

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).

October 24, 2022 6:00 p.m.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentation | 2. NHDC activities update - Bruce Showalter, NHDC Director |
| Citizen Participation | 3. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 4. October 03, 2022 Regular City Council Meeting Minutes |
| | 5. October 10, 2022 Goal Setting Workshop Minutes |
| | 6. Approve Liquor License for the following: <u>AmericInn Lodge & Suites of Newton, IA.- BW0093079</u> , 4401 South 22nd Avenue East, Special Class C Liquor License, Class B Wine Permit, Sunday Sales; <u>Veterans Of Foreign Wars Post No 1655- LC0026734</u> , 315 1st Avenue W, Class C Liquor License, Outdoor Service, Sunday Sales; <u>Raceway80- LE0003804</u> , 4300 South 22nd Avenue East, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; <u>Pit Stop Liquors- LE0002050</u> , 1324 1st Avenue E, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales. |
| | 7. Certify Firefighter Candidate List |
| | 8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-10). (Council Report 22-285) |
| | 9. Resolution Approving a Property Tax Rebate for the Van Maanen Electric, Inc Property Located Within the East Mart Urban Renewal Area. (Council Report 22-286) |
| | 10. Resolution to promote retail through a Shop Local marketing campaign using local & regional radio, targeted streaming radio and digital video. (Council Report 22-287) |
| | 11. Approve Bills |

Public Hearing

12. Public Hearing an Ordinance vacating and disposing of the full width of the east-to-west South 10th Avenue West right-of-way located in the 1000 block of West 2nd Street South, City of Newton, Jasper County, Iowa. (Council Report 22-288)
 - The proposal is to vacate the unimproved street right-of-way and attach it to the abutting property, the Jasper County EOC/Former Armory Building property, on the south side.
 - The unimproved street right-of-way provides no city benefit. Planning and Zoning Commission recommended approval of the vacation.
13. First Consideration of an ordinance vacating and disposing of the full width of the east-to-west South 10th Avenue West right-of-way located in the 1000 block of West 2nd Street South, City of Newton, Jasper County, Iowa. (Council Report 22-288)
14. Public Hearing on an Ordinance conveying a small portion of an east-west alley right-of-way located in the 600 block of East 4 ½ Street South to the abutting property directly to the south in block four of Leonard's Addition to the City of Newton, Jasper County, Iowa. (Council Report 22-289)
 - In 1978, Ordinance No. 1331 vacated the east-west alley abutting 614 East 4 1/2 Street South. All but a small piece which measures approximately 8 x 20 of the alley vacation was properly conveyed.
 - This ordinance confirms the 1978 alley vacation and provides the proper documentation necessary to clean up the title concerns regarding the 8 x 20 piece of previously vacated alleyway.
 - It is recommended that the second and third readings of this ordinance are waived.
15. First Consideration of an Ordinance conveying a small portion of an east-west alley right-of-way located in the 600 block of East 4 ½ Street South to the abutting property directly to the south, City of Newton, Jasper County, Iowa. (Council Report 22-289)
16. Public Hearing on a Resolution awarding contract for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project. (Council Report 22-290)
 - Various improvements to the Water Pollution Control Plant and the Southwest Pump Station were identified in the 2019 Facility Plan Update including: a new 1-million-gallon liquid sludge storage tank, new standby power generator, rehabilitation of three existing floating steel digester covers, replacement of two sludge pumps, new influent channel mixing system, replacement of plant PLC's, and other associated items.
 - Planned improvements at the Southwest Pump Station include: 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 items.

- Fox Strand Engineering prepared plans and specifications and placed the project out to bid, sealed bids were received and opened on October 6, 2022. Staff recommends awarding a contract of \$5,897,300.00 from Woodruff, LLC of Fort Dodge, IA based on the low responsive, responsible bid received.

17. Resolution awarding contract for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project. (Council Report 22-290)

Ordinance

18. Third 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)

- 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. Second Consideration of an Ordinance amending the City Code of Newton, Iowa, by adding Chapter 75: All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Carts, and Snowmobiles. (Council Report 22-274)

- HF2130 was passed by the Iowa Legislature in 2022 allowing for expanded use of ATVs and UTVs on Iowa roadways. Municipalities have the authority to regulate use of these vehicles within their corporate limits.
- The proposed ordinance allows for limited use of properly equipped ATVs and UTVs on City streets. Staff does not recommend approval of this ordinance.

20. Second Consideration of an Ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title III Administration, Chapter 32, Section 32.060 – 32.071, “Water Board of Trustees”, to dissolve the Water Board of Trustees and adding waterworks code reference to Title V Public Works, Chapter 54 Waterworks. (Council Report 22-275)

- Newton WaterWorks (NWW) is a municipal water utility governed by a Board of Trustees, which is tasked with providing water to customers in the service area for domestic, commercial, industrial and firefighting purposes. In January 2022, the NWW Board of Trustees entrusted the city with the day-to-day management of NWW on an interim basis.
- The NWW Board determined the city has been providing excellent service in a cost-effective manner. At the March 18, 2022 meeting, the NWW Board voted that the NWW Board be dissolved and that governance of NWW permanently be placed with the Newton City Council.
- A special City election was held Tuesday, September 13, 2022. The registered voters voted “YES” by simple majority to the following

question: *"Shall the Newton WaterWorks Board of Trustees be dissolved and the City Council of Newton, Iowa, in the County of Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks."*

- The ordinance deletes CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016 TITLE III ADMINISTRATION, CHAPTER 32, SECTION 32.060 – 32.071, "WATER BOARD OF TRUSTEES" language and adds waterworks code references to TITLE V PUBLIC WORKS, CHAPTER 54 WATERWORKS.

21. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" to make changes to street parking in the downtown. (Council Report 22-276)

- The 2022 Downtown streetscape projects included reconstruction of the south 100 block of E 3rd St S, E 2nd St S, W 2nd St S and W 3rd St S. The City Hall parking lot project included reconstructing the parking lot and also constructing a new public lot to the south of City Hall.
- During the design phases staff identified a few ordinance amendments that would need to be made to coincide with these projects.
- The ordinance addresses changing diagonal parking to parallel at a couple of locations and identifying handicap stalls in the new public lot.

Resolution

22. Resolution approving an amendment to the Real Estate Development Agreement with Newton Housing Development Corporation (NHDC) for Arbor Estates. (Council Report 22-291)

- Due to current economic conditions, lot sales in Arbor Estates have slowed. It is desirable to provide NHDC with the ability to subordinate the sale of lots to encourage spec home development.
- The amendment to the Real Estate Agreement with NHDC allows for the lot price to be paid at the time a new spec home is finished and sold.

23. Resolution approving the granting of Downtown Micro Grant Funds in the painting program to Gary Forbes for 102 North 2nd Avenue East. (Council Report 22-292)

- Gary Forbes proposes a paint removal and re-painting project for the rear deck at 102 North 2nd Avenue East.
- At their meeting on September 28, 2022, the Downtown Grant Review Board recommended approval of a grant in the painting and paint removal program area in an amount not to exceed \$3,000.00, provided a 1:1 match is met.

24. Resolution to reorganize Newton WaterWorks staff into the Public Works and Administration Departments. (Council Report 22-293)

- At their March 18, 2022 regular board meeting, the Newton WaterWorks (NWW) Board of Trustees voted unanimously to

recommend that the City Council assume governance of the NWW. A special election was held on September 13, 2022. The Jasper County Board of Supervisors declared the public measure to be adopted.

- Since the normal responsibilities for the NWW Operations are Public Works related, it is recommended that the NWW Distribution and Operations become a new division under the Public Works Department. Since the normal responsibilities and workload for the NWW Administration are more related to the Administration Department, it is recommended that NWW Administration move to the Administration Department.
- It is also recommended that the Public Works Director receive a 5% wage increase for taking on the additional workload.

25. Resolution adopting the 2022 - 2024 Council Goals for the City of Newton. (Council Report 22-294)

- The City of Newton Goal Setting Process takes place every year. It is an opportunity for elected officials to communicate to the city administrator a work plan for the coming year.
- These priorities are then used to create a budget proposal for Council consideration.

Motion

26. Motion approving an FY24 annual budget target for the Newton Public Library of \$686,039 for general fund expenditures, not including donations, and encouraging the Library Board of Trustees to continue implementing more sustainable budget practices moving forward.

Staff Report

27. Community Services Department Update – Brian Laube, Community Services Director

Mayor/Council Comments

28.

Closed Session

29. 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 2022.

Open Session

30.

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.

REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 03, 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. Acting Mayor Hansen presided. Present Council Members: Hallam, Dalton, George, Ervin, Wade. Absent: Trotter.

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

Mayor Hansen proclaimed Fire Prevention Week - October 9-15, 2022.

Justin Nickel, Bolton and Menk presented the City Engineering Services annual update.

During citizen participation Thomas Weeks, 1538 W 14 St S spoke regarding Sara Haines, a Newton graduate that was an ABC daytime host, with NBC and now The View, and her pride for her hometown of Newton. Thomas proposed naming a street that is unnamed on the SW side of town Sarah Haines Drive. Various business owners and landlords spoke regarding the inspection process including Fred Rhodes, Julia Prendergast, Barney Bushore, Scott Farver, Dana Van Gilder, Scott Creech, Lori Yokem, Dave McNeer, Joyce Prendergast, Cindy Avery, and Carl Smith. A Newton resident, later identified as Noah Petersen, requested to make a public comment. Petersen began speaking in a manner that was deemed to be in violation of the stated rules for citizen participation. Petersen was directed by the mayor to sit down or leave the meeting. Petersen became disruptive and refused several directives by law enforcement to leave the podium as directed. He was subsequently arrested for disorderly conduct.

Moved by Wade, seconded by Hallam to approve consent agenda items 5-16.

5. September 19, 2022 Regular City Council Meeting Minutes
6. Approve Liquor License for the following: Alta House Event Center- LC0047705, 1600 E 36th St. S, Class C Liquor License, Outdoor Service, Sunday Sales; Capitol II Theatre- WCN000220, 116 1st St. N, Class C Native Wine Permit, Sunday Sales, Living Quarters; Shop N Save Newton LLC- LE0003589, 404 S 11th Ave. W, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Git-N-Go Convenience Store #45- BC0030584, 1708 S 8th AVE. E, Class C Beer Permit, Class B Wine Permit, Sunday Sales.
7. Certify Police Officer list
8. Resolution appointing Samantha Forbes to serve on the Newton Downtown Self-Supported Municipal Improvement District (SSMID) Board for a term ending June 30, 2023. Resolution 2022-267 adopted.
9. Resolution appointing Cookie Fuzell to serve on the Library Board of Trustees for a term ending June 30, 2028. Resolution 2022-268 adopted.
10. Resolution appointing Bethany Hutchinson to serve on the Library Board of Trustees for a term ending June 30, 2028. Resolution 2022-269 adopted.
11. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-10). Resolution 2022-270 adopted.
12. Resolution awarding contract for the 2022 Union Cemetery Stump Removal Project. Resolution 2022-271 adopted.
13. Resolution approving purchase of a storage shed for Agnes Patterson Park. Resolution 2022-272 adopted.
14. Resolution approving a Telecommunications Licensing Agreement with Mahaska Communication Group – Phase 2. Resolution 2022-273 adopted.
15. Resolution approving an agreement with Huron Consulting Services LLC. to provide Newton WaterWorks valuation services related to the 2022 property record report. Resolution 2022-274 adopted.
16. Approve Bills.

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

Moved by Ervin, seconded by Dalton to approve the Second 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. AYES: Five. NAYS: None. Second Consideration of the Ordinance was approved.

Moved by Dalton, seconded by Ervin to approve the First consideration of an Ordinance amending the City Code of Newton, Iowa, by adding Chapter 75: All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Carts, and Snowmobiles. Layton Elscott, 709 E 7 St N, spoke in favor of the city considering this and having further discussions with the community. Council discussion ensued. Moved by Wade, seconded by Hallam to remove the time frame. AYES: Five. NAYS: None. To approve the first consideration as amended, AYES: Four. NAYS: George. First Consideration of the Ordinance was approved as amended.

Moved by George, seconded by Dalton to approve the First consideration of an Ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title III Administration, Chapter 32, Section 32.060 – 32.071, “Water Board of Trustees”, to dissolve the Water Board of Trustees and adding waterworks code reference to Title V Public Works, Chapter 54 Waterworks. AYES: Five. NAYS: None. First Consideration of the Ordinance was approved.

Moved by Dalton, seconded by Hallam to approve the First consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, “Traffic and Parking Schedules Adopted by Reference” to make changes to street parking in the downtown. AYES: Five. NAYS: None. First Consideration of the Ordinance was approved.

Moved by Hallam, seconded by Ervin to adopt the Resolution approving an Engineering Services Agreement for the Aurora Park Pickleball Courts Project. AYES: Five. NAYS: None. Resolution 2022-275 adopted.

Moved by George, seconded by Wade to adopt the Resolution approving a settlement and release agreement with the Travelers Indemnity Company related to the former manufactured gas plant site. AYES: Five. NAYS: None. Resolution 2022-276 adopted.

Moved by George, seconded by Ervin to adopt the Resolution Amending Funding Sources for the Union Drive Reconstruction Project. AYES: Five. NAYS: None. Resolution 2022-277 adopted.

Moved by Wade, seconded by Dalton to adopt the Resolution approving the granting of Downtown Micro Grant Funds in the sign program to Laurie Nelson for 103 1st Avenue West. AYES: Five. NAYS: None. Resolution 2022-278 adopted.

Moved by George, seconded by Ervin to adopt the Resolution authorizing the filing of a 657A.10A abandoned property petition for 1100 Woodland Drive in Newton, Jasper County, Iowa. AYES: Five. NAYS: None. Resolution 2022-279 adopted.

Moved by Hallam, seconded by Dalton to adopt the Resolution approving the granting of Downtown Micro Grant Funds in the painting program to Gary Forbes for 102 North 2nd Avenue East. Council had questions regarding the site to the back of the building. Since Community Development was not available to answer questions, council chose to postpone the resolution to the next meeting. Moved by Ervin, seconded by Hallam to postpone. AYES: Five. NAYS: None. Resolution was postponed to the next meeting.

Moved by Wade, seconded by Dalton to adopt the Resolution amending the Block Party Street Closure and the Construction Street Closure. AYES: Five. NAYS: None. Resolution 2022-280 adopted.

Moved by George, seconded by Ervin to adopt the Resolution approving the purchase of miTime; a timekeeping software. AYES: Five. NAYS: None. Resolution 2022-281 adopted.

During Mayor/Council Comments Wade asked if there was any funding to businesses for loss of income due to the streetscape project. Muckler confirmed there is not. Hallam stated Frank fest was a success. Dalton went to the IA League of Cities conference in Waterloo for the first time and was impressed with learning about how other communities are doing things that we are as well. Mayor Hansen agreed and stated that it is nice to be able to network with other communities and learn about their struggles and successes.

Moved by Wade, seconded by Dalton to adjourn the meeting at 7.43 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

GOAL SETTING WORKSHOP MINUTES
OCTOBER 10, 2022, 6:00 PM
NEWTON ARBORETUM AND BOTANICAL GARDENS

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.

Matt Muckler, City Administrator and Katrina Davis, Administrative Service Manager/City Clerk reviewed the goal setting process. Erin Chamber, Community Development Director presented a Comprehensive Plan overview. Muckler presented on the CIP. Muckler provided a recap of the FY 21-23 goals and briefed Council on the proposed FY 22-24 goals. Discussion ensued.

Council selected their top funding Goals and a top list for Goals less than \$20,000 which will come back to Council as a list for approval.

Moved by Trotter, seconded by Wade to adjourn the meeting at 7:54 PM. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

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

We the undersigned members of the City of Newton Civil Service Commission hereby certify the following list of candidates for the purpose of filling vacancies within the City of Newton Fire Department. The following list of candidates is listed alphabetically by last name and shall expire one year from the date of certification, or upon exhaustion.

Firefighter Candidates

Trenton Baker

David Beck

Matthew Dickinson

Gregory Friend

Brett Merseal

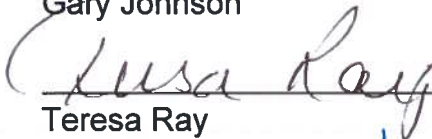
Andrew Reed

Date: October 17, 2022

Signed:


David Zellinger

Gary Johnson


Teresa Ray

Witness by:


Katrina Davis
Secretary of the Civil Service Commission

Date:


10/17/2022

City of Newton Council Report



Item:

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-10).

Report Number: 22-285

Date:

October 24, 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: \$2,257.10

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 \$2,257.10. 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 22-10).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 22-10)**

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. 22-10 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 22-10, 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 November 23, 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 October, 2022.

APPROVED this _____ day of October, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-10: 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
Randy Cline	835426029	701 E 24th St S	Newton	\$73,480	\$60.00	\$100.00	\$160.00	AURORA HEIGHTS SD LOT 14 BLK O	8/3/2022
Amber Hull	827409015	818 N 9th Ave E	Newton	\$41,050	\$90.00	\$75.00	\$165.00	EDMUNDSON'S ADD E 1/2 LOT 5 BLK 11	8/13/2022
Farrell Properties Inc	834303022	611 W 2nd St S	Newton	\$92,170	\$90.00	\$100.00	\$190.00	STONE'S ADD LOT 21	8/13/2022
Eugene Porter	834178010	314 S 2nd Ave E	Newton	\$104,380	\$60.00	\$75.00	\$135.00	ORIGINAL PLAT LOT 7 BLK 23 & E 1/2 VAC ALLEY(132'X8.25') ABUTTING W SIDE LOT 7	8/30/2022
RC Homes LLC	827477009	901 N 6th Ave E	Newton	\$56,980	\$60.00	\$100.00	\$160.00	LONG'S SD LOT 21	8/30/2022
Patrick Frantz	1304128025	1403 W 13th St S	Newton	\$181,950	\$60.00	\$75.00	\$135.00	ROBISON'S ADD LOT 21	8/30/2022
John Jenkins	834184008	121 S 3rd Ave E	Newton	\$73,480	\$60.00	\$75.00	\$135.00	ORIGINAL PLAT LOT 1 OUTLOT 18	8/30/2022
Richard Odem	834436001	702 E 10th St S	Newton	\$126,200	\$135.00	\$75.00	\$210.00	LINCOLN PLACE ADD LOT 2 BLK 10	8/22/2022
Joleen Inman	827413006	802 E 8th St N	Newton	\$105,080	\$269.84	\$100.00	\$369.84	EDMUNDSON'S ADD LOT 7 BLK 18	8/23/2022
Joyce Gamble	1304176004	1342 S 20th Ave W	Newton	\$343,500	\$277.26	\$75.00	\$352.26	SOUTHWEST ESTATES PLAT 2 LOT 4	8/26/2022
Kyle Kuennen	826478002	2313 N 7th Ave E	Newton	\$219,130	\$170.00	\$75.00	\$245.00	FAIRMEADOWS NORTH PLAT 5, LOT 6	9/1/2022
Total							\$2,257.10		

City of Newton Council Report



Item: Resolution Approving a Property Tax Rebate for the Van Maanen Electric, Inc Property Located Within the East Mart Urban Renewal Area

Summary: Resolution Approving Property Tax Rebate to the Van Maanen Electric, Inc Property According to the Approved Development Agreement

Financial Impact:

\$153,592 property tax rebate from the East Mart Urban Renewal TIF Fund as budgeted

Report Number: 22-286

Date: October 24, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in September of 2021 with Van Maanen, Inc on the property located at 500 IA Speedway Drive within the East Mart Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by Van Maanen Electric, Inc. in Fiscal year 22/23.

Van Maanen Electric, Inc. has provided documentation that the entire amount of East Mart Urban Renewal Area property taxes owed in 2022-23 on the property located at 500 IA Speedway Drive have been paid to the Jasper County Treasurer. The amount eligible for rebate is \$129,878 and is consistent with the amount budgeted.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to Van Maanen Electric, Inc. for property taxes paid in FY22/23.

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING A PROPERTY TAX REBATE FOR THE VAN
MAANEN ELECTRIC, INC PROPERTY LOCATED WITHIN THE EAST
MART URBAN RENEWAL AREA**

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

WHEREAS, a Development Agreement with Van Maanen Electric, Inc was
entered into in September of 2021 within the East Mart Urban Renewal Area, and

WHEREAS, said Agreement states the City will 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 entire fiscal year
2022-2023 in the total amount of \$153,592 and is eligible to receive a 100% TIF rebate
in the amount of \$129,878 ;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That, per the terms of the Development Agreement with Van Maanen Electric, Inc, a
property tax rebate for the entire fiscal year 2022-2023 taxes in the amount of \$129,878
is hereby approved.

PASSED this 17th day of October, 2022.

APPROVED this _____ day of October, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item:

Resolution to promote retail through a Shop Local marketing campaign using local & regional radio, targeted streaming radio and digital video.

Report Number: 22-287

Date:

October 24, 2022

Summary:

The City of Newton and Liebl marketing group have put together a strategy to promote retail in Newton with an emphasis on supporting Newton business locally and inviting shoppers from regional communities to visit Newton.

Lead Department:

Community Development

Recommendation:

Approve

Financial Impact:

\$8,950 in budgeted marketing expenses

Background:

The 2022 'Shop Local' campaign for the City of Newton will bring a spotlight to Newton's retailers from November 7 – December 23, 2022. The campaign's emphasis will be on supporting businesses locally and inviting shoppers from across the region to visit Newton. The goal is to increase both local awareness of the impact 'staying local' with holiday shopping can have; and increase regional visitors and transactions from our neighboring communities at our local retail establishments. There are three core elements to the plan:

1. **Local & Regional Radio** – Placing commercials on local radio stations will focus on the benefits of dollars staying in the community. Regional ads placed with radio stations in Grinnell/Marshalltown and Cedar Rapids/Iowa City/Waterloo, will focus on inviting visitors to experience what Newton has to offer. This also fits with Arrivalist visitor data from the months of November and December 2021.
2. **Streaming Radio** – Placing locally targeted commercials to the 50208 zip code and a regional message to listeners on Spotify and Pandora within 15 to 30-mile radius (day-trip visitors).
3. **Digital Video** – We use video creative and place targeted digital video ads encouraging holiday shopping using ads on SmartTVs and streaming services such as Roku, Hulu and Amazon Fire.

Recommendation:

Staff recommends approval of the advertising campaign.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022– _____

**RESOLUTION TO PROMOTE RETAIL THROUGH A SHOP LOCAL
MARKETING CAMPAIGN USING LOCAL & REGIONAL RADIO,
TARGETED STREAMING RADIO AND DIGITAL VIDEO.**

WHEREAS, the City’s Comprehensive Plan calls for the City to create a unique identity and build a new community brand; and

WHEREAS, the City’s Comprehensive Plan calls for the City to build the “Newton Brand” through coordinated public and private marketing efforts, and

WHEREAS, on February 17, 2014, Newton City Council adopted “Get to Know Newton” as the official City of Newton brand, and

WHEREAS, the Community Marketing Manager has been tasked with promoting the Newton brand, attractions, economic development, and community as a whole, and

WHEREAS, Liebl Marketing Group is a full-service marketing and media agency in serving the needs of middle-marketing businesses in all aspects of marketing, branding, and advertising needs,

WHEREAS, the Community Marketing Manager works closely with Liebl Marketing Group for media buying, radio commercial production, video production, and strategic advertising ideation,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes City Staff to spend \$8,950 in budgeted marketing expenses to promote retail through a Shop Local marketing campaign using local radio, regional radio, streaming radio and digital video.

PASSED this _____ day of October, 2022.

APPROVED this _____ day of October, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

OVERVIEW + PLAN

It's time to talk the holidays and begin planning our campaign around supporting the retailers and businesses in Newton. Like other campaigns in past years, the emphasis will be on supporting Newton businesses *locally* and inviting shoppers from regional communities to visit Newton. There are three core elements to our plan:

LOCAL RADIO

Commercials airing on KCOB FM 95.9 and AM 1280 (and Energy 106.7 KRTI) will focus on extolling benefits of dollars staying in the community and supporting Newton's fine retailers.

REGIONAL RADIO

In addition, airing commercials with a more regional appeal on KRTI Energy 106.7, we may – subject to budget – place commercials on regional radio stations in Grinnell and/or Marshalltown inviting folks from those areas to experience what Newton offers. In addition, we will expand our reach to the Cedar Rapids / Iowa City / Waterloo region with KZIA 102.9, supported by recent visitor data.

STREAMING RADIO: SPOTIFY AND PANDORA

We will use Spotify and/or Pandora in the same fashion as above, placing locally-targeted commercials to users in 50208 zipcode, and regional messages to listeners within a 15-30 mile radius of Newton.

DIGITAL VIDEO: OTT / CTV + REGIONAL CABLE NETWORK: Marshalltown/Newton

Using video creative, we will place targeted digital videos encouraging holiday shopping in Newton. OTT is the general 'catch all' term that encompasses the largest available exchange reaching consumers via SmartTVs and streaming devices and service including Roku, Hulu, Amazon Fire, etc. Subject to budget, we may opt to include local cable insertion on Mediacom's Marshalltown/Newton zone.



BUDGET + PROJECTED FLIGHT DATES

Working within the same budget range as we did in 2021, the recommended approach is detailed below.

Platform	Type	Budget	Flight Dates
KCOB KRTI	Radio	\$1,200	11.07.22 – 12.23.22
Regional Radio TBD	Radio	\$4,000	11.07.22 – 12.11.22
Spotify and/or Pandora	Radio	\$1,000	11.07.22 – 12.11.22
Digital Video and/or Cable TV Insertion	Video	\$2,500	11.14.22 – 12.18.22
Voice Talent	Misc	\$250	N/A

Total budget projects to \$8,950.



Iowa Visitation Profile

Year
2021

Primary Destination
Primary

Origin State
IA

US Calibrated Data
Long Term Analysis (Ca..

Top Destination
City

Total Est. US Adult Trips:

15,051

Average Nights:

0.5

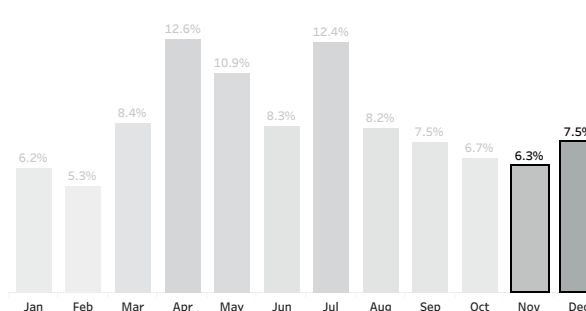
Average Distance Traveled:

92.85 Miles

Top Origin Markets (DMAs)

DMA	Trips	Share of Trips	Average Unique Nights
Cedar Rapids/Waterloo/D..	9,270	61.6%	0.5
Des Moines/Ames	3,141	20.9%	0.4
Davenport/Rock Island/M..	752	5.0%	0.5
Ottumwa/Kirkville	634	4.2%	0.8
Rochester/Mason City/Au..	628	4.2%	0.1
Omaha	394	2.6%	0.2
Sioux City	232	1.5%	3.6

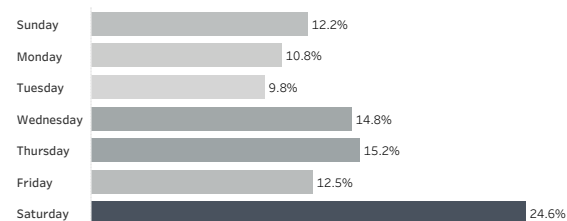
Trips by Month



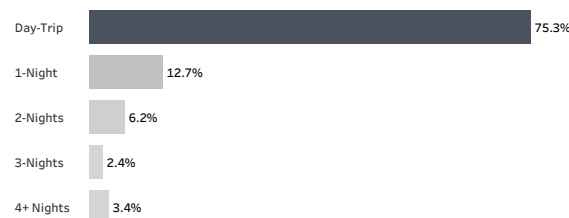
Top Destinations

Top City / County	Trips	Share of Trips
Newton	15,051	100.0%

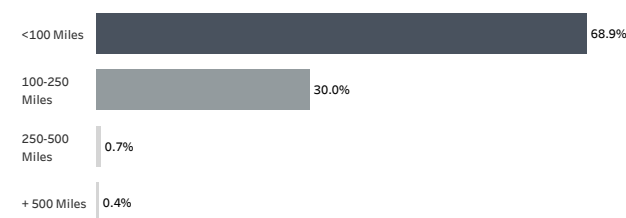
Trips by Day of Week



Trips by Length of Stay



Trips by Avg. Distance Traveled (Miles)



Data Source: Arrivalist Iowa Visitation Profile Dashboard through IEDA/Iowa Tourism Office. Accessed 11/5/22.

Data parameters: The year selected was 2021, Newton was filtered as the destination, Iowa was chosen as the origin state, and the months of November and December were selected.

Note: Arrivalist only counts visitors coming from 50 miles away; so this does leave out a large portion of population in Central Iowa (including Polk & Dallas County).

Vendor	Department	Description	Amount
Accujet LLC	Water Pollution Control	Service	\$ 1,500.00
Acme Tools - Des Moines	Fire	Supplies	\$ 186.00
Acushnet Company	Golf	Merchandise	\$ 2,085.41
Airgas USA LLC	Fire	Supplies	\$ 107.35
Alliant Energy/IPL	All	Utilities	\$ 51,795.16
Alpha Media LLC	Community Marketing	Service	\$ 450.00
Amazon Capital Services	All	Supplies	\$ 2,188.58
American Legal Publishing Corporation	Administration	Service	\$ 234.00
Automatic Door Group	City Center	Service	\$ 2,675.00
Barney's Wrecker & Crane	Police	Service	\$ 75.00
Black Clover Enterprises LLC	Golf	Merchandise	\$ 696.72
Bound Tree Medical LLC	Fire	Supplies	\$ 405.84
Brick Gentry P.C.	D&D/Legal Services	Service	\$ 17,730.71
Burdess, Rob	Police	Reimbursement	\$ 101.25
Caldwell Brierly & Chalupa PLLC	D&D Program	Service	\$ 5,484.09
Capital City Equipment	Traffic Control	Supplies	\$ 165.00
Cappy's Tire & Auto Service	Parks	Service	\$ 1,870.68
Carolina Software	Landfill	Service	\$ 500.00
Cintas	All	Service	\$ 380.25
Civicplus	Administration	Service	\$ 2,010.14
Clapsaddle-Garber Assoc	Airport RESO 2020-111	Service	\$ 38,204.88
Cleveland Golf/Srixon	Golf	Merchandise	\$ 1,033.56
Con-Struct Inc	Airport RESO 2021-134	Service	\$ 132,347.56
D & K Products	Golf	Supplies	\$ 3,048.29
Dannen, Shannon	D&D Program	Services	\$ 1,728.00
Davis Equipment Corp	Golf	Supplies	\$ 437.50
Diamond Vogel Inc	Parks/Traffic Control	Supplies	\$ 133.36
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 3,821.46
Elliott Equipment Co	Water Pollution Control	Supplies	\$ 379.82
Fareway	Water Pollution Control	Supplies	\$ 29.85
Forbes Office Solutions	All	Service	\$ 802.37
Galls LLC	Fire/Police	Supplies	\$ 240.72
General Traffic Controls Inc	Traffic Control	Supplies	\$ 132.00
Gleason, Christian	Fire	Reimbursement	\$ 32.50
Gooden, Dana	Fire	Reimbursement	\$ 30.00
Gralnek-Dunitz	Golf	Supplies	\$ 36.30
Gregg Young Auto Center	Parks/Police	Service	\$ 2,625.76
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 4,200.00
Hawkeye Polygraph	Police	Service	\$ 300.00
Hewitt Service Center	Street	Service	\$ 180.00
HILTI Inc	Storm Water	Supplies	\$ 1,094.88
HLW Engineering Group	Landfill	Service	\$ 2,575.00
Home Depot Pro	Parks	Supplies	\$ 574.23
Homeguard Security Alarm	All	Service	\$ 120.00
Humana Health Care Plan	Fire	Reimbursement	\$ 102.36
IAWEA	Water Pollution Control	Training	\$ 100.00
IMWCA	All	Service	\$ 23,096.00

Iowa Dept of Natural Resources	Landfill	Service	\$ 23,166.91
Iowa Inspections	Fire	Service	\$ 5,000.00
Iowa One Call	Engineering/WPC	Service	\$ 404.70
Iowa Park & Recreation Association	Parks	Membership	\$ 360.00
Iowa Prison Industries	Traffic Control	Supplies	\$ 928.40
Key Cooperative	All	Fuel	\$ 13,704.97
Keystone Labs	Water Pollution Control	Service	\$ 10,526.95
Lewis, Jean	Fire	Reimbursement	\$ 566.42
Liebl Marketing Group	N Central TIF RESO 2021-280	Services	\$ 4,605.00
Lyman, Rick	Police	Service	\$ 280.44
Magnum Automotive	Fire/Police	Service	\$ 2,769.12
Manatts - D.M.	Street	Supplies	\$ 11,991.08
McMaster-Carr	Water Pollution Control	Supplies	\$ 472.68
Menards-Altoona	Parks	Supplies	\$ 442.57
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 706.75
MG Laundry Corporation	City Center	Service	\$ 85.85
Midwest Turf Support	Golf/Parks	Supplies	\$ 1,251.31
MTI Distributing Inc	Golf/Parks	Supplies	\$ 1,657.32
Muckler, Matthew	Executive	Reimbursement	\$ 79.01
Murphy Tractor & Equipment	Landfill	Supplies	\$ 592.05
Nace, Jeraldine	Police	Reimbursement	\$ 62.44
NAPA Auto Parts	All	Supplies	\$ 4,181.84
News Printing Company	All	Services	\$ 1,111.34
Newton Development Corp	All	Service	\$ 325.00
Newton Main Street	SSMID District	Supplies	\$ 686.04
O'Halloran International	City Garage	Supplies	\$ 77.57
O'Reilly Auto Parts	City Garage	Supplies	\$ 11.99
Parkview Animal Hospital	Animal Control	Service	\$ 3,050.00
Pomp's Tire Service	Fire	Service	\$ 2,232.77
Premier Office Equipment	Administration/Police	Service	\$ 449.41
Quill Corporation	All	Supplies	\$ 54.63
Reliant Fire Apparatus Inc	Fire	Service	\$ 4,671.54
Riggs Printing Inc	Landfill	Supplies	\$ 250.00
Schwarz, Shane	Water Pollution Control	Reimb	\$ 70.00
Spahn & Rose Lumber Co	All	Supplies	\$ 239.33
Sprayer Specialties Inc	Parks	Supplies	\$ 186.55
Springer Professional Home Services	Golf	Service	\$ 46.20
Stanard & Associates	Police	Service	\$ 133.50
Storey Kenworthy Matt Parrott	Finance	Supplies	\$ 378.40
Streichers	Police	Supplies	\$ 52.00
Superior Welding Supply	City Garage	Supplies	\$ 73.18
Theisen's	All	Supplies	\$ 1,047.95
TK Elevator	City Center	Service	\$ 205.17
Town & Country Wholesale Co	Golf	Concessions	\$ 1,135.20
True Value Hardware	All	Supplies	\$ 1,334.73
Two Rivers Cooperative	All	Fuel	\$ 10,907.64
ULINE	Water Pollution Control	Supplies	\$ 216.90
United Public Safety	Police	Service	\$ 19.09
United States Cellular	All	Utilities	\$ 1,203.92
Warnick & Reeves Mechanical	All	Service	\$ 8,601.66
Water Department	All	Utilities	\$ 11,711.12
Willco Inc	Water Pollution Control	Supplies	\$ 1,722.00

Wincraft Incorporated	Golf	Merchandise	\$ 205.00
Zimco Supply Company	Golf	Supplies	\$ 2,280.00
Zoll	Fire	Supplies	\$ 249.16
Total			\$ 446,822.38

Pre-Authorized Payments

AT & T Mobility	Landfill / Police	Utilities	\$ 1,067.90
Black Hills Energy	All	Utilities	\$ 2,929.68
Card Services	All	Supplies	\$ 4,197.88
Doll Distributing	Golf	Concessions	\$ 468.96
Mediacom	Golf	Utilities	\$ 318.82
United Parcel Service	Fire	Service	\$ 36.71
United States Cellular	Library	Utilities	\$ 443.24
Windstream	All	Utilities	\$ 1,889.38
Total			\$ 11,352.57

ACH Payments from Great Southern Bank

Advantage Credit Union	All	Insurance	\$ 27,260.00
Bank Iowa	All	Insurance	\$ 10,440.00
Great Southern Bank	All	Insurance	\$ 580.00
Kabel	All	Insurance	\$ 100.00
Payroll 9-30-22	All	Payroll	\$ 390,495.62
Payroll 10-14-22	All	Payroll	\$ 400,285.88
Mutual of Omaha	All	Insurance	\$ 9,873.03
Great Southern Bank	Golf	Fees	\$ 3,381.08
Met Life Dental	All	Insurance	\$ 20,747.92
State of Iowa	General	Sales Tax	\$ 6,260.66
Wellmark BC/BS	All	Insurance	\$ 352,354.27
Total:			\$ 1,221,778.46

Newton Waterworks Disbursements 10-25-22

Vendor	Department	Description	Amount
AIR PRODUCTS AND CHEMICALS INC.	Waterworks	SUPPLIES	\$ 3,352.18
ALLIANT ENERGY ACCOUNT PAYABLE	Waterworks	UTILITY	\$ 49,503.87
BUCH, BRIAN	Waterworks	SERVICE	\$ 250.00
CAPPY'S TIRE & AUTO SERVICE	Waterworks	SERVICE	\$ 24.37
CITY OF NEWTON	Waterworks	REIMBURSEMENT	\$ 24,660.40
CITY OF NEWTON - LANDFILL	Waterworks	SERVICES	\$ 28.35
DOERRING, BRET	Waterworks	SERVICE	\$ 250.00
FARVER TRUE VALUE	Waterworks	SUPPLIES	\$ 18.05
FORBES OFFICE EQUIP	Waterworks	SUPPLIES	\$ 551.73
FRIES, VICTORIA	Waterworks	REFUND	\$ 22.86
HACH CHEMICAL COMPANY	Waterworks	SUPPLIES	\$ 242.16
HARTGERS, JOE	Waterworks	REIMBURSEMENT	\$ 150.00
HAWKEYE LOCK & SECURITY	Waterworks	SERVICE	\$ 89.00
HAWKINS INC	Waterworks	SUPPLIES	\$ 8,519.71
INTERSTATE ALL BATTERY CENTER	Waterworks	SUPPLIES	\$ 98.10
IOWA ASSN. OF WATER AGENCIES	Waterworks	DUES	\$ 878.34
IOWA DEPT. OF NATURAL RESOURCE	Waterworks	SERVICE	\$ 115.00
IOWA ONE CALL	Waterworks	SERVICES	\$ 237.50
IOWA REGIONAL UTILITIES ASSOCIATION	Waterworks	SERVICE	\$ 1,025.57
JASPER CONSTRUCTION SERVICES	Waterworks	SERVICE	\$ 289.81
LAMB, LONNIE	Waterworks	REFUND	\$ 74.55
LOCKWOOD, DR. MAUREEN	Waterworks	SERVICE	\$ 250.00
MANATTS	Waterworks	SUPPLIES	\$ 3,864.15
MAYNARD, ANDY & PAMELA	Waterworks	REFUND	\$ 74.55
MG LAUNDRY CORP	Waterworks	SERVICES	\$ 72.00
MICROBAC LABORATORIES, INC	Waterworks	SERVICE	\$ 232.25
MIDWEST AUTOMATIC FIRE SPRINKLER	Waterworks	SERVICES	\$ 385.80
MISSISSIPPI LIME COMPANY	Waterworks	SUPPLIES	\$ 10,851.28
MUNICIPAL SUPPLY INC	Waterworks	SUPPLIES	\$ 738.20
NEWTON DAILY NEWS	Waterworks	SERVICE	\$ 181.98
PROWD, GEARLD FARAH & CHRISTIANA	Waterworks	REFUND	\$ 21.41
RANDY'S LAWN CARE	Waterworks	SERVICES	\$ 700.00
REED, NOAH	Waterworks	REFUND	\$ 4.05
SPAHN & ROSE LUMBER CO	Waterworks	SUPPLIES	\$ 36.03
STATE HYGIENIC LABORATORY	Waterworks	SERVICE	\$ 20.00
STEINFELDT, BETTY	Waterworks	REFUND	\$ 13.10
THEISEN'S	Waterworks	SUPPLIES	\$ 162.06
US CELLULAR	Waterworks	SERVICES	\$ 125.11
US POSTMASTER	Waterworks	SERVICE	\$ 2,500.00
VAN WERT INC.	Waterworks	SERVICES	\$ 8,520.00
VESSCO INC	Waterworks	SERVICE	\$ 1,689.80
WATTS TECHNOLOGIES, INC.	Waterworks	SUPPLIES	\$ 645.00
WELLS FARGO	Waterworks	SERVICES	\$ 197.46
WESTRUM LEAK DETECTION	Waterworks	SERVICE	\$ 5,500.00
WINDSTREAM	Waterworks	SERVICES	\$ 1,003.76
WINDSTREAM COMMUNICATIONS, INC	Waterworks	SERVICE	\$ 637.50
ZIEGLER INC	Waterworks	SERVICE	\$ 2,123.84
ZURCHER, JULIE & STUART J	Waterworks	REFUND	\$ 44.17

TOTAL **\$ 130,975.05**

PREAPPROVED PAYMENTS

VISA	Waterworks	SUPPLIES	\$ 658.32
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City of Newton Council Report

Item: An ordinance vacating and disposing of the full width of the east-to-west South 10th Avenue West right-of-way located in the 1000 block of West 2nd Street South, City of Newton, Jasper County, Iowa.

Summary: The proposal is to vacate the street right-of-way and attach it to the abutting property on the south side.

Financial Impact: No Cost.



Report Number: 22-288

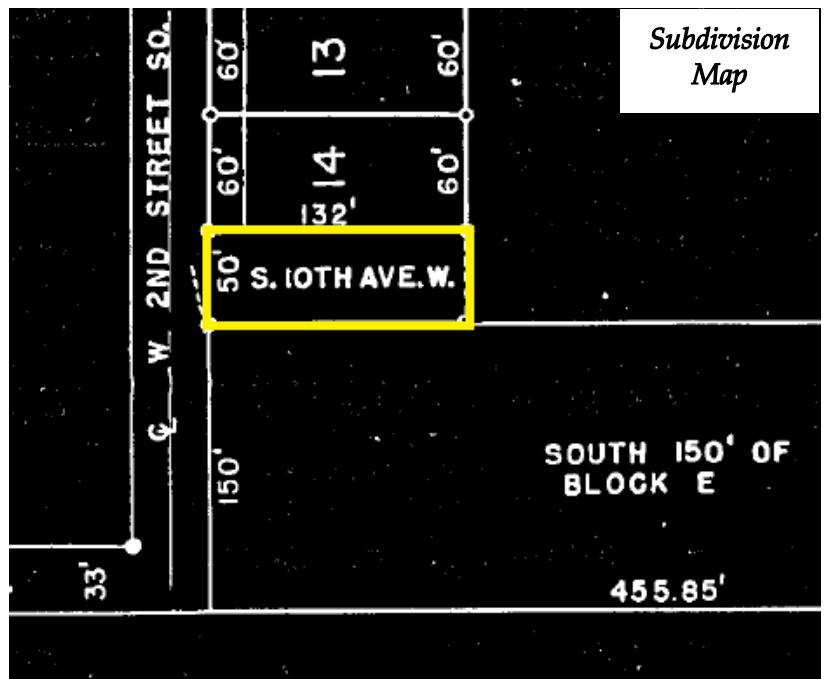
Date: October 24, 2022

Lead Department:
Community Development
Department

Recommendation:
Approve

Summary: The proposal is to vacate the full width of the east-to-west South 10th Avenue West street right-of-way located in the 1000 block of West 2nd Street South. The two abutting properties include a single family residence to the north and the Jasper County Armory/EOC to the south. The subject right-of-way was originally platted (1956) to serve as a future connection of South 10th Avenue West to extend eastward into land that is now wholly owned by Jasper County. The subject right-of-way to be vacated is indicated by a yellow outline on the aerial and subdivision maps below.

Given that the subject right-of-way was originally platted to serve as a future connection to the land to the east which is now wholly owned by Jasper County and has a City sewer line running through it, Staff recommends approval of the requested street right-of-way vacation. Public Works and Community Development staff find that this particular section of right-of-way serves no public purpose. The proposed vacation will not pose a circulation problem for the block or neighborhood and would assign the full width of the roadway to the property to the south.



Planning and Zoning Commission: At their meeting on October 4, 2022, the Planning and Zoning Commission unanimously approved a motion to recommend approval of the proposed South 10th Avenue West street right-of-way vacation and assign the full width of the right-of-way to the property adjacent and to the south.

Notice of Proposal: The abutting property owner received a letter notification via USPS mail in advance of the Planning and Zoning Commission meeting held on October 4, 2022 and the City Council meeting on October 17, 2022. Notice was also published in the Newton Daily News in advance of the October 4th Planning and Zoning Commission meeting on September 27th as well as in advance of the October 17th City Council meeting (published on October 11th).

City Council Review: Street and alley vacations are adopted by ordinance, so this action is subject to 3 readings.

Recommendation: Staff recommends approval.

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

Prepared by: City of Newton, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Return to: City Clerk, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Address Tax Statements to:
Jasper County, PO Box 944, Newton, Iowa 50208

ORDINANCE NO. _____

AN ORDINANCE VACATING AND DISPOSING OF THE FULL WIDTH OF THE SOUTH 10TH AVENUE WEST STREET RIGHT-OF-WAY LOCATED IN THE 1000 BLOCK OF WEST 2ND STREET SOUTH, CITY OF NEWTON, JASPER COUNTY, IOWA.

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

Section 1. Disposal of Real Estate. Following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows:

SOUTH 10th AVE WEST BETWEEN LOT 14 BLOCK 1 MANLEY SUBDIVISION AND THE SOUTH 150' OF BLOCK E IN THE SUBDIVISION OF THE W ½ OF THE SW ¼ OF SECTION 34 TOWNSHIP 80 NORTH, RANGE 19 WEST OF THE 5TH P.M. IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, AS APPEARS IN PLAT BOOK E, AT PAGE 51 IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

is of no benefit to the public and should be vacated and conveyed by the City of Newton, Iowa under authority of Iowa Code § 354.23.

Section 2. Real Estate Conveyed. Pursuant to Iowa Code § 354.23, the City Council declares the City right-of-way described in Section 1 above is hereby vacated, conveyed, and quitclaimed as follows:

Jasper County (PO Box 944, Newton, Iowa 50208): The full width of the east-west South 10th Avenue West right-of-way located on the east side of the 1000 block of West 2nd Street South as described above, City of Newton, Jasper County, Iowa;

Section 3. Recording. The City Clerk is directed to deliver this ordinance to the County Recorder according to Iowa Code § 354.23. This writing is exempt from transfer tax fees pursuant to Iowa Code § 428A.2(6).

Section 4. Exemption. This writing is exempt from transfer tax fees pursuant to Iowa Code § 428A.2(6).

Section 5. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

PASSED this _____ day of November 2022.

APPROVED this _____ day of November 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

First Consideration: _____
Public Hearing: _____
Second Consideration: _____
Third Consideration: _____

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the forgoing 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

STATE OF IOWA)
) SS
COUNTY OF JASPER)

On this _____ day of _____, 2022 before me, the undersigned, a Notary Public in and for the County of Jasper, personally appeared Michael L. Hansen and Katrina Davis, to me personally known, who being by me sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Newton, Iowa; that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of said City of Newton, Iowa, by authority of the City Council; and that said Michael L. Hansen and Katrina Davis, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

City of Newton Council Report

Item: An ordinance conveying a small portion of an east-west alley right-of-way located in the 600 block of East 4 ½ Street South to the abutting property directly to the south in block four of Leonard's Addition to the City of Newton, Jasper County, Iowa.

Summary: The proposal is to convey the east portion of the subject alley to the abutting property on the south side.

Financial Impact: No Cost.



Report Number: 22-289

Date: October 24, 2022

Lead Department:
Community Development
Department

Recommendation:
Approve

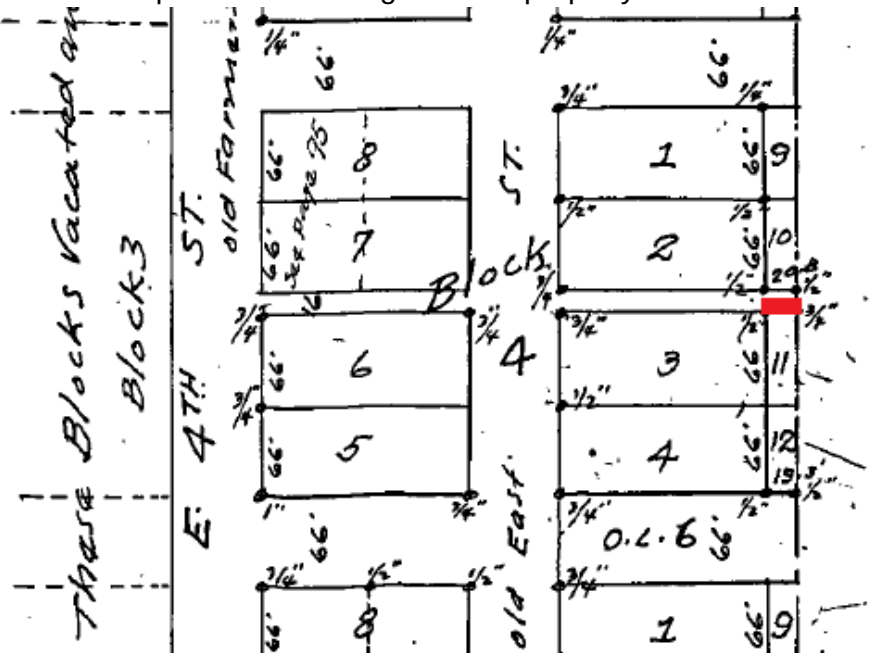
Summary: On October 2, 1978, the Newton City Council approved Ordinance No. 1331 which authorized the vacation and subsequent conveyance of the following real estate:

"All that part of the public alley running East and West through Lots 2, 3, 10 and 11 in Block 4 of Leonard's Addition to the City of Newton, Jasper County, Iowa, subject to easements of record or in use."

For an unknown reason, conveyance of the south half of the subject alley right-of-way north of Lot 3 in Block Four of Leonard's Addition (see Plat Book "C" page 64) was properly vacated and conveyed to the abutting property directly adjacent and to the south (i.e. 614 E. 4 ½ St. S.), but a small portion of the south half of the subject alley right-of-way north of Lot 11 was vacated but never conveyed to the abutting property. This vacation is reflected in the Jasper County Assessor's map, but the issue at hand of no record of conveyance was identified by Title Opinion No. A45000.

Recognizing that the city previously approved the alley vacation request and documents from said review were recorded with Jasper County (see Bk. 789, Pgs. 562-567), Staff determined that a new public hearing and ordinance was still required considering how the property owner accepting the conveyance today is not the same owner from 1978.

The alley was likely originally platted to provide a connection to the rear yards of Lots 1, 2, 3, and 4 of Block 4 of Leonard's Addition. This portion of the subject alley to be conveyed serves no public purpose, and it has no direct connection to other public rights-of-way.





Planning and Zoning Commission: Staff determined that a Planning & Zoning Commission review was not required due to this alley vacation already being reviewed and approved by the City of Newton in 1978. This ordinance shall serve as the updated conveyance of the subject alley right-of-way to the current property owner.

Notice of Proposal: The abutting property owners were mailed a letter notification via USPS in advance of the City Council meeting on October 10, 2022. Notice was also published in the Newton Daily News in advance of the City Council meeting on October 11th.

City Council Review: Because road and alley vacations are completed by ordinance, this action is subject to 3 readings. It is recommended, however, that the second and third readings are waived.

Recommendation: Staff recommends approval of conveying this portion to the alley to the abutting property to the south.

Matt Muckler
City Administrator

Prepared by: City of Newton, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Return to: City Clerk, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Address Tax Statements to:
James Allen Sutton Jr., 805 NW Parkside Dr., Ankeny, Iowa 50023

ORDINANCE NO. _____

AN ORDINANCE VACATING AND CONVEYING THE SOUTH HALF OF THE EAST-WEST ALLEY RIGHT-OF-WAY ADJACENT TO LOT ELEVEN IN THE 600 BLOCK OF EAST 4 ½ STREET SOUTH IN BLOCK FOUR OF LEONARD’S ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA.

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

Section 1. Disposal of Real Estate. Following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows:

The south half of the east-to-west alley right-of-way adjacent to, and to the north of:
LOT ELEVEN IN BLOCK FOUR OF LEONARD’S ADDITION TO THE CITY OF NEWTON,
JASPER COUNTY, IOWA.

is of no benefit to the public and should be vacated and conveyed by the City of Newton, Iowa under authority of Iowa Code § 354.23.

Section 2. Real Estate Conveyed. Pursuant to Iowa Code § 354.23, the City Council declares the City right-of-way described in Section 1 above is hereby vacated, conveyed, and quitclaimed as follows:

James Allen Sutton Jr. (805 NW Parkside Dr., Ankeny, Iowa 50023): The south half of the east-to-west alley right-of-way adjacent to and to the north of Lot 11 in Block Four of Leonard’s Addition to the City of Newton, Jasper County, Iowa;

Section 3. Recording. The City Clerk is directed to deliver this ordinance to the County Recorder according to Iowa Code § 354.23. This writing is exempt from transfer tax fees pursuant to Iowa Code § 428A.2(6).

Section 4. Exemption. This writing is exempt from transfer tax fees pursuant to Iowa Code § 428A.2(6).

Section 5. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 7. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

PASSED this ____ day of October 2022.

APPROVED this ____ day of October 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

First Consideration: _____
Public Hearing: _____
Second Consideration: _____
Third Consideration: _____

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the forgoing 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

STATE OF IOWA)
) SS
COUNTY OF JASPER)

On this ____ day of _____, 2022 before me, the undersigned, a Notary Public in and for the County of Jasper, personally appeared Michael L. Hansen and Katrina Davis, to me personally known, who being by me sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Newton, Iowa; that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of said City of Newton, Iowa, by authority of the City Council; and that said Michael L. Hansen and Katrina Davis, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

City of Newton Council Report

Item:

Resolution awarding contract for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project.

Summary:

Award contract to Woodruff Construction, LLC for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project

Financial Impact:

\$5,897,300 construction cost. \$4,926,384 from 2021 WPC Revenue bond, remaining \$970,916 from future WPC revenue bond.



Report Number: 22-290

Date:

October 24, 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.

Fox Strand Engineering prepared plans and specifications and placed the project out to bid. On October 6, 2022 the following bids were received:

Contractor	Bid Amount
Woodruff Construction, LLC, Fort Dodge, IA	\$5,897,300.00
WRH, Inc, Amana, IA	\$6,190,000.00

The Engineer's estimate for construction costs was \$6,300,000.

Recommendation:

Award the project to the lowest responsive responsible bidder Woodruff, LLC of Fort Dodge, IA for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project utilizing \$4,926,384 from 2021 WPC Revenue bond, remaining \$970,916 from future WPC revenue bond. Engineering for this project is being paid directly from WPC sewer revenues.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION AWARDING CONTRACT 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, Fox Strand Engineering prepared plans and specifications and placed the project out to bid; and

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

WHEREAS, City staff and project engineer recommends the City of Newton award a contract to Woodruff, LLC of Fort Dodge, IA for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project based on the low responsive, responsible bid received in the amount of \$5,897,300.00 utilizing \$4,926,384 from 2021 WPC Revenue bond, and remaining \$970,916 be paid from future WPC revenue bond. Engineering for this project is being paid directly from WPC sewer revenues.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Woodruff, LLC of Fort Dodge, IA, in the amount Five Million Eight Hundred and Ninety-Seven Thousand and Three Hundred Dollars and Zero Cents (\$5,897,300.00) for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project, as described in the plans and specifications, is hereby accepted; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Woodruff, LLC of Fort Dodge, IA for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project as described by the plans and specifications filed in the office of the City Clerk, be signed by the Mayor and City Clerk on behalf of the City; and

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Notice of Award for the Water Pollution Control Treatment Plant and SW Pump Station Improvements Project as described by the plans and specifications filed in the office of the City Clerk, be signed by the Mayor on behalf of the City

PASSED this _____ day of October, 2022.

APPROVED this _____ day of October, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



FOX Strand
414 South 17th Street, Suite 107
Ames, IA 50010
(P) 513.233.0000
www.strand.com

October 7, 2022

City of Newton
101 W 4th St S
Newton, Iowa 50208

**Re: Bid Letting Results & Recommendation for Award of Contract
Treatment Plant & SW Pump Station Improvements**
Strand PN 2423-20B / 7036.003

Honorable Mayor and City Council Members:

Bids were received on October 6, 2022 for the Treatment Plant & SW Pump Station Improvements Project. A Bid Tabulation Summary is enclosed for your reference. Woodruff Construction, Inc. from Ames submitted the low bid in the amount of \$5,897,300.00. WRH, Inc. from Amana submitted the second bid in the amount of \$6,190,000.00. The Engineer's Opinion of Probable Construction Cost was \$6,300,000.00.

The bid form included two bid alternates:

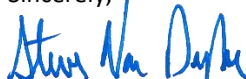
- Alternate 1 is for using glass lined steel for the walls of the new sludge storage tank rather than cast in place concrete. Woodruff is offering a credit of \$52,800.00 if this alternate is accepted. Concrete walls offer significant advantages in terms of maintenance, durability and construction shedule. It is proposed that this alternate be investigated further with City Staff before making a final decision, so it is recommended that the City Council take no action on this alternate at this time.
- Alternate 2 includes removing all work at the Southwest Pump Station from the project scope. This was included as a way to bring the total project cost down if bids came in higher than anticipated. Given the favorable bids received, acceptance of this bid alternate is not recommended.

Woodruff Construction, Inc. has a history of satisfactory performance on previous projects of similar scope. They have indicated that they have reviewed their bid, have found no significant errors or omissions, and they desire to be awarded the Contract. We believe they have a practical knowledge of the work, adequate equipment, necessary supervisory personnel and financial resources to complete the work.

Based on this information, we recommend that the Newton City Council award the Treatment Plant & SW Pump Station Improvements Project to Woodruff Construction, Inc. for their Base Bid amount. We believe this represents the lowest responsive, responsible bid for the project.

We have also enclosed the Notice of Award for your use. If the project is awarded, please sign and return three copies to us, and we will distribute the final executed copies.

Sincerely,


Steve Van Dyke, P.E., BCEE

Enclosures

BID TABULATION

Treatment Plant & SW Pump Station Improvements Newton, Iowa

BID DATE: October 6, 2022

FOX Strand PN: 2423-20B / 7036.003

DESCRIPTION	Engineer's Opinion of Probable Cost	Woodruff Construction, Inc. 1920 Philadelphia St, Ste 102 Ames, IA 50010	WRH, Inc. PO Box 256 Amana, IA 52203
Lump Sum Bid	\$6,300,000.00	\$5,897,300.00	\$6,190,000.00
Alt. 1: Glass Lined Tank	---	(\$52,800.00)	(\$2,000.00)
Alt. 2: Delete SWPS Scope	---	(\$335,000.00)	(\$385,000.00)
Adj. 1: Digester Cleanout Adjust	---	\$1,350.00 / ft	\$5,000.00 / ft

NOTICE OF AWARD

Date of Issuance: October 17, 2022
Owner: City of Newton, Iowa
Engineer: FOX Strand
Project: Treatment Plant & SW Pump Station Improvements
Contract Name: Treatment Plant & SW Pump Station Improvements
Bidder: Woodruff Construction, Inc.
Bidder's Address: 1920 Philadelphia St, Suite 102, Ames, IA 50010

You are notified that Owner has accepted your Bid dated October 6, 2022 for the above Contract, that you are the Successful Bidder and are awarded a Contract for the Treatment Plant & SW Pump Station Improvements & Force Main Project.

The Contract Price of the awarded Contract is \$5,897,300.00. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, and Work performed on a cost-plus-fee basis, as applicable.

Three (3) unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner three (3) counterparts of the Agreement, signed by Bidder (as Contractor).
2. Deliver with the signed Agreement(s) the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 6.
3. Other conditions precedent (if any):
 - a. Before you may start work at site; paragraph 2.01.B of the General Conditions provides that you must deliver to the Owner certificates of insurance which you are required to purchase and maintain in accordance with the Contract Documents.
 - b. Paragraph 2.03 states that before starting construction, a preliminary progress schedule is required.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner:

By (*signature*): _____

Name (*printed*): _____

Title: _____

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.

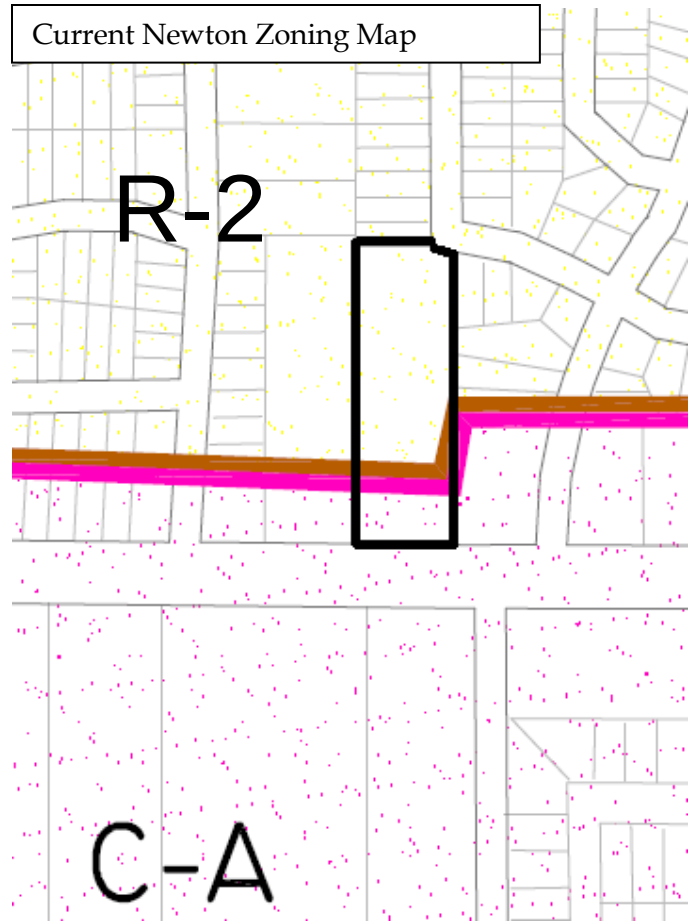
A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is written in a cursive, flowing style.

Matt Muckler
City Administrator

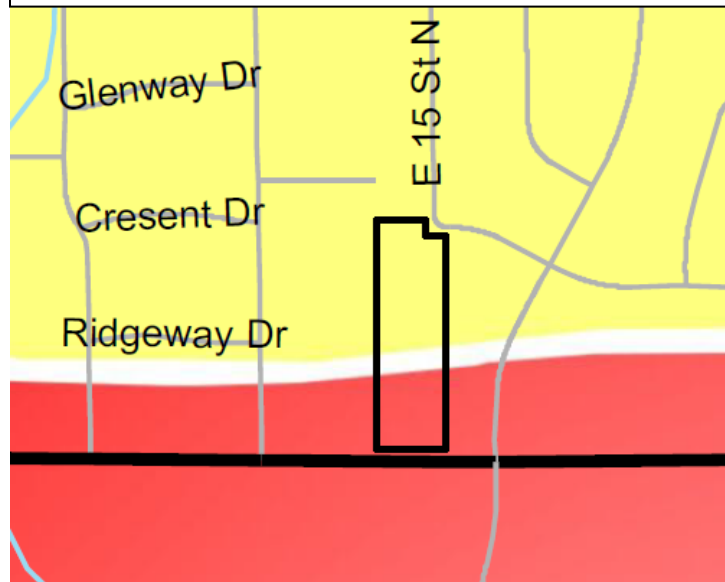
Aerial Map



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: Ordinance amending the City Code of Newton, Iowa, by adding Chapter 75: All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Carts, and Snowmobiles

Summary: Amend City Code to allow limited use of ATVs and UTVs on public roadways.

Financial Impact: N/A

Report Number: 22-274

Date: October 3, 2022

Lead Department: Police Department

Recommendation:
N/A

Background:

During the 2022 legislative session HF2130 was passed and signed by Governor Reynolds allowing for expanded operation of all-terrain and utility vehicles on Iowa roadways. The newly adopted law allows a city to regulate the operation of registered all-terrain vehicles and off-road utility vehicles and may designate streets under the jurisdiction of the city within its corporate limits, and two-lane primary and secondary road extensions in the city, which may be used for operation of such vehicles.

During the August 15, 2022 City Council meeting a discussion item relating to all-terrain and utility vehicles was placed on the agenda. During that meeting Chief Burdess spoke on behalf of the Traffic Safety Committee and outlined the current Iowa Code and voiced safety concerns about the operation of all-terrain or utility vehicles on City streets. Manufacturers of these vehicles expressly warn that they are not to be operated on public roadways or concrete/asphalt roadways. The Department of Transportation (DOT) nor the National Highway Traffic Safety Administration (NHTSA) regulates or recognizes all-terrain or utility vehicles as motor vehicles since they are not equipped with the same safety features as motor vehicles operating on public roadways. With the exception of agricultural machinery, all other vehicles operated on public roadways are required to meet the minimum safety standards of the DOT and NHTSA.

At the end of the discussion, City Council directed Chief Burdess to draft an ordinance for review and consideration at a future meeting. Chief Burdess worked with City Attorney Matt Brick in drafting a proposed ordinance based on ordinances adopted by other Iowa cities since July 1, 2022.

The draft ordinance was reviewed and discussed by the Traffic Safety Committee on August 25, 2022. The Traffic Safety Committee has considered requests for use of all-terrain and utility vehicles on City streets on two previous occasions over the past 2-3 years. In both instances, to include the current proposal, the Traffic Safety Committee continues to be opposed to the operation of all-terrain and utility vehicles being operated on public roadways.

The proposed ordinance is in compliance with Iowa Code. Additional provisions have been added that are more restrictive than the state code to allow for operation of all-terrain or utility vehicles within the City. Below is a non-inclusive list of highlights of the proposed ordinance:

- Properly equipped UTVs and ATVs are allowed to be operated on all City streets with the exception of portions of Hwy 14 and limited use on 1st Ave (Hwy 6).
- Golf cart and snowmobile use is prohibited on City streets, except as set forth elsewhere in the ordinance or by authorization of the Chief of Police
- Numerous safety equipment requirements and rules of operation included in the ordinance.
- Sunset clause of 12 months to allow City Council to revisit the use of UTVs at a later date.
- Operational time restriction of 7AM-10PM
- Restrictions on noise.
- Authorization for law enforcement to verify UTVs and ATVs being operated on City streets are properly registered and insured.
- Exceptions to use for the purpose of law enforcement, public safety, construction, maintenance and other City purposes.
- Penalties for violating ordinance are \$150 – 1st offense, \$250 – 2nd offense and \$500 – 3rd and subsequent offense.
- Suspension of privilege to operate UTV on City limits after 2 or more violations in a 12-month period.

Recommendation

Staff does not recommend approval of this ordinance.

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

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CITY CODE OF NEWTON, IOWA, BY ADDING CHAPTER 75:
ALL-TERRAIN VEHICLES, OFF-ROAD UTILITY VEHICLES, GOLF CARTS, AND
SNOWMOBILES

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Newton, Iowa as follows:

SECTION 1. The Code of Ordinances of the City of Newton, Iowa, is hereby by adding or ~~deleting~~ the following:

75.01 Purpose of Chapter.

The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of all-terrain vehicles, off-road utility vehicles, golf carts, and snowmobiles within the City of Newton, Iowa.

75.02 Effective Dates and Termination.

This ordinance shall only remain in effect from the effective date of passage, pursuant to Iowa Code 380.6, for a period of twelve (12) months after said date.

75.03 Definitions.

For use within this Chapter, the following words, terms, and phrases are defined as follows:

All-terrain vehicle (ATV). Means a motorized vehicle with not less than three (3) but not more than six (6) tires or rubberized tracks, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles as defined in Section 321.11 of the Code of Iowa, shall also be considered an all-terrain vehicle.

Golf Cart. Means a three (3) or more wheeled recreational vehicle primarily designed for transportation of person(s) and sporting equipment in the sport of golf that is either electric powered or gas powered.

Off-road utility vehicle (UTV). A motorized vehicle with not less than four (4) and not more than eight (8) tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. This definition includes the following vehicles:

- A. Type 1 is defined as an off-road -utility vehicle with a total dry weight of 1,250 pounds or less and a width of 50 inches or less.
- B. Type 2 is defined as an off-road -utility vehicle (other than a Type 1 off-road utility vehicle), with a total dry weight of 2,000 or less and a width of 65 inches or less.
- C. Type 3 is defined as an off-road -utility vehicle with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

Operate. To ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle or off-road -utility vehicle is moving.

Operator. A person who operates or is in actual physical control of an all-terrain vehicle or off-road -utility vehicle.

Street or Highway. The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel.

75.04 General Regulations. In general, golf carts and snowmobiles are not allowed to be operated on City streets unless authorized in writing by the Chief of Police or as otherwise set forth elsewhere in this ordinance. In addition, all persons operating an ATV, UTV, golf cart, or snowmobile shall adhere to all City, county and state regulations relating to the use of such vehicles—including but not limited to the provisions of Chapter 321G of the Code of Iowa, the Newton Code of Ordinances, and/or rules established by the Iowa Department of Natural Resources governing registration, numbering, equipment, and manner of operation. In addition, the following provisions shall apply:

1. Every such vehicle operated upon City streets or highways shall be registered annually and be required to pay all registration fees.
2. The operator shall be required to provide, upon request by any law enforcement official, proof of ownership including but not limited to bill of sale or registration. This requirement shall be satisfied if said vehicle is in compliance with the registration requirements of any state within the United States of America.
3. A person shall not drive or operate an off-road -utility vehicle at a rate of speed greater than the posted speed limit or 35 mph, whichever is less.

75.05 Minimum Equipment Standards for UTV and ATV Operation.

Operators of UTVs and ATVs must adhere to the following equipment requirements and restrictions while operating UTVs and ATVs within the City limits.

- A. Operators of UTVs and ATVs must be 18 years of age or older and possess a valid driver's license.
- B. A person shall not operate a UTV or ATV unless the operator has proof of insurance complying with that required of an operator of a motor vehicle pursuant to applicable provisions of the Iowa Code, including but not limited to Sections 321.20B and 321A.21.
- C. Owners of UTVs and ATVs shall register their vehicle(s) with the Iowa Department of Natural Resources and proof of such registration shall be provided upon request to any City official. Out-of-state UTV and ATV owners or operators must provide appropriate proof of registration from their home state upon request by a City official.
- D. Operators of UTVs and ATVs must adhere to all noise restrictions set forth under the City Code of Ordinances and/or any temporary restrictions established by the City Council.
- E. UTVs and ATVs must display lighted headlamps, tail lamps, and a stop lamp, at all times, while the vehicle is operated on City streets or highways.
- F. Operators of UTVs and ATVs must signal their intention to turn by means of the hand and arm as provided in section 321.318, or by a mechanical or electrical directional signal lamp or device with a manually operated switch controlled by the driver.
- G. Operators of UTVs and ATVs must adhere to all traffic and parking laws, codes, rules, and regulations, applicable to other motor vehicles, unless directed otherwise by this ordinance.
- H. UTVs and ATVs must adhere to the following equipment requirements:
 1. UTVs must be equipped with operational safety belt or harness.
 2. UTVs and ATVs must be equipped with an operational horn with a switch controlled by the driver, and emit a sound clearly audible from at least a distance of 200 feet. The horn shall be actuated with a switch easily accessible to the driver when operating the vehicle.
 3. UTVs and ATVs must be equipped with headlamp(s) that shall be in a plane that is perpendicular to a vertical plane through the longitudinal centerline of the vehicle. The headlamps shall be mounted not less than 24 inches, nor more than 54 inches, above the road surface when measured to the headlamp center.
 4. UTVs and ATVs must be equipped with tail lamp(s) mounted on the rear of the vehicle, exhibiting a red light plainly visible from a distance of 500 feet to the rear. The tail lamps shall be mounted not less than 15 inches, nor more than 72 inches, above the roadway.
 5. UTVs and ATVs must be equipped with a stop lamp that is actuated by a brake switch to indicate braking of the vehicle.

6. A rear facing mirror providing the operator with a clear view of the road behind the UTV or ATV.
7. Operational muffler which complies with the standards and procedures required by Iowa Code 321I.12 and the City Code of Ordinances.
- I. All UTV occupants, except as noted below, must wear safety belts or safety harnesses, which meet the definitions set forth by Iowa Code 321.445 and 321.446.
 1. Children under 1 year old and weighing less than 20 pound must be secured in a rear-facing child restraint system while the UTV is motion.
 2. Children, ages 1-6 years, must be secured in a child restraint system (safety seat or booster seat) while the UTV is in motion.
 3. A child restraint system is a specially designed seating system, including a belt positioning seat or booster seat which meets federal motor vehicle safety standards. The child restraint system must be used in accordance with the manufacturer's instructions, the child must be secured in the child restraint, and the child restraint must be properly secured to the UTV.
 4. No animals will be transported in the cargo portion or bed of a UTV unless they are contained within an enclosure or securely tethered the to the UTV.
- J. The number of passengers in a UTV shall not exceed the number of factory-installed seatbelts.
- K. The number of passengers on an ATV shall not exceed the factory recommendation for passengers based on the specific make/model being operated.
- L. No open containers of alcohol are allowed on the operator or vehicle while the UTV or ATV is being operated.
- M. Drivers may not operate a UTV or ATV under the influence of intoxicating liquor or narcotics as prescribed under Iowa Code 321J
- N. No UTV or ATV may be operated in a careless or reckless manner, including but not limited to, endangering any person, causing injury or damage to person or property, creating unnecessary skidding or sliding, and/or causing a wheel or wheels to lose traction or contact with the ground.

75.06 Places of Operation and Prohibited Streets/Highways.

The operators of ATVs, UTVs, golf carts, and snowmobiles shall comply with the following restrictions as to where they may be operated within the City:

- A. Streets and Highways. Except as set forth elsewhere in this Ordinance, the operation of golf carts and snowmobiles is prohibited on all streets and/or highways within the City. Properly equipped UTVs and ATVs may be operated upon any street/highway within the City with limited or prohibited use on the following roadways:
 1. First Avenue (Highway 6) – UTVs and ATVs may be operated on First Avenue (Highway 6) over the most direct and accessible route between any of the following locations:
 - a. An all-terrain vehicle park or trail outside of the City limits
 - b. A secondary road outside of the City limits on which such vehicles are authorized to operate.
 - c. A City street on which such vehicles are authorized to operate.
 - d. An address on First Avenue not directly accessible by an authorized City street.
 - e. The vehicle operator's residence.
 2. 100 – 2300 block of Highway 14 South
 3. 100 – 300 block of Highway 14 North
- B. Trails. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on City trails.

- C. Parks and other City Land. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on any park trail, on any playground, or upon any other City-owned property, with the exception of designated driveways or parking lots.
- D. Sidewalk or Parking. ATVs, UTVs, golf carts, and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “the parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.
- E. Public Ice. ATVs, UTVs, golf carts, and snowmobiles may not be operated upon any frozen creeks, streams, ponds, or lakes within City limits.
- F. Waterways. ATVs, UTVs, golf carts, and snowmobiles may not be operated in any creek, stream, river, or other waterway—nor in any portion of a creek bed, stream bed, or riverbed with City limits.

75.07 Operation Exceptions.

ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets under the following circumstances:

- A. Emergencies. ATVs, UTVs, golf carts, and snowmobiles may be operated on a City street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
- B. Direct Crossing. UTVs may make a direct crossing of a prohibited City street provided:
 - 1. The crossing is made at an angle of approximately ninety degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The UTV is brought to a complete stop before crossing the street;
 - 3. The driver yields the right-of-way to all on-coming traffic which constitutes and immediate hazard; and
 - 4. In crossing a divided road, the crossing is made only at an intersection of such road with another road.
- A. Railroad Right-of-way. ATVs, UTVs, golf carts, and snowmobiles shall not be operated on an operational railroad right-of-way. An UTVs may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding the any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.
- B. Special or Limited Purposes: ATVs, UTVs, golf carts, and snowmobiles may be operated on City streets or other areas of the City for limited or special purposes upon application and authorization from to the Chief of Police.

75.08 Exempt Vehicles.

The following all-terrain vehicles or off-road utility vehicles shall be exempt from registration pursuant to Iowa Code, Section 321I.9 and the requirements of this Ordinance if:

- A. The all-terrain or off-road -utility vehicle is owned by the United States, this state, or another state, or by a governmental subdivision thereof, and used for law enforcement, public safety, search and rescue, construction and maintenance activities, or official research studies, but not for recreational or commercial purposes.
- B. The all-terrain or off-road -utility vehicle is used exclusively to conduct agricultural purposes and in accordance with Iowa Code Section 321.234A(1)(a).

75.09 Leaving Motor Running or Keys in the Ignition.

It is unlawful for the owner or operator of an ATV, UTV, golf cart, or snowmobile to leave or allow such vehicles to remain unattended on public property while the motor is running or while the keys for starting the vehicle are left in the ignition.

75.10 Violation of a Stop Signal.

An owner or operator, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an ATV, UTV, golf cart, or snowmobile in willful or wanton

disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

75.11 Negligence.

The owner and operator of an ATV, UTV, golf cart, or snowmobile shall be liable for any injury or damage occasioned by the negligent operation of said vehicle.

75.12 Accident Reports.

Whenever an ATV, UTV, golf cart, or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred (\$200.00) or more, either the owner, operator or someone acting on their behalf shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours in accordance with State Law.

75.13 Penalties for Violations.

- A. Unless another penalty is expressly provided for a violation of any particular provision, section or Chapter of the City Code of Ordinances, any person failing to perform a duty or obtain a license required by this Code of Ordinances or violating any provision of this Code of Ordinances, or any rule or regulation adopted herein, shall be subject to fines of one-hundred fifty dollars (\$150) for a first offence, two hundred-fifty dollars (\$250) for a second offence within a twelve (12) month period, and five-hundred dollars (\$500) for any subsequent offences occurring in a twelve (12) month period.
- B. If, over the course of a twelve (12) month period, an operator of a permitted vehicle is cited for two or more violations of the provisions of this Chapter, the operator's privilege to operate a permitted vehicle under the terms and provisions of this Chapter may be suspended for a period of twelve (12) months—in addition to a monetary penalty.

SECTION 2. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance 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 this ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be effect from and after its final passage, approval and publication as provided by law.

Passed First Reading by the City Council of Newton, Iowa, ____ day of _____, 2022.

Passed Second Reading by the City Council of Newton, Iowa, the ____ day of _____, 2022.

PASSED AND ENACTED by the City Council of Newton, Iowa, the ____ day of _____, 2022.

Michael Hanson, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title III Administration, Chapter 32, Section 32.060 – 32.071, “water board of trustees”, to dissolve the water board of trustees and adding WaterWorks code reference to Title V Public Works, Chapter 54 Waterworks.

Summary: Dissolve Water Board of Trustees, placing governance of Newton Waterworks under City Council.

Financial Impact: None

Report Number: 22-275

Date: October 3, 2022

Lead Department:
Public Works

Recommendation:
Approve

Background:

Newton WaterWorks (“NWW”) is a municipal water utility governed by a Board of Trustees, which is tasked with providing an adequate supply of water to customers in the service area for domestic, commercial, industrial and firefighting purposes in an efficient, cost effective and dependable manner. In January 2022, the NWW Board of Trustees entrusted the City of Newton with the day-to-day management of NWW on an interim basis.

The NWW Board of Trustees determined the City of Newton has been providing excellent service to the NWW customers in a cost-effective manner. At the March 18, 2022 meeting, the NWW Board of Trustees voted that the NWW Board of Trustees be dissolved and that governance of NWW permanently be placed with the Newton City Council.

The NWW Board of Trustees was originally established by election of the voters pursuant to Iowa Code §388.2; and Iowa Code §388.2 requires that a proposal to discontinue a utility board is subject to the approval of the voters of the City. Pursuant to Iowa Code §388.2(1)(b), the City may submit the proposal to discontinue the utility board at the general election, the regular city election, or at a special election called for that purpose. in accordance with Iowa Code§362.3, as part of the City’s action to set a date for an election on such proposition, the City must publish notice of such proposition, which notice must be published, as provided in Section 362.3 of the Code of Iowa;

A special City election on Tuesday, September 13, 2022, at which the registered voters of the City of Newton, Iowa voted “YES” by simple majority to the following question:

PROPOSITION A

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

The proposed ordinance deletes CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016 TITLE III ADMINISTRATION, CHAPTER 32, SECTION 32.060 – 32.071, “WATER BOARD OF

TRUSTEES" language and add waterworks code references to TITLE V PUBLIC WORKS, CHAPTER 54 WATERWORKS.

Recommendation:

Approval of the proposed ordinance.

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is stylized with a large, sweeping "M" and a cursive "Muckler".

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE III ADMINISTRATION, CHAPTER 32, SECTION 32.060 – 32.071, “WATER BOARD OF TRUSTEES”, TO DISSOLVE THE WATER BOARD OF TRUSTEES AND ADDING WATERWORKS CODE REFERENCE TO TITLE V PUBLIC WORKS, CHAPTER 54 WATERWORKS.

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

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title III, Chapter 32, Section 32.060 – 32.071, “water board of trustees” is hereby amended by adding or ~~deleting~~ the following:

~~WATER BOARD OF TRUSTEES~~

~~§ 32.060 PURPOSE.~~

~~—The purpose of this subchapter is to provide for the operation of the municipally-owned water utility by a Board of Trustees.~~

~~(2011 Code, § 5.0301)~~

~~§ 32.061 BOARD ESTABLISHED.~~

~~—Pursuant to an election, the management and control of the municipally-owned water works was placed in the hands of a Board of Trustees.~~

~~(2011 Code, § 5.0302)~~

~~§ 32.062 APPOINTMENT OF TRUSTEES.~~

~~—The Mayor shall appoint, subject to the approval of the Council, three persons to serve as Trustees for staggered six-year terms. No public officer or salaried employee of the city may serve on a utility board.~~

~~(2011 Code, § 5.0303)~~

~~§ 32.063 COMPENSATION.~~

~~—The Council shall, by resolution, set the compensation of Board members.~~

~~(2011 Code, § 5.0304)~~

~~§ 32.064 VACANCIES.~~

~~—An appointment to fill a vacancy on the Board of Trustees shall be made in the same manner as an original appointment; except that, such appointment shall be for the balance of the unexpired term.~~

~~(2011 Code, § 5.0305)~~

~~§ 32.065 POWERS AND DUTIES.~~

~~—The Board of Trustees may exercise all powers of a city in relation to the city utility, city utilities or combined utility system it administers, with the following exceptions.~~

~~—(A) *Taxes, ordinances and bonds.* A Board may not certify taxes to be levied, pass ordinances or amendments or issue general obligation or special assessment bonds.~~

~~—(B) *Property.* Title to all property must be in the name of the city, but the Board has full control of such property subject to limitations imposed by law.~~

~~—(C) *Reports to Council.* The Board shall make a detailed annual report to the Council including a complete financial statement.~~

~~—(D) *Proceedings published.* Immediately following a regular or special meeting, the Board Secretary shall prepare and cause to be published in a newspaper of general circulation in the city a condensed statement of proceedings, including a list of all claims.~~

~~(2011 Code, § 5.0306)~~

~~§ 32.066 CONTROL OF FUNDS.~~

~~—The Board shall control tax revenues allocated to it as well as all moneys derived from operations.~~

~~(2011 Code, § 5.0307)~~

~~§ 32.067 ACCOUNTING.~~

~~—Utility moneys must be held in a separate utility fund, with a separate account or accounts for each utility or combined utility system.~~

~~(2011 Code, § 5.0308)~~

~~§ 32.068 DISCRIMINATORY RATES ILLEGAL.~~

~~—A utility may not provide use or service at a discriminatory rate, except to the city or its agencies, as provided in Iowa Code § 384.91.~~

~~(2011 Code, § 5.0309)~~

~~§ 32.069 TREASURER.~~

~~—The City Treasurer shall serve as the Treasurer of the Water Utility as provided by law.~~

~~(2011 Code, § 5.0310)~~

~~§ 32.070 DISCONTINUANCE OF BOARD.~~

~~—A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue a utility board is subject to the approval of the voters of the city; except that, a Board may be discontinued by resolution of the Council when the city utility, city utilities or combined utility system it administers is disposed of or leased for a period of over five years.
(2011 Code, § 5.0311)~~

§ 32.071 CERTIFICATION OF UNPAID WATER RATES, CHARGES TO CREATE LIEN ON REAL PROPERTY.

~~—The provisions of Iowa Code § 384.84 are hereby adopted by reference the same as if fully set out herein, and hereby made applicable to water rates and charges established by the Water Board of Trustees. Water rates and charges which remain unpaid in violation hereof shall be certified by the Water Board of Trustees to the County Treasurer, shall become a lien on the premises, and shall have such priority and be collectable as provided by said Iowa Code § 384.84.
(2011 Code, § 5.0312)~~

WATERWORKS

§ 54.01 PURPOSE.

The purpose of this subchapter is to provide for the operation of the municipally-owned water utility by City Council.

§ 54.02 POWERS AND DUTIES.

Pursuant to an election, September 13, 2022 the City Council of Newton, Iowa, in the County of Jasper, Iowa; shall be the governing body of the Newton WaterWorks Utility.

The administrative Management of the WaterWorks Utility shall be under the direction of the City Administrator.

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

The WaterWorks Utility shall have the following powers, duties and responsibilities:

- A) Prepare ordinances as needed to implement this chapter and place them for consideration and adoption by the City Council, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities.
- B) Administer the acquisition, design, construction, maintenance and operation of the water utility system, including capital improvements.
- C) Administer and enforce this chapter and all ordinances, regulations and procedures related to design, construction, maintenance, operation and alteration of the water utility system, including, but not limited to the quantity and quality of the water utility.
- D) Inspect private water systems as necessary to determine the compliance of such systems with this chapter and any ordinances or regulations adopted by this chapter.
- E) Review plans, approve or deny, inspect and accept extensions to the water system.
- F) Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines, and other revenues of the water utility, and to make recommendations regarding adjustment to such fees, charges, fines and other revenues.
- G) Prepare and file an annual operating budget for the water utility and make recommendations regarding the financing of the cost of extending and replacing portions of the water system.
- H) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a water system. These facilities may include, but are not limited to, Wells, pumps, Water Treatment Plant, maintenance buildings, transmission mains, water towers, distribution mains and such other facilities relating to municipal water utility system.

§ 54.03 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY: Means City of Newton Iowa, Newton WaterWorks.

COMPLAINT: Means a statement or question by anyone, whether a Utility customer or not, alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action, or Utility obligation.

CONTIGUOUS LOCATIONS: Are those where one customer has more than one building on the same property or on adjacent property separated only by a public right-of-way.

CONTRACT: Means any claim, account, demand against, or agreement with, the Utility, express or implied.

CONTRACTOR: Means any person, firm, or corporation performing work for a customer.

CUSTOMER means any person, firm, association, or corporation, any agency of the federal, state, or local government, or legal entity responsible by law for payment for the water from the Utility. In the case of a residence, customer also means other adult persons occupying the residence.

DELINQUENT OR DELINQUENCY: Means an account for which a service bill or service payment agreement has not been paid in full on or before the last date for timely payment.

DISTRIBUTION WATER MAIN: Water pipe owned, operated or maintained by the City and used for the purpose of distribution of potable water.

DUAL PURPOSE WATER METER: A City owned and City furnished device used to measure the volume of water passing through the service line which is discharged into the City wastewater treatment facilities.

GOVERNING BODY: Means the City of Newton Iowa, City Council.

PREMISES Means a tract of land, building, part of a building or facility to which water service is provided.

PRIVATE FIRE PROTECTION SYSTEMS: Connection from the distribution water mains to the building or point of service, including any and all of the following: pipe(s), valve(s), fire hydrant(s) and pump(s).

SERVICE RULES: Means these rules as adopted by the Newton City Council.

SERVICE AREA: The areas served by City water.

SERVICE LINE: The pipe laid from the distribution water main to the point of service or building served. The service line shall include tap, stop boxes, pipes and valves between the distribution water main and the water meter.

SINGLE PURPOSE WATER METER: A City owned and City furnished device used to measure the volume of water passing through the service line which is not discharged into the wastewater treatment facilities.

STOP BOX: A shutoff valve on a service line that can be opened and closed from the surface of the ground.

TIMELY PAYMENT: Is a payment on a customer's account, made on or before the date shown on a current bill for service, or on a form which records an agreement between the customer and the Utility for a series of partial payments to settle a delinquent account.

UTILITY: Means City of Newton WaterWorks

WATER METER: A City owned and City furnished device used to measure the volume of water passing through a service line.

§ 54.04 CONTROL OF FUNDS.

The City Council shall control revenues as all moneys derived from operations.

§ 54.05 ACCOUNTING.

Utility moneys must be held in a separate utility fund, with a separate account or accounts for each utility or combined utility system.

§ 54.05 DISCRIMINATORY RATES ILLEGAL.

A utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Iowa Code § 384.91.

§ 54.06 TREASURER.

The City Treasurer shall serve as the Treasurer of the Water Utility as provided by law.

§ 54.07 CERTIFICATION OF UNPAID WATER RATES, CHARGES TO CREATE LIEN ON REAL PROPERTY.

The provisions of Iowa Code § 384.84 are hereby adopted by reference the same as if fully set out herein, and hereby made applicable to water rates and charges established by the Newton City Council. Water rates and charges which remain unpaid in violation hereof shall be certified by Newton WaterWorks staff to the Jasper County Treasurer, shall become a lien on the premises, and shall have such priority and be collectable as provided by said Iowa Code § 384.84.

§ 54.08 DENIAL OF APPLICATION FOR SERVICE LINE:

The Director of Public Works may deny an application for a water service line when, in the judgment of the director, the extension of a distribution water main rather than a service line is necessary to provide adequate service or to assure the future development of the City water utility.

§ 54.09 CONNECTION TO DISTRIBUTION WATER MAIN:

Water Main Taps: The Utility or the contractor may make taps to the City mains for water service connections, and install the corporation stop. If the installation requires a tapping valve and sleeve, the customer or contractor shall pay for this as part of service line. The customer is responsible for installation of the water service from the corporation stop or tapping valve and sleeve. Excavation of the water main shall be the responsibility of the plumbing contractor and must conform to the Utilities' safety standards and be in full compliance with OSHA rules. The customer or plumber will be charged for the cost of the water main taps.

A) Application For Service: Application for water service line connections shall be made, in writing, to the Department of Public Works by the owner of the property to be served or by the owner's agent. Such application shall state the official address(es) of the property to be served, the size of the pipe required and the approximate location.

B) Service Lines:

- 1) Cost of Installation: To Property Owner: All service lines, including the connection to the distribution water main, shall be installed at the expense of the owner of the property to be served.
- 2) New Lines: The size of all new service lines shall be as set forth in the standards on file in the Department of Public Works.
- 3) Adjacent Private Property: A water service line shall not be installed on adjacent private property unless the plans have been reviewed and approved by the utility, and the property owner has procured an easement.
- 4) Backflow Prevention: The utility will require backflow prevention to be installed on new or replaced water lines where backflow is likely to result in contamination.
 - a) Backflow devices installed will be required to meet the minimum requirement for containment. This means that the device will protect the potable water source from actual or potential connection, physical or otherwise, between the City potable water supply system and any plumbing fixture or tank, receptacle, equipment, or device, through which it may be possible for non-potable, used unclean, polluted, and contaminated water, or other substance, to enter into any part of the potable water system under any condition.
 - b) The Utility will recommend the appropriate piping arrangement and type of backflow preventer based on the degree of hazard that will be encountered. The unit must be installed as close to the service entrance as possible.
 - c) Backflow prevention is required on all service piping where there is a potential exposure to contamination. A licensed installer and tester shall inspect the device, upon installation.
 - d) The customer shall be responsible for having the backflow device tested annually by a licensed tester, and the result shall be forwarded to the Utility for documentation.
- 5) Separate Connections: There shall be separate service lines from the distribution water main to each building service. Such service lines shall be installed according to the standards adopted by City Council, except as follows here and elsewhere in these rules.
 - a) Multiple Occupancy Buildings Each unit shall be considered a separate customer and shall be metered and billed separately; except service to apartments or offices under one roof in which the owner or landlord assumes responsibility for payment of water consumed by the tenants, and may be billed under one meter.
 - b) Combined Bill Any firm or corporation under one roof or group of buildings at one contiguous location separated only by public property, may be furnished water through one or several meters. At the discretion of the utility, customers served by more than one meter may receive a combination usage bill.
 - c) Mobile Home Parks Each mobile home park shall be considered a single customer, served by one meter, and shall be billed accordingly. Water shall be billed to the owner or designee at the Multi-Family rate using commercial water rate schedule.
 - d) Subdivisions At the Utilities discretion, a master meter may be required to meter a whole subdivision. This is used when the Utility does not maintain the water main system within the subdivision. This meter shall be billed at the Multi-Family rate.
- 6) Extension: After a service line has been laid, no person shall make any attachment or connection to said service line in order to serve any other property or buildings.
- 7) Shutoff Required:

- a) An outside stop box shall be provided for each individual building or property for each service line, shall be located between the curb and property line, shall be visible from the sidewalk or public right of way and be accessible to the City. For a building or dwelling with more than one dual purpose water meter, an individual shutoff valve shall be provided for each such meter. This can either be done by installing a separate outside stop box for each meter or by installing the shutoff valves and meters in a common utility space. If the shutoff valves are located in a utility space, access to this space must be provided to the City, including a key. This requirement shall also pertain to an existing building that is being modified to provide for multiple meters.
- b) For those buildings so modified prior to October 3, 2022; where no common utility space with outside access is available, the account(s) attributable to the stop box shall be placed in the property owner's name, unless otherwise agreed upon in writing by the Public Works Director.

§ 54.10 MAINTENANCE OF SERVICE LINE:

All service lines shall be maintained at the expense of the owner of the property. Any leak or other defect in the service line shall be promptly repaired by the owner. If not repaired promptly, the water may, after written notice to the owner, be turned off by the City, until such repairs have been made.

- A) Vacant Structure Service Lines: All service lines which are not currently active shall continue to pay the fees, as set forth in the schedule of fees, Title 54, Section 54.18 of this code, unless the service line is permanently disconnected from the distribution main.
- B) Demolition of Property: All service lines which are no longer used must be permanently closed off at the distribution water main at the expense of the property owner. This work shall be completed at the time of demolition. If not completed in the required time, the City or its agent, