None. Resolution 2022-251 adopted.

Moved by Trotter, seconded by Dalton to adopt the Resolution amending contract with Teamsters Local 120. AYES: Six. NAYS: None. Resolution 2022-252 adopted.

Moved by Trotter, seconded by George to adopt the Resolution Authorizing Amendments to the City of Newton Employee Handbook Regarding Clothing Allowances. AYES: Six. NAYS: None. Resolution 2022-253 adopted.

Moved by Trotter, seconded by Dalton to adopt the Resolution to Reorganize Staff in the Administration Department. AYES: Six. NAYS: None. Resolution 2022-254 adopted.

Moved by George, seconded by Hallam to adopt the Resolution Authorizing the Newton Fire Department to Accept the 2021 Assistance to Firefighters Grant Award in the Amount of \$53,437.14. AYES: Six. NAYS: None. Resolution 2022-255 adopted.

Nicole Terry, Library Director, presented the Library Annual Report providing increasing participation and attendance numbers in all areas following the Covid downturn.

During Mayor/Council Comments Wade asked that the Traffic Safety Committee provide a proposal Ordinance for UTV/ATV at the October 3rd council meeting.

Moved by Wade, seconded by Hallam to adjourn the meeting at 7.44 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-09).

Report Number: 22-257

Date:

September 19, 2022

Summary:

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

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$5,402.27

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$5,402.27. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

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

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-09).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 22-09)**

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City of Newton, after the property owner's failure upon being given notice and opportunity to cure, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached Schedule No. 22-09 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 22-09, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for the collection in the same manner as a property tax.

BE IT FURTHER RESOLVED, that said assessments shall be payable in 1 annual installment and shall bear interest at the rate of 3.88 percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council shall become due and payable on October 19, 2022, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

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

PASSED this _____ day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-09: Assessment for the Expenses for Nuisance Abatement

Deed/Contract Holder	Parcel Number	Property Address	City	Net Assessed Property Value	Abatement Fee	Admin. Fee	Total Amount Assessed	Legal	Date Abated
CJF Properties	834303025	627 W 2nd St S	Newton	\$79,360	\$60.00	\$75.00	\$135.00	STONE'S ADD LOT 18	7/20/2022
Linda Rice	835402011	514 E 20th St S	Newton	\$118,780	\$60.00	\$100.00	\$160.00	AURORA HEIGHTS SD LOT 11 BLK E	7/20/2022
Shanti Investment Partners	834186006	402 E 2nd St S	Newton	\$110,340	\$270.00	\$75.00	\$345.00	ORIGINAL PLAT LOT 13 OUTLOT 19	7/15/2022
Lance Ross	827304014	831 1st St N	Newton	\$87,060	\$2,442.60	\$75.00	\$2,517.60	AINSWORTH & WHEELER'S SD, LOT 1 OF LOT U	7/20/2022
Tammy Lynn Smith	834404027	621 E 8th St S	Newton	\$38,800	\$372.48	\$75.00	\$447.48	LINCOLN PLACE ADD LOT 6 BLK 13	7/12/2022
Kent and Candace Degoey	827477012	509 E 9th St N	Newton	\$33,980	\$887.19	\$75.00	\$962.19	LONG'S SD LOT 18	7/14/2022
Justin Campbell	826452004	2007 N 5th Ave E	Newton	\$107,700	\$145.00	\$75.00	\$220.00	RODGER'S FARM ADD LOT 24	7/19/2022
RC Homes LLC	827477009	901 N 6th Ave E	Newton	\$56,980	\$60.00	\$100.00	\$160.00	LONG'S SD LOT 21	7/26/2022
Farrell Properties Inc	827326018	812 1st St N	Newton	\$93,920	\$60.00	\$100.00	\$160.00	NORTH ADD S 114.18' OF W 132' LOT 14	7/26/2022
Ruth Stewart	833102012	211 W 16TH ST N	Newton	\$101,570	\$60.00	\$100.00	\$160.00	HILLCREST PLACE LOT 9 BLK A	7/26/2022
Eugene Porter	835151017	1311 1st Ave E	Newton	\$13,940	\$60.00	\$75.00	\$135.00	E 50' X 52' LOT 6 OF LOT G SW NW	7/26/2022
Total							\$5,402.27		

City of Newton Council Report



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

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

Financial Impact:
\$50,030 property tax rebate from the North Central Urban Renewal TIF Fund

Report Number: 22-258

Date: September 19, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in June of 2018 with Lion Development Group, LLC and amended this agreement in January of 2020 and March of 2021 on the property located at 320 W 3rd St N within the North Central Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by Lion Development Group, LLC in Fiscal year 22/23.

Lion Development Group, LLC has provided documentation that the first half of the North Central Urban Renewal Area property taxes owed in 2022-23 in the amount of \$50,030 have been paid to the Jasper County Treasurer and are eligible for rebate.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to Lion Development Group, LLC for the first half of the 22/23 property taxes.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

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

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

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

WHEREAS, said Agreement provides that the City provide to the Developer a 100% TIF Property Tax Rebate in Fiscal Year 22-23, and

WHEREAS, the Developer has paid its property taxes for the first half of fiscal year 2022-2023 in the total amount of \$58,955 and is eligible to receive a 100% TIF rebate of \$50,030;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That, per the terms of the Development Agreement with Lion Development Group, LLC, a property tax rebate for the first half of fiscal year 2022-2023 taxes in the amount of \$50,030 is hereby approved.

PASSED this 19th day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item:

Resolution ordering bids, approving plans, specifications, form of contract, notice to bidders, ordering clerk to publish notice, fixing a date for receiving same, for a public hearing on plans, specifications, form of contract and estimate of costs for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project.

Summary:

Accept plans and order bids for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project

Financial Impact:

\$6,300,000 from Water Pollution Control funds



Report Number: 22-259

Date:

September 19, 2022

Lead Department:

Public Works

Recommendation:

Approve

Background:

Various improvements to the Water Pollution Control Plant and the Southwest Pump Station have been identified in the 2019 Facility Plan Update by Fox Strand Engineering (formerly Fox Engineering) with assistance from City staff. Planned improvements at the Water Pollution Control Plant include: a new 1 million gallon liquid sludge storage tank, new standby power generator, rehabilitation of three existing floating steel digester covers, the replacement of two sludge pumps, new influent channel mixing system, the replacement of plant PLC's, and other associated work items.

Planned improvements at the Southwest Pump Station include: the replacement of both 150-hp pumps with new 200-hp pumps, replacement of the pump station interior dry well piping, and associated site, demolition, electrical, mechanical, and other associated work items.

Final plans and specifications for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project have been prepared by FOX Strand Engineering and are ready to be placed out for bid. The proposed bid opening for the project will occur on October 6, 2022 at 2:00 pm. The public hearing to accept the bids and award the work will take place at the regularly scheduled council meeting on October 17, 2022. The engineer's estimate of construction cost is \$6,300,000. The project will be paid using Water Pollution Control funds.

Recommendation:

Approval to accept the plans, set dates, and obtain bids for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION ORDERING BIDS, APPROVING PLANS, SPECIFICATIONS, FORM OF CONTRACT, NOTICE TO BIDDERS, ORDERING CLERK TO PUBLISH NOTICE, FIXING A DATE FOR RECEIVING SAME, FOR A PUBLIC HEARING ON PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COSTS FOR THE WATER POLLUTION CONTROL TREATMENT PLANT AND SW PUMP STATION IMPROVEMENTS PROJECT

WHEREAS, various improvements to the Water Pollution Control Plant and the Southwest Pump Station have been identified in the 2019 Facility Plan Update by Fox Strand Engineering (formerly Fox Engineering) with assistance from City staff. Planned improvements at the Water Pollution Control Plant include: a new 1 million gallon liquid sludge storage tank, new standby power generator, rehabilitation of three existing floating steel digester covers, the replacement of two sludge pumps, new influent channel mixing system, the replacement of plant PLC's, and other associated work items; and

WHEREAS, planned improvements at the Southwest Pump Station include: the replacement of both 150-hp pumps with new 200-hp pumps, replacement of the pump station interior dry well piping, and associated site, demolition, electrical, mechanical, and other associated work items.; and

WHEREAS, final plans and specifications for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project have been prepared by FOX Strand Engineering and are ready to be placed out for bid; and

WHEREAS, the total cost estimate for this project is \$6,300,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project in the City of Newton, Iowa is hereby ordered to be advertised for bids for construction; and the project be paid for with Water Pollution Control funds; and

BE IT FURTHER RESOLVED that the detailed plans and specifications as prepared by Fox Strand Engineering for the construction of the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project in the City of Newton, Iowa, and the form of contract and Notice to Bidders and Notice of Public Hearing, be and the same are hereby approved, subject to hearing thereon, and are hereby ordered placed on file in the office of the City Clerk for public inspection; and

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

That the Council hold a public hearing on the matter of the adoption of proposed plans, specifications and form of contract for the making of said improvements, which documents are now on file in the office of the City Clerk, said hearing to be held at the Council Chambers in the City Hall, Newton, Iowa, on the 17th day of October 2022, at 6:00 pm, and that the City Clerk give notice of said hearing by publication once in a local legal newspaper, printed wholly in English language, not less than four (4) clear days nor more than twenty (20) days prior to the date fixed therefore.

PASSED this _____ day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

**CITY OF NEWTON
NOTICE TO BIDDERS**

**Treatment Plant & SW Pump Station Improvements
Newton, Iowa**

NOTICE IS HEREBY GIVEN:

Sealed proposals will be received by the Public Works Director, City of Newton, Iowa, in his office at the Public Works Department Building located at 403 W 4th St N, Suite 501, Newton, Iowa, until 2:00 PM (local time) on October 6, 2022, for the project described as Treatment Plant & SW Pump Station Improvements, Newton, Iowa, as hereinafter described in general and as described in detail in the Bidding Requirements and Contract Documents for said improvements now on file in the office of the City Clerk. Proposals will be opened and read at 2:00 PM (local time) on October 6, 2022. Proposals will be acted upon by the City Council at a meeting to be held at 6:00 PM on October 17, 2022 in the City Council Chambers, Newton, Iowa or at such later time as may be designated at said meeting.

The scope of work includes furnishing labor, equipment, and new materials for construction of the project. Major scope items include the following:

Water Pollution Control Plant:

1. New 1 million gallon liquid sludge storage tank with tank mixing system and loadout station.
2. New standby power generator and associated electrical power improvements.
3. Rehabilitate three existing floating steel digester covers, including painting, new slide/guide system and other improvements.
4. Replacement of two sludge pumps.
5. New influent channel mixing system.
6. Replacement of plant PLC's.
7. Associated site, demolition, electrical, mechanical, and other associated work items.

Southwest Pump Station:

1. Replace both 150-hp pumps with new 200-hp pumps.
2. Replace pump station interior dry well piping.
3. Associated site, demolition, electrical, mechanical, and other associated work items.

The method of construction shall be by contract in accordance with the Bidding Requirements and Contract Documents for said improvements approved by the Newton City Council.

Each proposal shall be made out on a blank form furnished by the City and shall be submitted in a sealed envelope marked, Newton Wastewater Improvements, Newton, Iowa. Each proposal must be accompanied either by a cashier's check or certified check in the amount of five percent (5%) drawn on an Iowa bank or a bank chartered under the laws of the United States, a Bid Bond or credit union certified share draft in the amount of five percent (5%) of the proposal, drawn on a credit union in Iowa or chartered under the laws of the United States and filed in an envelope separate from the one containing the proposal, made payable to the City of Newton, Iowa, and said check or draft may be cashed or the Bid Bond declared forfeited by the City of Newton, Iowa as liquidated damages in the event the successful bidder fails to enter into a contract within fifteen (15) days of the Notice of Award and post bond satisfactory to the City insuring the faithful fulfillment of the contract and maintenance of said improvements as required by law and the Specifications.

Payment to the Contractor for said construction will be made in cash from the following sources: Cash from any fund of City of Newton, Iowa, which may be legally used for such purposes; proceeds derived from the sale and issuance of Utility Revenue Bonds, or Federal or State grants or loans.

The Contractor will be paid each month Ninety-five Percent (95%) of the Engineer's Estimate of the value of work completed at the end of the preceding month. Final payment will be made no sooner than thirty (30) days after completion of the work and acceptance by the Owner.

The work under the proposed contract shall commence within thirty (30) days of the written "Notice to Proceed." The work shall be substantially completed by June 3, 2024 and with final completion by July 3, 2024, subject to any changes granted by the Owner.

By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the State of Iowa, and to Iowa domestic labor.

The Owner reserves the right to reject any or all proposals and to waive informalities.

The successful bidder will be required to furnish a bond in an amount equal to 100% of the contract price, and said bond to be issued by a responsible surety approved by the Owner and shall guarantee the faithful performance of the contract and the terms and conditions therein contained, and the warranty of the materials and workmanship for not less than two (2) years from the time of acceptance of said improvements by the City Council.

Bidding Requirements and Contract Documents governing the construction of the proposed improvements have been prepared by FOX Strand, Ames, Iowa, which documents and the proceedings of the City Council referring to and defining said improvements are hereby made a part of this Notice and the proposed contract by reference and the proposed contract shall be executed to comply therewith.

The Owner reserves the right to defer acceptance of any proposal for a period not to exceed forty-five (45) days from the date of receipt of proposals.

A paper copy of said Bidding Requirements and Contract Documents are now on file in the office of the City Clerk, City Hall, Newton, Iowa, for examination by prospective bidders.

Prospective bidders may obtain paper copies from FOX Strand, 414 South 17th Street, Suite 107, Ames, Iowa, 50010. A deposit charge of \$100.00 per set of Bidding Requirements and Contract Documents will be made, all of which will be refunded if returned in reusable condition within 14 days of the Award of Contract. If all documents are not returned in reusable condition and within 14 days, the deposit shall be forfeited.

Complete digital project bidding documents are available at www.questcdn.com. Prospective bidders may download the digital plan documents at no cost, but must input the Quest project cost number 8281132 on the website's project search page. Please contact QuestCDN.com at 952-233-1632 or info@questcdn.com for assistance in free membership registration, downloading, printing, and working with this digital project information. Website registration is necessary to ensure that prospective bidders remain informed of addendum and other essential communications prior to the bid date. If the prospective bidder has a concern about the validity of the digital information downloaded from www.questcdn.com, then prospective bidder shall access the paper copies on file at the Owner's or the Engineer's office to verify the information in question.

City of Newton Council Report

Item: Resolution approving the purchase of a pickup for Public Works Operations.

Summary: Replace existing pickup in the Public Works fleet.

Financial Impact: \$40,776.00 from the Public Works Operations Road Use Tax Fund.



Report Number: 22-260

Date: September 19, 2022

Lead Department: Public Works

Recommendation: Approve

Background:

Staff analyzed the Public Works Department equipment needs in preparation of the 2022-2023 CIP and operating budget; a pickup was identified as appropriate pieces of equipment to be replaced. City Council approved the 2022-2023 Capital Improvement Plan, this item was identified in this plan.

Staff prepared specifications for a ¾-ton pickup; Stivers Ford Lincoln of Waukeee, Iowa was awarded the contract through the Iowa Department of Transportation 2023 state bid. The contract bid for a ¾ ton pickup is \$40,776.00. The Public Works pickup will be paid from Public Works Operations Road Use Tax Fund.

Recommendations:

Staff recommends approval to purchase a 3/4-ton pickup from Stivers Ford Lincoln of Waukeee, Iowa for the state bid amount of \$40,776.00. Staff also recommends placing the existing pickup on Public Surplus online auction with a reserve amount of \$500.00. If the reserve amount is not met, the pickup will be sold as scrap metal.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

RESOLUTION APPROVING THE PURCHASE OF A PICKUP FOR PUBLIC WORKS OPERATIONS

WHEREAS, staff analyzed equipment needs in preparation of the 2022-2023 CIP and operating budget and determined that a new pickup was needed and;

WHEREAS, the new pickup will replace existing pickup with mechanical issues and;

WHEREAS, based on the desired specifications for the ¾ ton pickup, the IDOT state bid price for the ¾-ton pickup is through Stivers Ford Lincoln of Waukeee, Iowa in the amount of \$40,776.00 and;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to purchase a new ¾-ton pickup from Stivers Ford Lincoln of Waukeee, Iowa in the amount of \$40,776.00. The pickup will be paid from Public Works Operations Road Use Tax Fund and;

BE IT FURTHER RESOLVED that the Public Works Director is authorized to sell the existing pickups on the Public Surplus Online auction with a reserve amount of \$500. If the reserve amount is not met, the pickup will be sold as scrap.

PASSED this ____ day of September 2022.

APPROVED this ____ day of September 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving a Telecommunications Licensing Agreement with Aureon Network Services – First Interstate Bank

Report Number: 22-261

Date:

September 19, 2022

Summary:

An agreement with Aureon Network Services to utilize public right-of-way for the extension of an existing communications network.

Lead Department:

Public Works

Recommendation:

Approve

Financial Impact:

\$140.88 fee to be paid to the City by Aureon Network Services.

Background:

Aureon Network Services of West Des Moines, Iowa is proposing an extension of their existing telecommunications system in Newton. The proposed route begins at an existing hand hole on the south side of S 3rd Ave W near the intersection of W 2nd St S and then continues east to the east side of E 5th St S, then continues north along the east side of E 5th St S to First Interstate Bank to a proposed hand hole, route then continues onto private property.

The proposed underground portion of the route includes 2,348 LF 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 \$140.88.

The Public Works Department has reviewed the route of the proposed improvements, and will be working with Aureon Network Services 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 Aureon Network Services of West Des Moines, Iowa.

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 AUREON NETWORK SERVICES – FIRST INTERSTATE BANK**

WHEREAS, Aureon Network Services of West Des Moines, Iowa has requested the use of City owned right-of-way for the construction and maintenance of a telecommunications system; and

WHEREAS, said telecommunications system would be an extension of an existing communications system installed previously; and

WHEREAS, The proposed route begins at an existing hand hole on the south side of S 3rd Ave W near the intersection of W 2nd St S and then continues east to the east side of E 5th St S, then continues north along the east side of E 5th St S to First Interstate Bank to a proposed hand hole, route then continues onto private property; and

WHEREAS, the Public Works Department has reviewed the route of the proposed improvements, and will be working with Unite Private Networks 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.

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, the proposed underground portion of the route includes 2,348 LF of improvements in the City of Newton 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 \$140.88; and

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 Aureon Network Services of West Des Moines, Iowa.

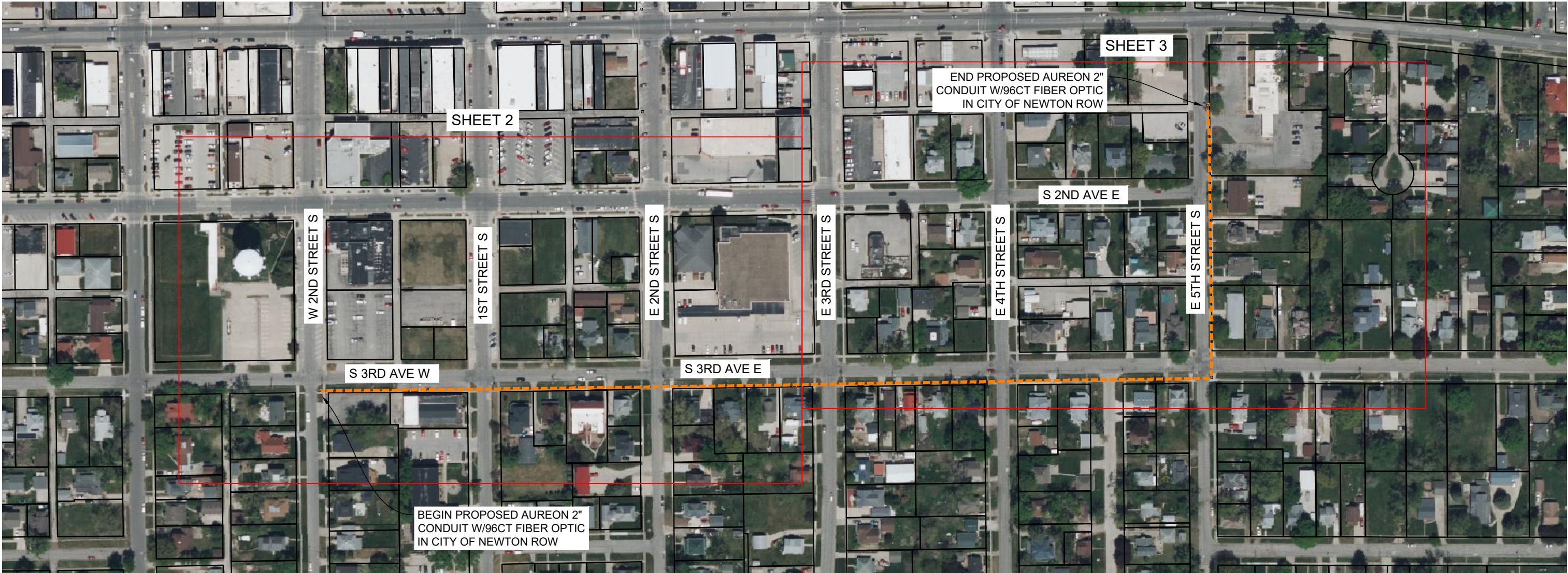
PASSED this _____ day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



NOTES

- 1. ALL ROADS, PAVED DRIVEWAYS AND SIDEWALKS WILL BE BORED.
- 2. DISTANCES SHOWN ARE APPROXIMATE ONLY. CONTRACTOR WILL FIELD VERIFY CONDITIONS AND MATERIALS NEEDED PRIOR TO CONSTRUCTION.
- 3. ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). CONTRACTOR TO OBTAIN ALL APPLICABLE PERMITS INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS. ALL PERMITS SHALL BE OBTAINED PRIOR TO CONSTRUCTION.
- 4. THERE ARE NO LANE CLOSURES OR TRAFFIC DISRUPTIONS ANTICIPATED WITH THIS PROJECT.
- 5. IOWA ONE CALL DESIGN TICKET #552205560 WAS SUBMITTED FOR THIS PROJECT.

UTILITY WARNING

ANY UTILITIES SHOWN HAVE BEEN LOCATED FROM MAPS AND RECORDS OBTAINED BY THIS SURVEYOR. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL THE UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION SHOWN.

PROPOSED:

- PROPOSED FIBER LENGTH= 2348 LF
- PROPOSED HANDLES = 2



LEGEND

TELEPHONE PEDESTAL		SIGN	
WATER VALVE		POWER POLE	
FIRE HYDRANT		TELEVISION PEDESTAL	
TELEPHONE LINE		SANITARY SEWER MANHOLE	
CABLE TELEVISION LINE		STORM SEWER MANHOLE	
FIBER OPTICS LINE		ROUND STORM SEWER INTAKE	
WATERMAIN		STORM SEWER INTAKE	
STORM SEWER		UNDERGROUND CONDUIT	
SANITARY SEWER		HANDHOLE	
GAS LINE		FIBER OPTIC VAULT	
ELECTRIC LINE		FIBER OPTIC MANHOLE	
OVERHEAD ELECTRIC LINE		BORING RIG=BR	

ESTIMATED PLOWING	ESTIMATED BORES	BACKHOE WORK	TRENCHING	MISC.	NOTES

PROJECT NO. _____
NEWTON, IOWA Sheet 1 of 4

#	REVISION	DATE	NAME	SCALE:

SCALE
0' 50' 100' 200'

DATE: 8-30-2022

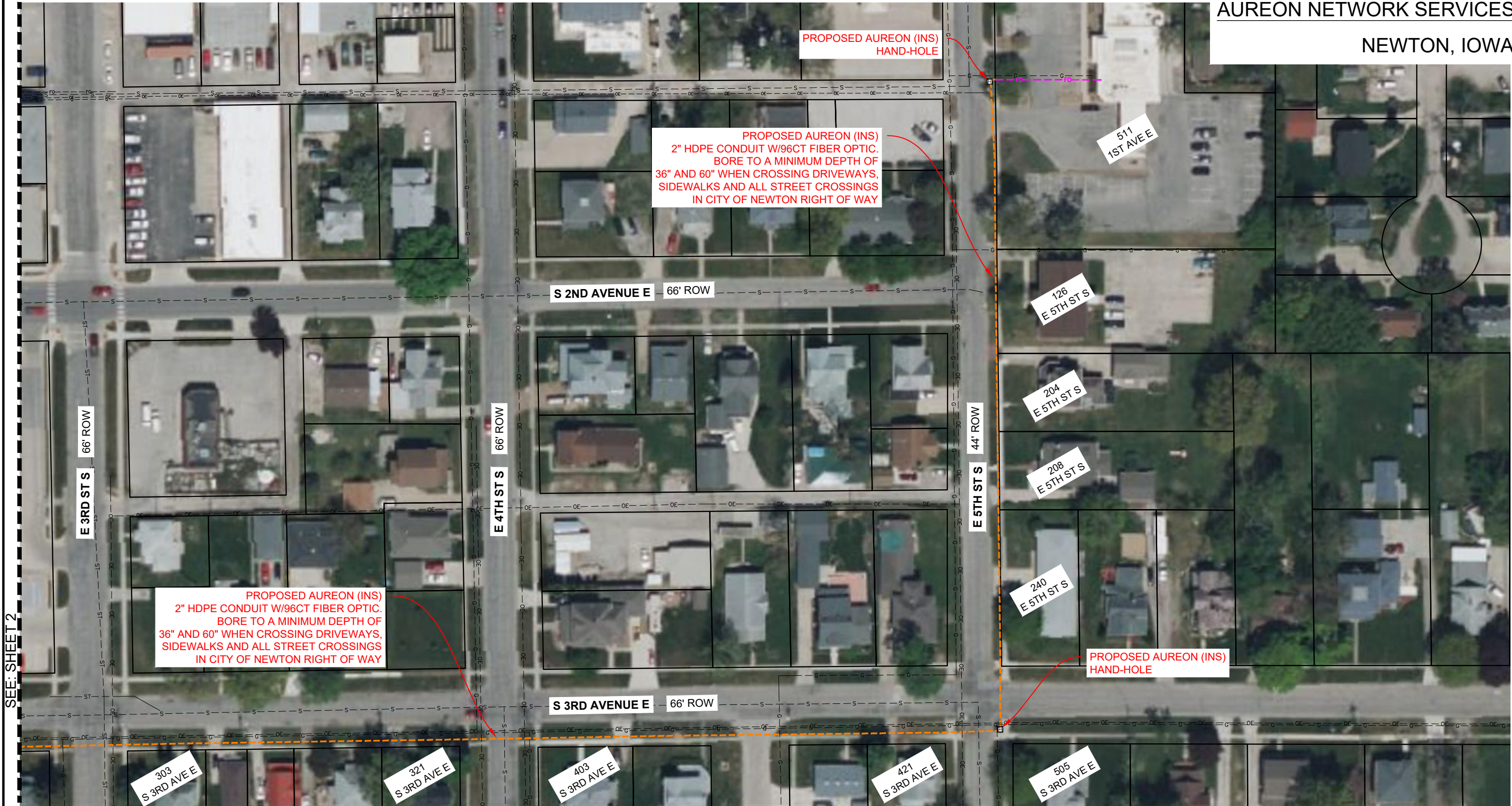
NEWTON, IOWA



PROJECT #2208.588

[illegible]

				
PROJECT NO. _____ NEWTON, IOWA Sheet 2 of 4				
#	REVISION	DATE	NAME	SCALE: _____
				
DATE: 8-30-2022				



SEE: SHEET 2

PROJECT #2208.588

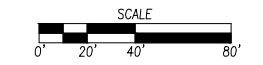
ESTIMATED PLOWING	ESTIMATED BORES	BACKHOE WORK	TRENCHING	MISC.	NOTES



PROJECT NO. _____
NEWTON, IOWA Sheet 3 of 4

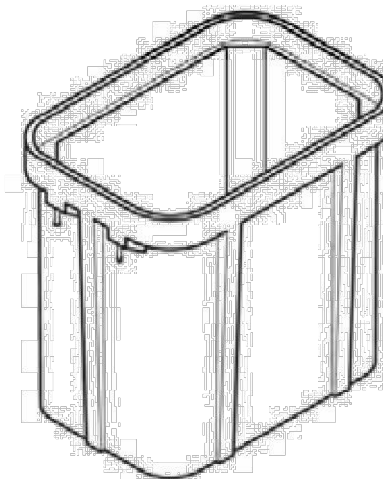
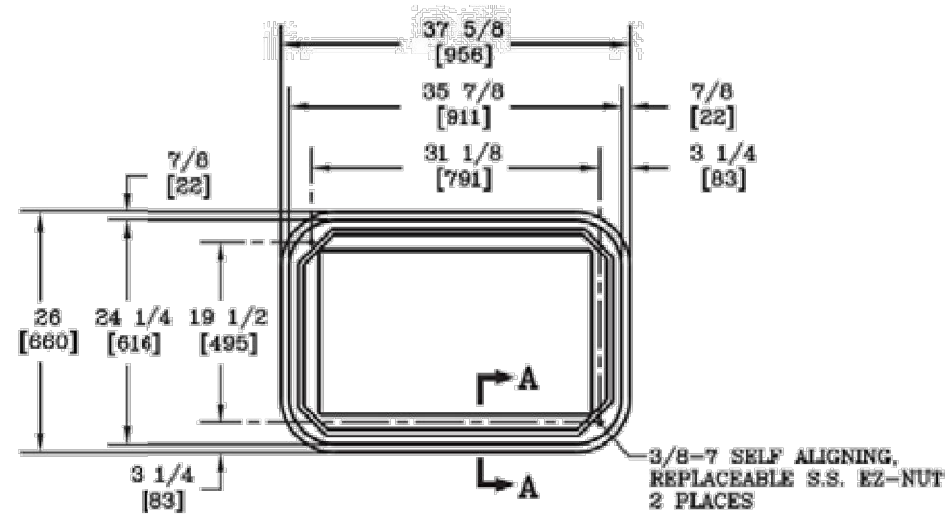
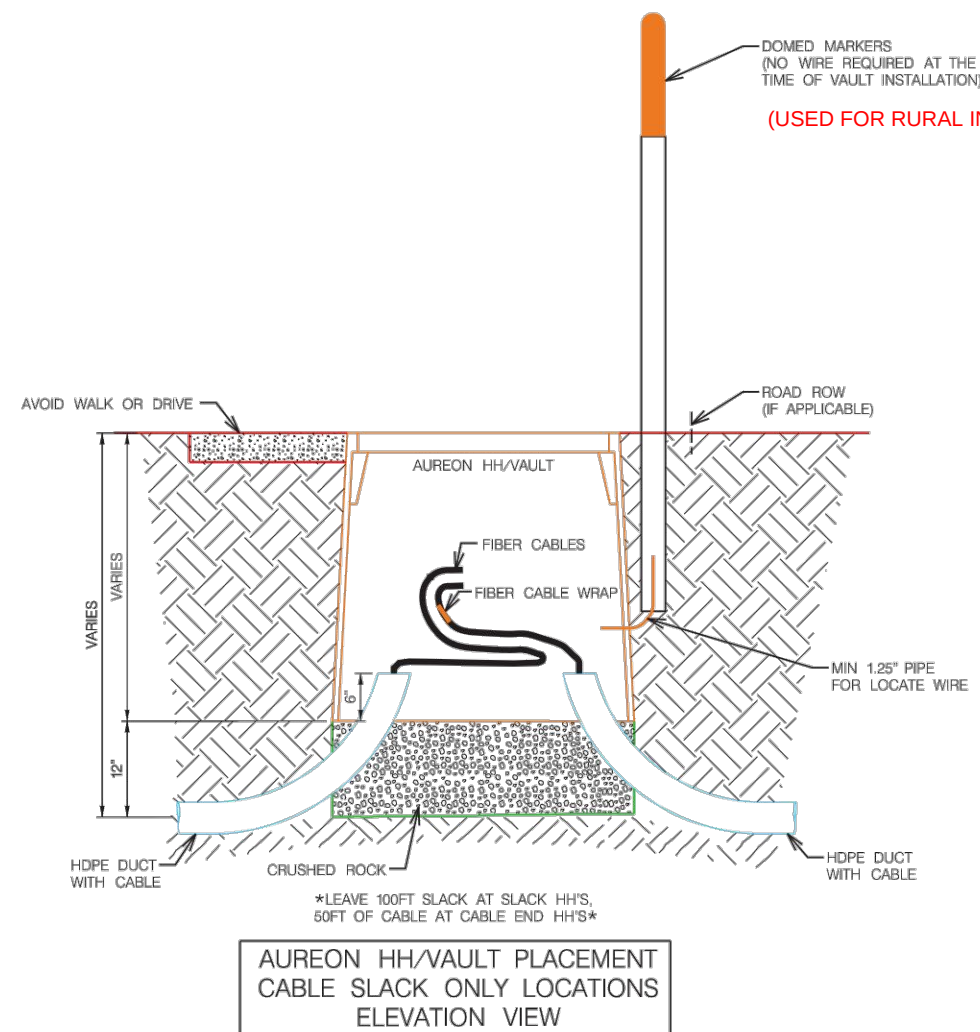
#	REVISION	DATE	NAME	SCALE:

SCALE

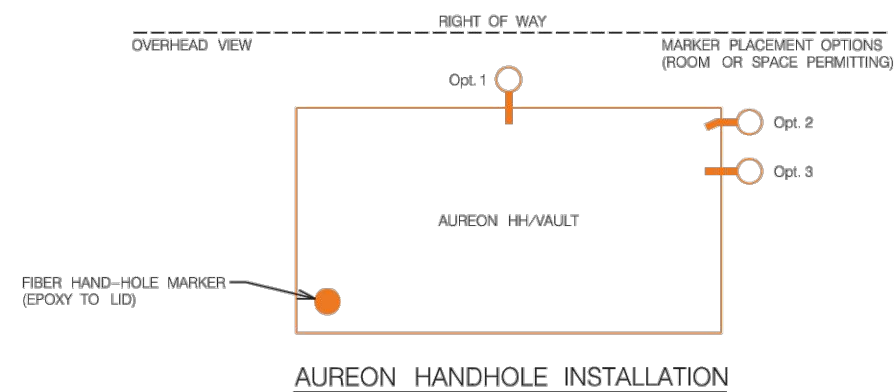


DATE: 8-30-2022

AUREON NETWORK SERVICES HANDHOLE DETAIL



AUREON QUAZITE 24X36X36 DETAIL

[illegible]

City of Newton Council Report

**Item:**

Resolution approving a Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2022-3

Report Number: 22-262

Date:

September 19, 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:

\$505.56 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 area in SW Newton and is shown on the route attachment.

The proposed underground portion of the route includes 8,426 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 \$505.56.

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 gray, wavy background line.

Matt Muckler

City Administrator

RESOLUTION 2022- _____

**RESOLUTION APPROVING A TELECOMMUNICATIONS LICENSING AGREEMENT
WITH WINDSTREAM IOWA COMMUNICATIONS, LLC – 2022-3**

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 area in SW Newton and is shown on the route attachment; and

WHEREAS, the proposed underground portion of the route includes 8,426 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 \$505.56.

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 September, 2022.

APPROVED this _____ day of September, 2022.

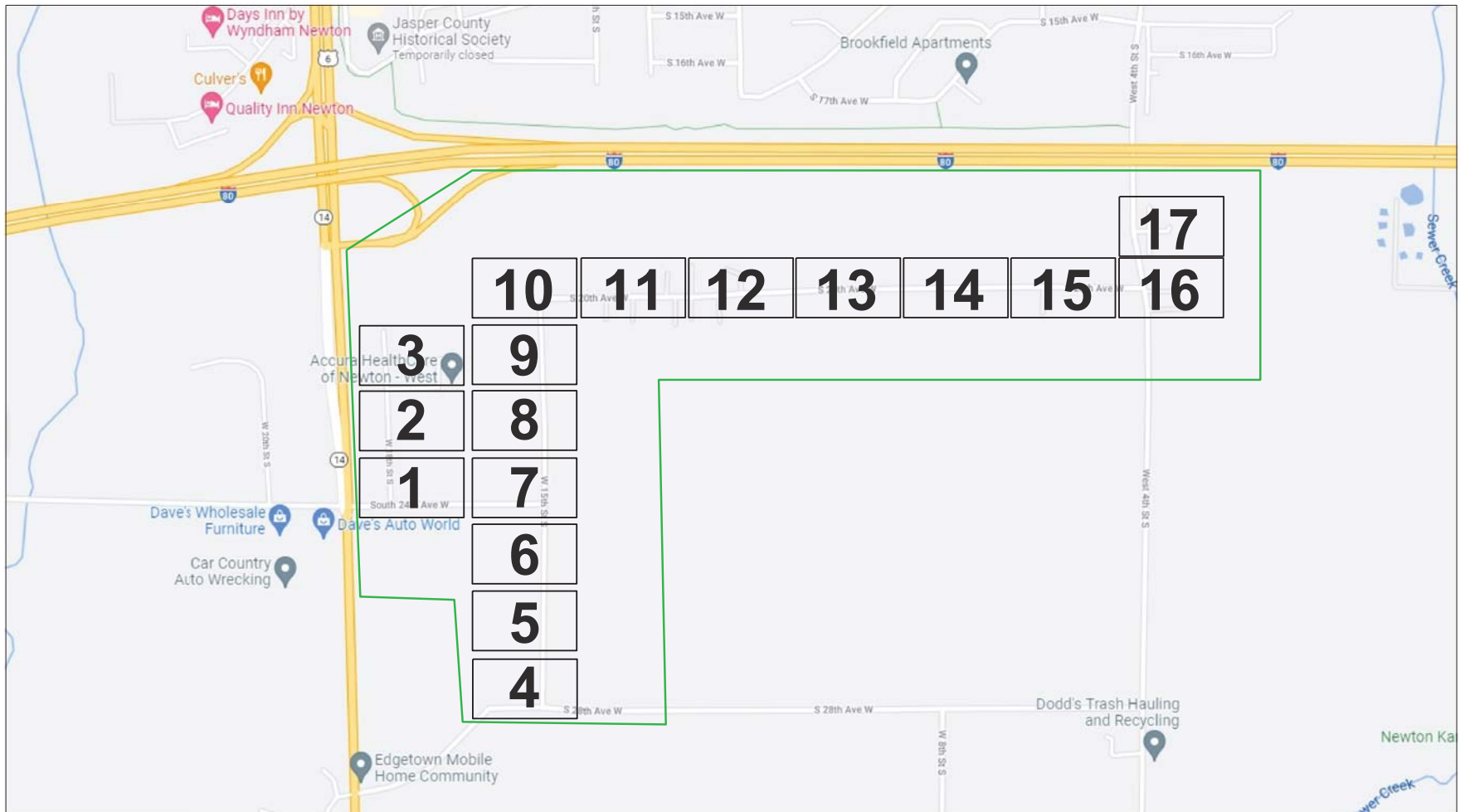
Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

713412124 - 7BA1 - SEFH4547
 2390 W 18TH ST S, NEWTON
 CITY OF NEWTON PERMIT REQUIRED
 JASPER COUNTY PERMIT REQUIRED

WINDSTREAM LOCATION MAP



FTBB: N/A		Job Description:		Customer/Other Contacts:		Work Order #: 713412124		Exchange: NWTNIXC	Cut Sheet Req: N
AWGF: N/A		SEFH4547 - EWR14118 - 7BA1		CITY OF NEWTON PERMIT JASPER COUNTY PERMIT		Date: 12/6/2021		District: IOWA	Permit Req: Y
Geo Block:		Project Manager: CM: HALEY ANDERSON 515-401-2668				Engineer: HALEY ANDERSON		Revision #: 0	MOP Req: N
Tax District: 0001		Operations Manager:						Revision Date: N/A	Joint Work Req: N
Requested By:				Circuit ID: N/A				Sheet MAP	



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 \$505.56 (Five Hundred and Fifty-Six 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 \$505.56, the City shall refund the excess of \$505.56 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

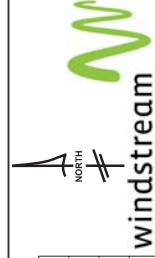
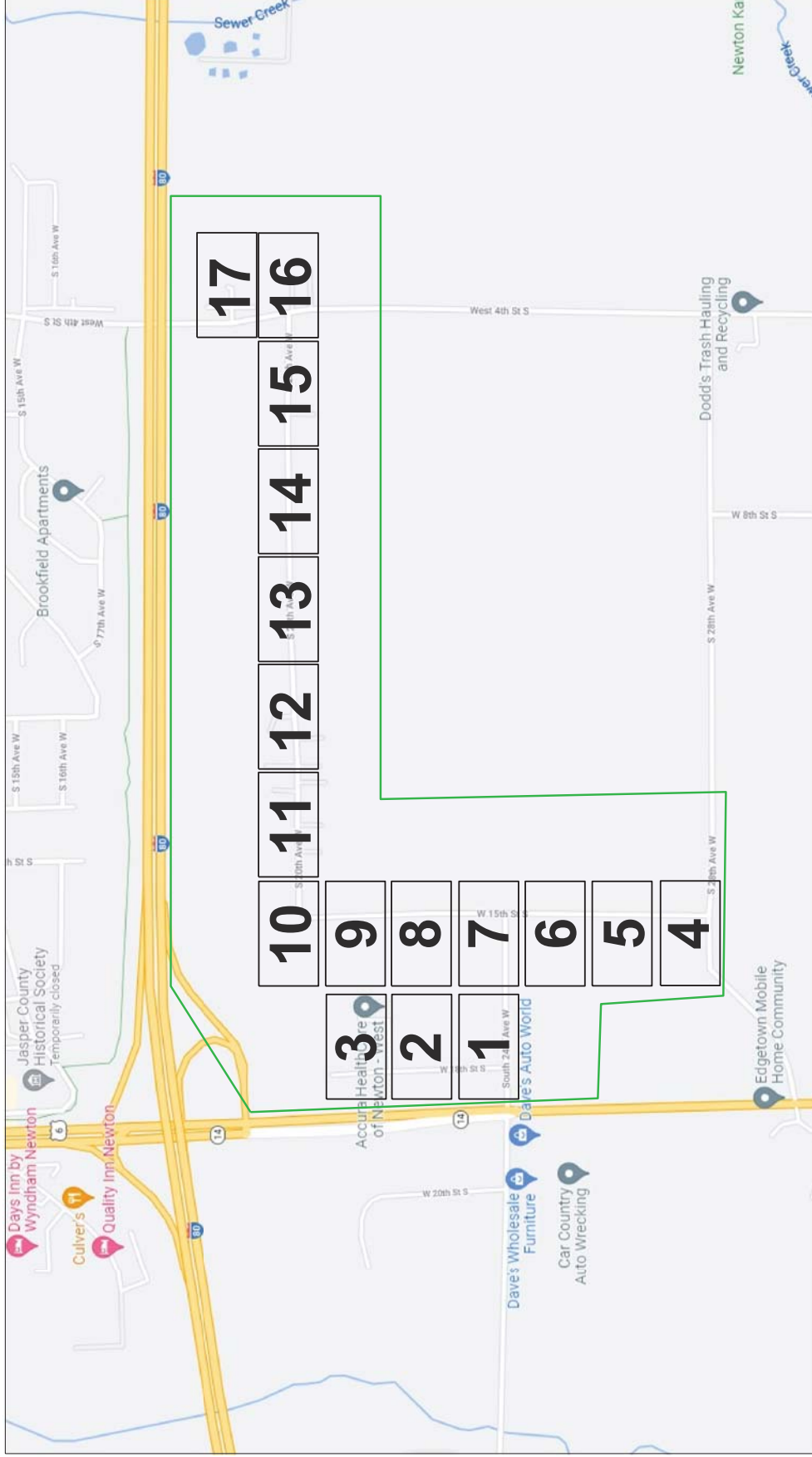
Title: _____

Attest: _____

City Clerk

713412124 - 7BA1 - SEFH4547
 2390 W 18TH ST S, NEWTON
 CITY OF NEWTON PERMIT REQUIRED
 JASPER COUNTY PERMIT REQUIRED

WINDSTREAM LOCATION MAP



Customer/Other Contacts:

CITY OF NEWTON PERMIT
 JASPER COUNTY PERMIT

Job Description:

SEFH4547 - EWR14118 - 7BA1

Project Manager: CM: HALEY ANDERSON 515-401-2668

Operations Manager:

Requested By:

Tax District: 0001

Geo Block:

AWGF: N/A

FTBB: N/A

Work Order #: 713412124

Date: 12/6/2021

Engineer: HALEY ANDERSON

Exchange: NWTNIXC

District: IOWA

Revision #: 0

Cut Sheet Req: N

Permit Req: Y

MOP Req: N

Joint Work Req: N

Revision Date: N/A

Sheet MAP

Circuit ID: N/A

windstream

City of Newton Council Report

**Item:**

Resolution accepting completion of the City of Newton 2022 Roofing Project No. 1.

Report Number: 22-263

Summary:

Accept completion of a contract for roofing repairs at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant.

Date:

September 19, 2022

Lead Department:

Community Services

Financial Impact:

Council previously approved a contract for \$17,327.00 on August 15, 2022; and this action would accept the project and authorize payment of the retainage amount of \$866.35.

Recommendation:

Approve

Background:

On March 5, 2022 a tornado caused roof damage to four City-owned buildings. These included buildings located at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant. Following that storm, City Council awarded a contract for \$17,327.00 to Robison Construction of Cedar Rapids, Iowa on August 15, 2022 for the roof repairs at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant.

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 completed is \$17,327.00.

Recommendation:

City staff recommends accepting the completion of the City of Newton 2022 Roofing Project No. 1 and authorizing the retainage amount of \$866.35 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 CITY OF
NEWTON 2022 ROOFING PROJECT NO. 1**

WHEREAS, on March 5, 2022 a tornado caused roof damage to City-owned buildings at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant; and

WHEREAS, the City Council of the City of Newton passed Resolution 2022-234 on August 15, 2022 awarding a contract to Robison Construction of Cedar Rapids, Iowa in the amount of \$17,327.00; and

WHEREAS, Robison Construction has completed the 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; and

WHEREAS, the final contract amount based on actual measured quantities of work completed is \$17,327.00, which will be paid utilizing insurance payments from ICAP.

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 \$866.35 to Robison Construction of Cedar Rapids, Iowa no sooner than 30 days after approval of this resolution, should no claims be on file.

PASSED this _____ day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Vendor	Department	Description	Amount
Acushnet Company	Golf	Merchandise	\$ 2,069.60
Airgas USA LLC	Fire	Service	\$ 200.55
Alliant Energy/IPL	All	Utilities	\$ 61,377.11
Amazon Capital Services	All	Supplies	\$ 640.50
American Planning Association	Planning & Zoning	Service	\$ 308.00
Barney's Wrecker & Crane	Fire/Police	Service	\$ 388.07
Belcher, Roger	Fire	Supplies	\$ 500.00
Black Hills Energy	Maytag Pool/Parks	Utilities	\$ 635.49
Bob's Septic	Golf/Parks	Service	\$ 1,164.00
Bound Tree Medical LLC	Fire	Supplies	\$ 486.83
Brick Gentry P.C.	D&D/Legal Services	Service	\$ 19,434.78
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 4,340.00
Callaway Golf	Golf	Merchandise	\$ 774.61
Cappy's Tire & Auto Service	Golf	Service	\$ 74.99
Card Services	All	Service	\$ 8,255.04
Cintas	All	Service	\$ 325.84
Clapsaddle-Garber Assoc	Airport RESO 2020-111	Service	\$ 47,427.55
Computer Resource Specialists	Administration/WPC	Service	\$ 3,098.18
Con-Struct Inc	Airport RESO 2021-134	Service	\$ 161,790.73
D&W Tree Service	Parks	Service	\$ 700.00
Davis Equipment Corp	Golf	Supplies	\$ 3,097.14
Diamond Vogel Inc	Traffic Control	Supplies	\$ 39.34
Emergency Apparatus Maintenance Inc	Fire	Service	\$ 8,850.52
EZ Lease	Fire/WPC	Service	\$ 245.01
Fastenal	Water Pollution Control	Supplies	\$ 153.14
Forbes Office Solutions	All	Service	\$ 625.59
Galls LLC	Fire	Merchandise	\$ 645.22
Golden Rule Creations	Police	Supplies	\$ 683.36
Gregg Young Auto Center	Police	Service	\$ 1,551.08
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 8,800.00
Ground Breaker Homes LLC	Private Incentives	Reimbursement	\$ 3,847.01
Hanson, Lance	Water Pollution Control	Reimb	\$ 70.00
Hawkeye Lock & Security	City Center	Service	\$ 131.50
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,964.28
Hewitt Service Center	Landfill/Street/WPC	Supplies	\$ 7,935.00
HLW Engineering Group	Landfill	Service	\$ 262.50
Hornung's	Golf	Merchandise	\$ 247.49
Hydro International	Water Pollution Control	Supplies	\$ 706.72
Hy-Vee Inc	Fire	Supplies	\$ 255.73
IMWCA	All	Service	\$ 23,096.00
Innova Disc Golf	Parks	Supplies	\$ 7,725.00
Iowa Board of Pharmacy	Fire	Service	\$ 360.00
Iowa Employment Conference	Administration/Finance	Conference	\$ 650.00
Iowa League of Cities	Executive	Handbook	\$ 120.00
Iowa Prison Industries	Traffic Control	Supplies	\$ 731.70
Jacobs Electric Motor	Fire	Service	\$ 228.98
Jasper County Treasurer	All	Taxes	\$ 19,674.00
Kellogg Lawn & Snow	Airport	Supplies	\$ 153.45
Key Cooperative	All	Fuel	\$ 14,708.41
Keystone Labs	Water Pollution Control	Service	\$ 4,415.75

Lands' End Business Outfitters	Fire	Supplies	\$ 155.75
Lawson Products Inc	City Garage	Supplies	\$ 168.30
Liberty Tire Services LLC	Landfill	Supplies	\$ 135.00
Lyman, Rick	Parks/Police	Service	\$ 2,384.51
Mahaska Bottling Co	Golf	Concessions	\$ 1,098.75
Manatts - D.M.	Storm Water/Street	Supplies	\$ 6,864.09
McMaster-Carr	Water Pollution Control	Supplies	\$ 1,247.00
Mediacom	Golf	Utilities	\$ 109.95
MercyOne Occupational Health Clinic	Fire	Service	\$ 900.00
MG Laundry Corporation	City Center	Service	\$ 85.85
Mid Country Machinery	Landfill	Supplies	\$ 2,908.09
Midwest Lawn Services	City Center	Services	\$ 475.00
Midwest Wheel Companies	Fire	Supplies	\$ 55.40
MTI Distributing Inc	Golf	Supplies	\$ 169.72
NAPA Auto Parts	All	Supplies	\$ 785.52
News Printing Company	All	Service	\$ 5,674.90
Newton Development Corp	Multitple TIF's/Hotel Motel	Contribution	\$ 27,500.00
Office Depot	Golf/Parks	Supplies	\$ 149.52
O'Halloran International	City Garage	Supplies	\$ 125.58
OPG-3 Inc	Administration	Service	\$ 600.00
O'Reilly Auto Parts	Golf	Supplies	\$ 5.39
Parkview Animal Hospital	Animal Control	Service	\$ 2,450.00
Per Mar Security Services	Landfill	Service	\$ 433.17
Petroleum Marketers Management Ins Co	Tort Liability	Service	\$ 1,230.00
Prairie Ag Supply	Parks RESO 2022-233	Equipment	\$ 13,735.00
Premier Office Equipment	Police	Service	\$ 123.24
Quick Supply Company	Landfill	Supplies	\$ 543.75
Quill Corporation	All	Supplies	\$ 114.05
Ray, Randy	Parks/SSMID District	Service	\$ 2,185.00
RDO Equipment Co	Landfill RESO 2022-175	Equipment	\$ 36,744.00
Robison Construction Inc	Tort Liability RESO 2022-234	Service	\$ 16,460.65
Sandry Fire Supply LLC	Fire	Supplies	\$ 203.75
Sign Pro	Parks	Supplies	\$ 86.00
Spahn & Rose Lumber Co	All	Supplies	\$ 838.41
Springer Professional Home Services	Golf	Service	\$ 46.20
Theisen's	All	Supplies	\$ 399.54
Town & Country Wholesale Co	Golf	Concessions	\$ 1,632.72
Office of the State Public Defender	Legal Services	Service	\$ 203.22
Truck Equipment	Parks	Supplies	\$ 555.68
True Value Hardware	All	Supplies	\$ 176.71
Turfwerks	Golf	Supplies	\$ 403.10
Two Rivers Cooperative	Golf/Landfill/WPC	Fuel	\$ 12,775.01
United States Cellular	All	Utilities	\$ 1,212.50
USABlueBook	Water Pollution Control	Supplies	\$ 681.67
Van Wall Equipment	Cemetery	Supplies	\$ 106.90
Verizon Wireless	Disaster Services	Service	\$ 35.01
Walsh Door & Hardware	City Center	Supplies	\$ 4,381.29
Warnick & Reeves Mechanical	City Center/Golf	Service	\$ 132.64
Water Department	All	Utilities	\$ 11,825.48
Will Co Inc	Water Pollution Control	Supplies	\$ 1,397.00
Zimco Supply Company	Cemetery/Golf	Supplies	\$ 687.50
Zoll	Fire	Supplies	\$ 569.85
Total			\$ 589,933.15

Pre-Authorized Payments

Arrowhead Contracting Inc	N Central TIF RESO 2022-221	Retainage	\$ 33,130.50
AT & T Mobility	Police	Utilities	\$ 941.30
Beverage Distributors of Iowa	Golf	Concessions	\$ 466.26
Doll Distributing	Golf	Concessions	\$ 1,252.78
Harris Golf Cars	Golf RESO 2022-245	Equipment	\$ 49,500.00
Johnson Brothers of Iowa	Golf	Concessions	\$ 608.40
South Skunk Blues Society	Executive RESO 2022-238	Service	\$ 3,000.00
United Parcel Service	Fire	Service	\$ 30.90
Water Department	All	Utilities	\$ 2,308.52
Windstream	All	Utilities	\$ 1,206.02
Total			\$ 92,444.68

City of Newton Council Report

Item: Resolution approving the preliminary plat for Stelpflug Addition preliminary plat in the City of Newton, Jasper County, Iowa.

Summary: Stelpflug Addition is a 7-lot subdivision located in the 1400 block of 1st Avenue West and is a replatting of 6 lots and vacated right-of-way from Leepers Highland Addition.

Financial Impact: None.



Report Number: 22-264

Date: September 19, 2022

Lead Department: Community Development

Recommendation: Approve



Stelpflug Addition is a proposed 7-lot subdivision located in west Newton, generally about one block east of the intersection of 1st Avenue (US highway 6) and US Highway 14. The address of the property is 1404 1st Avenue West. The subdivision is, essentially, a replatting of 6 lots and old vacated right-of-way from Leepers Highland Addition.

It is important to note that in the Mid-20th Century, previous property owners granted a permanent easement to the Iowa DOT which removed any right/availability for a drive entrance to this property from 1st Avenue West.

The property is in the R-2: One- and Two-Family Residential zoning district. Each lot exceeds the minimum bulk zoning requirements of the R-2 zoning district.

The project drains (generally) eastward towards the east property line which is shared with the Newton Community School District's bus barn and support campus. The preliminary plat includes an area on the east side of each lot to be dedicated as a 40' wide drainage easement. The Newton City Engineer reviewed the preliminary plat and associated storm water computations and took no exceptions to the calculations.

Newton's Future: The Comprehensive Plan recognizes the area as a key Gateway to the community, and indicates that the subject area should be the dividing line between "general commercial" and "low density residential." A listed goal found in Ch. 9: "Land Use Initiatives" of the comprehensive plan states, "Encourage infill development on vacant underutilized parcels..." and work to "Create a pleasing community "entry" at Highway 14 and 1st Avenue W." Additionally, Ch. 8: Housing recognizes that "it would likely be beneficial to see housing development toward the western side of Newton to accommodate easy access to I-80 and Des Moines."

Notice of the public meeting was sent to all property owners within 200 feet of the property upon which the proposed subdivision is to be located prior to both the Planning & Zoning Commission meeting and the City Council Meeting. Notice of the hearings were also published in the *Newton Daily News* prior to both meetings.

Summary of Platting Process: The entire subdivision process, when construction of new public improvements is involved, is broken down into two parts- the preliminary plat approval and the final plat approval.

First, the preliminary plat process involves a review and approval of the basic layout of the subdivision, along with an evaluation of the design of public improvements. In this instance, the public improvement for Stelpflug Addition is the stormwater retention along the east side of the property. Those public improvements are then constructed or built out. When the improvements are completed, then the final plat process is presented to the City showing that the improvements were made in accordance with the preliminary plat. Following final plat approval and recording, lots are then available for transfer or sale.

The Preliminary Plat process has several steps including the review and recommendation by the Planning and Zoning Commission then concludes with City Council Action on the proposed plat. Once approved by City Council, construction of the subdivision public improvements may proceed. After public improvements are constructed and accepted by Newton Public Works, a final plat can be presented to both the Newton Planning and Zoning Commission and City Council and then submitted to Jasper County for recording.

Waivers: No waivers from City standards are being requested. Sidewalks would not be installed at the time of the construction of the public improvements, per standard City policy. Sidewalks would be constructed at the time the individual lots are developed.

Planning and Zoning Commission Review & Recommendation: The Planning and Zoning Commission reviewed the preliminary plat in a public hearing held during their September 7, 2022, meeting. Several neighbors spoke at the public hearing, noting concerns about additional housing having an impact on traffic and on-street parking.

Stelpflug Addition, which is attached, meets city code requirements. As part of the preliminary plat approval, the public right-of-way shall remain unchanged, the property shall be subdivided into seven new buildable residential lots, and the east 40' of all seven lots shall be reserved for a drainage easement.

The Planning and Zoning Commission unanimously approved a motion to recommend approval of the Stelpflug Addition preliminary plat. Planning and Zoning Commission has also requested that future analysis of the neighborhood's on-street parking be conducted by the traffic safety committee as the property becomes further developed.

Recommendation: City Staff recommends approval of the resolution.

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

BLOCK A
HILLCREST PLACE
10

BLOCK D - HILLCREST PLACE PLAT 2



BLOCK 2
LEEPER'S HIGHLAND
ADDITION

NORTH 2ND AVENUE WEST

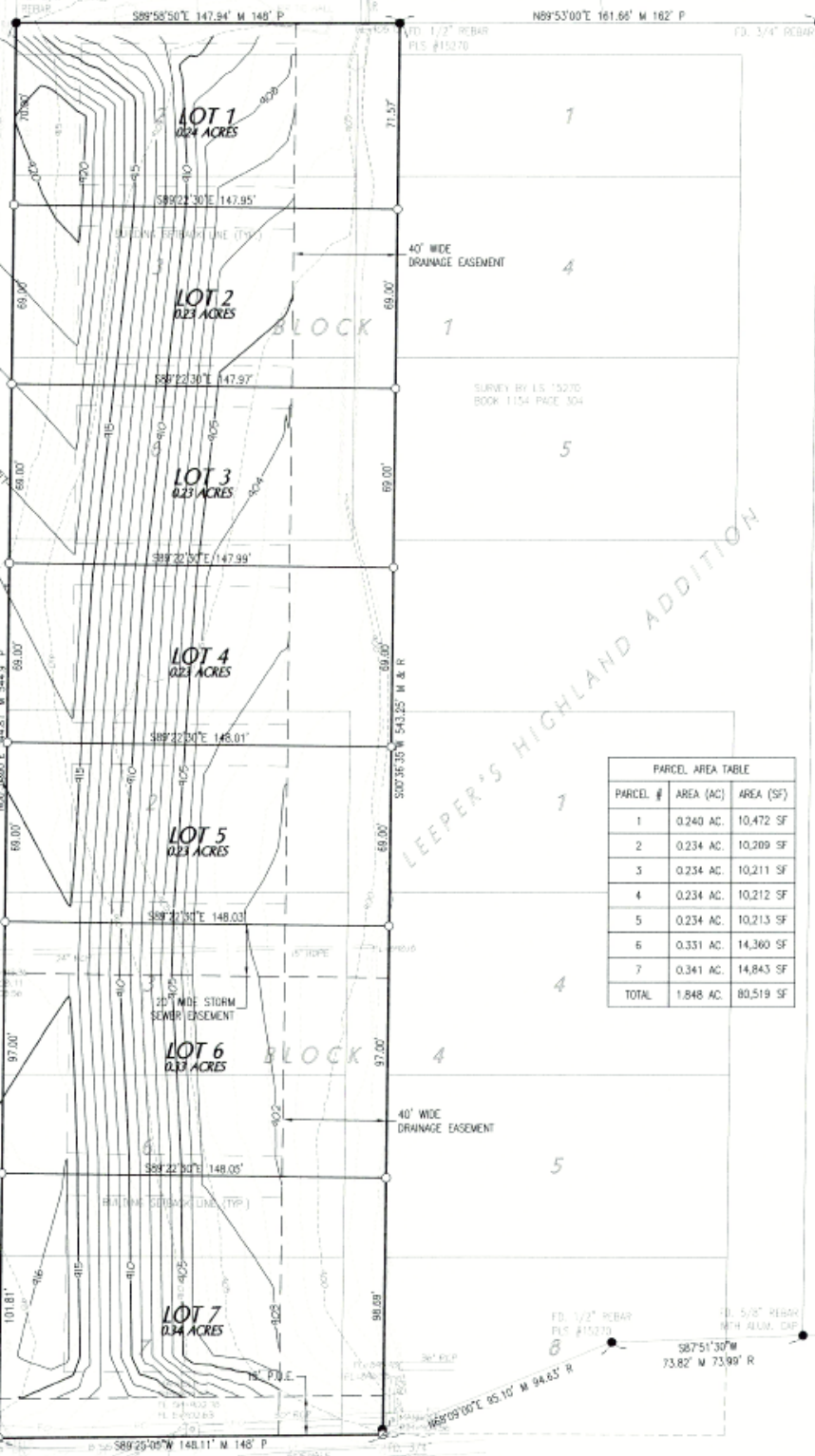
2 7

BLOCK 7
LEEPER'S HIGHLAND
ADDITION

WEST 15TH STREET PLACE NORTH

SW CORNER
LOT 14
FD. 2" R/P

1ST AVENUE WEST



PARCEL AREA TABLE		
PARCEL #	AREA (AC)	AREA (SF)
1	0.240 AC.	10,472 SF
2	0.234 AC.	10,209 SF
3	0.234 AC.	10,211 SF
4	0.234 AC.	10,212 SF
5	0.234 AC.	10,213 SF
6	0.331 AC.	14,360 SF
7	0.341 AC.	14,843 SF
TOTAL	1.848 AC.	80,519 SF

NOTE:
UNDERGROUND UTILITIES SHOWN BASED ON PHYSICAL EVIDENCE,
IOWA ONE-CALL DESIGN INFORMATION REQUEST, AND INFORMATION
PROVIDED BY UTILITY COMPANIES. THERE MAY BE ADDITIONAL
UNDERGROUND UTILITIES THAT ARE NOT SHOWN ON THIS DRAWING.

PRELIMINARY PLAT
SCALE: 1" = 30'

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF
STELPFLUG ADDITION, IN THE CITY OF NEWTON, JASPER
COUNTY, IOWA**

WHEREAS, there has been presented a revised preliminary plat for Stelpflug Addition, the legal description of the land included in said plat being as follows to-wit:

LOTS TWO, THREE AND SIX IN BLOCK ONE AND LOTS TWO, THREE, SIX AND SEVEN IN BLOCK FOUR OF LEEPER'S HIGHLAND ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AND THE TWELVE FOOT EAST/WEST ALLEY LYING NORTH OF BLOCK ONE OF LEEPER'S HIGHLAND ADDITION THAT LIES WEST OF A LINE EXTENDED NORTH FROM THE NORTHWEST CORNER OF LOT ONE OF SAID LEEPER'S HIGHLAND ADDITION, AND THE SIXTEEN FOOT NORTH/SOUTH ALLEY LYING EAST OF AND ADJACENT TO LOTS TWO, THREE AND SIX BLOCK ONE AND LOTS TWO, THREE, SIX AND SEVEN IN BLOCK FOUR IN SAID LEEPER'S HIGHLAND ADDITION, AND THE VACATED NORTH SECOND STREET LYING BETWEEN BLOCKS ONE AND FOUR IN SAID LEEPER'S HIGHLAND ADDITION THAT LIES WEST OF A LINE EXTENDED FROM THE SOUTHWEST CORNER OF LOT FIVE, BLOCK ONE TO THE NORTHWEST CORNER OF LOT ONE IN BLOCK FOUR OF SAID LEEPER'S HIGHLAND ADDITION.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

WHEREAS, said plat has heretofore been unanimously recommended for approval by the Planning and Zoning Commission, with conditions, on September 7, 2022, and those conditions are to subsequently be addressed and completed, and

WHEREAS, the proposed subdivision aligns with the recommendations of *Newton's Future: A Comprehensive Plan*, the City of Newton Subdivision Ordinance, and the City of Newton Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Stelpflug Addition preliminary plat is hereby approved.

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa: That the Mayor and City Clerk are hereby directed to certify the resolution herein made and affix the same to the plat for filing.

PASSED this _____ day of September, 2022.

APPROVED this _____ day of September, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: An ordinance amending the City of Newton Official Zoning Map for property located at 1500 1st Ave. E. and 201 E. 15th St. N. from R-2: One- and Two-Family Residential to C-A: Arterial Commercial.

Summary: Gena Franklin has requested a rezoning of the subject property to enhance the marketability of the two properties and to accommodate future redevelopment. (Parcel 0835134004)

Financial Impact: None.

Report Number: 22-265

Date: September 19, 2022

Lead Department: Community Development Department

Recommendation:
Approve

The subject property (1500 1st Avenue E and 201 East 15th Street North) included in this rezoning is currently located within both the R-2: One- and Two-Family Residential and C-A: Arterial Commercial zoning districts. Surrounding properties include single-family homes to the east and north, multi-family to the west, and commercial properties to the south. The intention behind this rezoning is to enhance the marketability of the two properties and to encourage future re-development of the property. A rezoning would offer additional flexibility as it relates to the adaptive reuse of the existing building and also any future expansions or conversions.

Newton's Future, the comprehensive plan, includes a Future Land Use Concept Plan found within the Land Use Chapter. It shows the area in question as similarly matching the current zoning map with it being the dividing line between "general commercial" (red) and "low density residential" (yellow). Keep in mind that the boundaries of the different uses on the concept plan were drawn in a soft, bubble-like manner to allow for some flexibility in the ability to consider individual circumstances when setting specific district boundaries. Generally speaking, commercial designations line the majority of the 1st Avenue corridor.

Ch. 9 "Land Use Initiatives" of the comprehensive plan states, "Utilizing sites with municipal infrastructure versus expanding development to adjacent "greenfields" is a primary goal of this plan. Reuse of existing vacant or underutilized sites is also the most cost-effective approach to increase the tax base and expand jobs in Newton rather than relying on extension of new infrastructure."

A first step for the property owner in redeveloping this property was to apply for a rezoning. While this rezoning is not considering any specific adaptive reuse project, it would open the door for opportunities that do not currently exist, most likely multi-family.

At their meeting on September 7, 2022, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request as presented.

Notice of the Public Hearing: Notice of the public hearing for this item was sent to surrounding property owners (postcard mailing) and published in the *Newton Daily News*. No concerns or objections have been received from neighbors to date.

Recommendation: Staff finds that the proposed rezoning is supported by the comprehensive plan and would appropriately accommodate immediate redevelopment of the property. Staff recommends approval of the ordinance.

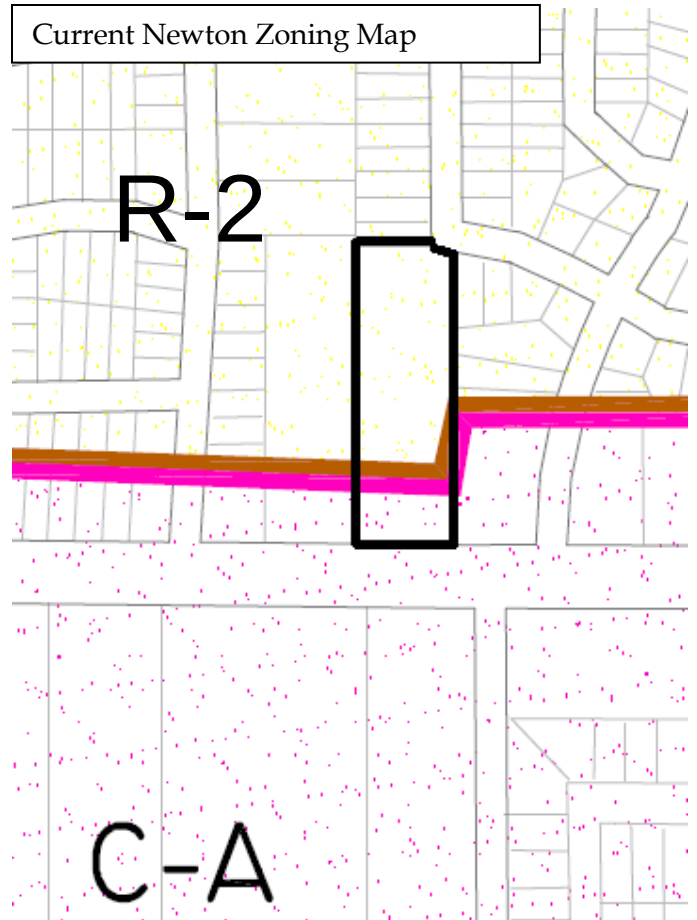
A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is fluid and cursive, with the first name "Matt" written in a larger, more prominent script than the last name "Muckler".

Matt Muckler
City Administrator

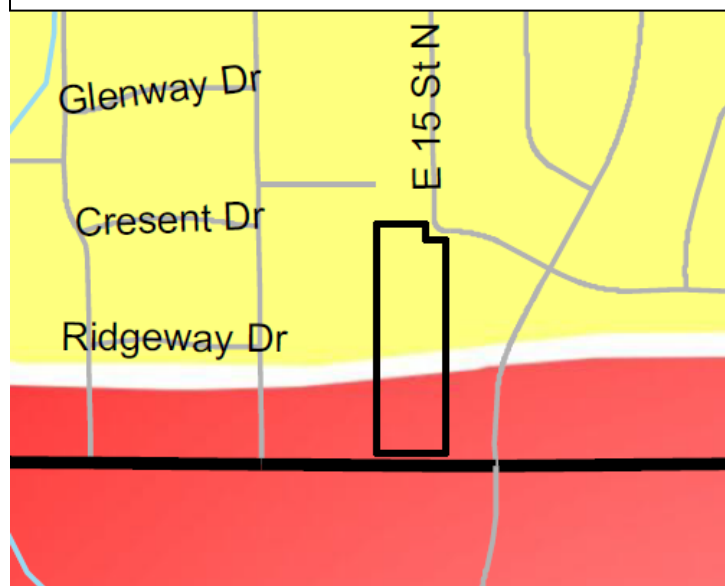
Aerial Map



Current Newton Zoning Map



Comprehensive Plan Future Land Use Concept Map



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEWTON OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT 1500 1ST AVENUE EAST AND 201 EAST 15TH STREET NORTH FROM R-2: ONE- AND TWO-FAMILY RESIDENTIAL TO C-A: ARTERIAL COMMERCIAL

WHEREAS, the Planning and Zoning Commission reviewed the zoning map amendment at their September 7, 2022, regular meeting and unanimously recommend approval; and

WHEREAS, the rezoning of property located at 1500 1st Avenue East and 201 East 15th Street North does not constitute spot zoning; and

WHEREAS, said rezoning is supported by *Newton's Future: A Comprehensive Plan*.

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

Section 1. Zoning Classification. The zoning classification of the following described property lying, being and situated in the City of Newton, County of Jasper and State of Iowa to wit:

LOT 1 IN THE SUBDIVISION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 80 NORTH, RANGE 19 WEST OF THE 5TH P.M., JASPER COUNTY, IOWA, NOW IN THE CITY OF NEWTON, IOWA, AS SHOWN BY THE PLAT RECORDS IN PLAT BOOK D, PAGE 77, IN THE OFFICE OF THE COUNTY RECORDER OF JASPER COUNTY, IOWA;

AND

LOT 2 OF THE FINAL PLAT NELSON MANOR ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT CABINET A, AT PAGE 594 IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND PARCEL "C" OF LOT 1, NELSON MANOR ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT RECORDED IN BOOK 1153, PAGE 537, IN THE OFFICE OF THE RECORDER OF SAID COUNTY. SUBJECT TO EASEMENTS AND COVENANTS OF RECORD.

is hereby established to be zoned C-A: Arterial Commercial.

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

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

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

PASSED this ____ day of _____ 2022.

APPROVED this ____ day of _____ 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

Dated this ____ day of _____, 2022.

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution expressing intent to enter into a development agreement and to provide economic development support to Ex Nihilo, LLC

Summary: Ex Nihilo, LLC has entered into a purchase agreement for 118 North 2nd Avenue East with the intent to redevelop the building into a public market. Ex Nihilo, LLC has requested City assistance in order to proceed with finalizing the purchase and beginning the redevelopment project.

Financial Impact: \$75,000 forgivable loan and tax rebates in an amount not to exceed \$85,000 over 10 years.



Report Number: 22-266

Date: September 19, 2022

Lead Department:
Community Development

Recommendation:
Approval



118 North 2nd Avenue East

The Historic Downtown, as the heart of the community, reflects the health of Newton's economy. Over the last 8-10 years, the downtown area has seen building revitalization and welcomed new businesses around the square. The building at 118 North 2nd Avenue East remains one of the most significant buildings in the downtown in great need of rehabilitation.

Ex Nihilo, LLC has entered into a purchase agreement for the building with the hope to rehabilitate the structure into a public market, while preserving the historic nature of the building. In order to be able to proceed with the project, City incentives are needed by the property owner. The resolution of intent to provide economic development support gives the understanding to the property owner of the City's willingness to assist with the redevelopment project while planning steps are taken for the project.

The building is located within the North Central Urban Renewal Area, which provides for a mechanism for the City to participate and encourage a high-level rehabilitation of the property. The subject property is not listed as a specific project, and thus the City must take steps to amend the urban renewal area, a process which takes time. The developer is ready to move forward as long as there is an understanding that the City is able to assist in the project. In order to provide the developer assurance in a more timely manner, the attached resolution expressing future intent is presented for action.

Ex Nihilo, LLC has already undertaken redevelopment of another building on the square, restoring the historic façade of the building at 115 West 2nd Street North by removing the non-historic façade a previous owner installed. Ex Nihilo, LLC is owned by Jerry Schwaller, who is originally from Jasper County and maintains a part-time Northwestern Mutual office in Newton along with another office in the metro.

The resolution expressing intent to provide economic development support stipulates a \$75,000 forgivable loan (issued upon issuance of the Certificate of Occupancy), tax rebates over 10 years with a total amount not to exceed \$85,000, and eligibility to apply for Newton Downtown Improvement Grants. In return, the developer would invest approximately \$1.5 million into the building's rehabilitation and agree to a minimum assessment of \$475,000. The building is currently assessed at \$119,870.

An amendment to the urban renewal plan as well as redevelopment agreement between the City and the developer requires separate City Council action.

Recommendation: Staff recommends approval of the Resolution.

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

MINUTES TO ADOPT RESOLUTION
EXPRESSING INTENT TO PROVIDE
ECONOMIC DEVELOPMENT SUPPORT

Newton, Iowa

September 19, 2022

The City Council of the City of Newton, Iowa, met on September 19, 2022 at Six o'clock, p.m., at the City Hall Council Chambers in the City.

The meeting was called to order and there were present the Mayor in the chair, and the following named Council Members:

Present: _____

Absent: _____.

Council Member _____ moved the adoption of the following resolution entitled "Resolution expressing intent to enter into a development agreement and to provide economic development support to "Ex Nihilo, LLC," and the motion was seconded by Council Member _____. Following due consideration, the Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted as follows:

RESOLUTION NO. 2022- _____

Resolution expressing intent to enter into a development agreement and to provide economic development support to Ex Nihilo, LLC

WHEREAS, Ex Nihilo, LLC (the “Developer”) has proposed to undertake the redevelopment (the “Redevelopment Project”) of 118 N 2nd Ave E (the “Property”) to redevelop the Property into a public market with twenty vendor spaces including food, retail, and services as well as a public bar, commercial kitchen, classroom space, and open seating overlooking the first floor; and

WHEREAS, the Developer has requested that the City provide financial assistance to be used by the Developer in paying the costs of undertaking the Redevelopment Project in the form of (i) the funding of annual incremental property tax payments (the “Payments”); (ii) an economic development forgivable loan (the “Loan”); and (iii) the funding of qualified Newton Downtown Improvement Grants (the “Grants”); and

WHEREAS, the City intends to provide such financial support by entering into a development agreement (the “Development Agreement”) with the Developer and thereby making provision for (i) the funding of the Payments to the Developer; (ii) the funding of the Loan to the Developer; and (iii) the funding of the Grants to the Developer; and

WHEREAS, prior to entering into the Development Agreement, the City Council must undertake the statutory processes for (1) approving the Redevelopment Project as an urban renewal project under the Urban Renewal Plan; (2) approving the Development Agreement and making provision for the Payments, the Loan, and the Grants; but the City desires to convey its intent to pursue these actions to the Developer through the adoption of this Resolution;

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

Section 1. The City hereby expresses its intent to support the Redevelopment Project in the future. The City will in good faith negotiate the Development Agreement with respect to the redevelopment of the Property and the undertaking of the Redevelopment Project, such proposed Development Agreement to minimally include the following terms:

A) The Developer will commit to undertaking the Redevelopment Project on the Property, such Redevelopment Project to minimally include the renovation of the building. The Developer will commit to investing approximately \$1,556,500 into the development and construction of the Redevelopment Project. The Developer will agree to complete the construction of the Redevelopment Project by December 31, 2024.

Further, the Developer will agree to use the completed Redevelopment Project in its business operations throughout the term of the Development Agreement, and to maintain the Property and the Redevelopment Project useful and in good repair.

B) The Developer will commit to entering into one or more minimum assessment agreement(s) pursuant to Section 403.6 of the Code of Iowa establishing the total minimum assessed taxable valuation of the Property at not less than \$475,000

C) The Developer will commit to ensuring timely payment of all property taxes as they come due with respect to the Property during the term of the Agreement.

D) The Developer will agree to obtain and continuously maintain insurance on the Property and the completed Redevelopment Project, including builder's risk insurance, comprehensive general liability insurance and worker's compensation insurance. The Developer will commit to obtaining builder's risk insurance prior to construction of the Redevelopment Project.

E) The Developer will agree to provide to the City a copy of each quarterly sales tax return (each, a "Quarterly Sales Tax Return") filed with the Iowa Department of Revenue with respect to the Redevelopment Project within thirty (30) days of such filing throughout the term of the Development Agreement.

F) The Developer will acknowledge that the City will cover the payment of legal fees and administrative costs (the "Admin Costs") incurred by the City in connection with the drafting, negotiation and authorization of this Agreement, including the establishment of the Urban Renewal Area. Furthermore, the Developer will agree that the City shall withhold the Admin Costs from the Payments in order to recover the Admin Costs.

G) The City will agree to fund the Payments in an aggregate amount not to exceed \$85,000 over a period of ten (10) years of incremental property tax collections. Furthermore, the Payments will be funded with one hundred percent (100%) of the incremental property tax revenues to be derived from the Property, and all Payments under the Agreement will be made subject to annual appropriation by the City Council.

H) The City will agree to fund the Loan to the Developer upon issuance of a Certificate of Occupancy for the Apartment Building and upon receipt of an acceptable grant disbursement request from the Developer. The amount of the Loan will be \$75,000.

I) The City will agree to fund the Grants to the Developer in the amounts approved by the City Council as the Newton Downtown Improvement Grant program for program activities that meet program requirements.

Section 2. The City hereby agrees to use its best efforts to complete the statutory requirements of Chapter 403 of the Code of Iowa in order to authorize the Development Agreement. Both the City and the Developer acknowledge that the City's commitment in this Section is merely a present statement of intent and that the City Council must exercise its ordinary political discretion in the completion of the statutory processes referenced herein. The City will not be held liable in the event that the City Council, through the exercising of its ordinary political discretion, determines to not approve any of the actions outlined herein.

Section 3. Nothing in this Resolution shall prevent the parties from negotiating additional terms, not set forth herein, for inclusion in the Development Agreement.

Section 4. All resolutions and orders or parts thereof in conflict with the provisions of this resolution, to the extent of such conflict, are hereby repealed.

Passed and approved this September 19, 2022.

Mayor

Attest:

City Clerk

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On motion and vote the meeting adjourned.

Mayor

Attest:

City Clerk

STATE OF IOWA
JASPER COUNTY
CITY OF NEWTON

SS:

I, the undersigned, City Clerk of the aforementioned City, do hereby certify that as such I have in my possession or have access to the complete corporate records of the City and of its officers; and that I have carefully compared the transcript hereto attached with the aforesaid records and that the attached is a true, correct and complete copy of the corporate records relating to the action taken by the City Council preliminary to and in connection with adopting a resolution expressing intent to provide economic development support to the Ex Nihilo, LLC redevelopment project.

WITNESS my hand this ____ day of _____, 2022.

City Clerk

City of Newton Council Report



Item: Resolution approving the purchase of one 2022 Ford Police Interceptor SUV from Stivers Ford

Report Number: 22-267

Summary: Purchase one Ford Police Interceptor SUV from Stivers Ford to replace a canceled order for two Ford Police Interceptor SUVs ordered from Gregg Young.

Date: September 19, 2022

Lead Department: Police Department

Financial Impact: N/A

Recommendation:
Approve

Background: The Police Department was approved to purchase two 2022 Ford Police Interceptor SUVs from Gregg Young Ford during the Newton City Council meeting on February 7, 2022 (Resolution #22-028). The Police Department was recently notified that Ford canceled the order and Gregg Young Ford would no longer be able to acquire the vehicles.

Stivers Ford of Waukee, IA is the state bid holder for Ford vehicles. They anticipate having one Ford Police Interceptor SUV delivered in September of 2022 and that unit is available for purchase for \$41,089.

The two Ford Police Interceptor SUVs originally ordered from Gregg Young were quoted at \$41,000 per unit. The cost difference is negligible and will be absorbed through existing police vehicle funds. The purchase and installation of emergency vehicle equipment was already approved to be done through Iowa Emergency Vehicle Installs, which has now merged with Stivers Ford of Waukee. The cost for this service has not changed.

Stivers Ford anticipates delivery of another Ford Police Interceptor in the fall of 2022 and the Police Department has reserved that unit for council consideration upon delivery.

Recommendation

City Staff recommends approval of this resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING THE PURCHASE OF ONE 2022 FORD POLICE INTERCEPTOR SUV FROM STIVERS FORD

WHEREAS, the Police Department was approved to purchase two 2022 Ford Police Interceptor SUVs from Gregg Young Ford in February of 2022 (Resolution#22-028); and

WHEREAS, Gregg Young Ford notified the Police Department that Ford canceled this order and they will no longer be able to acquire the vehicles, and

WHEREAS, Stivers Ford of Waukee has a 2022 Ford Police Interceptor that will be delivered in September of 2022 and is available for purchase for \$41,089, and

WHEREAS, the price difference is negligible and will be absorbed through existing police vehicle funds; and

WHEREAS, Stivers Ford of Waukee will facilitate the purchase and install of emergency equipment in the unit upon delivery; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the purchase of one 2022 Ford Police Interceptor SUV from Stivers Ford of Waukee, IA for \$41,089 to be paid for with funds previously budgeted for this project.

PASSED this _____ day of _____, 2022.

APPROVED this _____ day of _____, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution approving the purchase and up-fit services for three 2023 Ford Police Interceptor SUVs and one 2023 Ford Transit Connect van for \$200,000

Summary: Purchase three Ford Police Interceptor SUVs, one Ford Transit Connect van, and transfer and installation of emergency equipment into the 4 new vehicles.

Financial Impact: \$200,000 from anticipated 2023 bond proceeds.

Report Number: 22-268

Date: September 19, 2022

Lead Department: Police Department

Recommendation:
Approve

Background:

The Police Department has two Ford police vehicles that have reached the end of their operational life for daily patrol operations. These vehicles require a higher level of maintenance and are in need of replacement. The Police Department also intends to re-implement the police K9 program requiring a specially equipped vehicle. The Police Department proposes the purchase of three 2023 Ford Police Interceptor SUVs to replace the older models.

In 2020 the Police Department took on the majority of code enforcement and animal control responsibilities and added additional staff to perform these duties. The Community Service Officers are in need a vehicle that will allow them to effectively perform their duties, which includes transporting dogs and other animals. A van has been determined to be a needed addition to the fleet to handle larger animals or multiple animals at one time. The Police Department proposes the purchase of a 2023 Ford Transit Connect van

Stivers Ford of Waukee has the state bid for all of the proposed vehicles and recently expanded operations to include emergency vehicle up-fitting. This is the only dealership in Iowa that would be able to supply the proposed vehicles and the needed emergency equipment and installation services in one location at a discounted rate. Additionally, the state bid holders have been able to consistently honor their orders whereas other dealerships not deemed a state bid holder for vehicles have had a significant number of orders canceled by Ford. The following quote was received for the purchase of the vehicles from Stivers Ford of Waukee:

Ford Police Interceptor SUV:	\$123,000
Ford Transit Connect Van:	\$ 31,000
Emergency Equipment/Install:	\$ 46,000
Total:	\$200,000

Due to supply chain issues the cut off date for ordering these units is September 30, 2022.

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

Recommendation

City Staff recommends approval of this resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING THE PURCHASE AND UP-FIT SERVICES FOR THREE
2023 FORD POLICE INTERCEPTOR SUVs AND ONE 2023 FORD TRANSIT
CONNECT VAN FOR \$200,000**

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

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

WHEREAS, Stivers Ford of Waukee submitted a bid amount of \$200,000 for three Ford Police Interceptor SUVs, one Ford Transit Connect van and up-fit emergency equipment installation services, and

WHEREAS, due to supply chain issues the cutoff date for ordering 2023 units is September 30, 2022; and

WHEREAS, delivery and payment of these vehicles would not occur until after July 1, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the purchase of three 2023 Ford Police Interceptor SUVs and one 2023 Ford Transit Connect van and up-fit services from Stivers Ford of Waukee, IA for a total cost of \$200,000 to be paid through anticipated 2023 bond proceeds.

PASSED this _____ day of _____, 2022.

APPROVED this _____ day of _____, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk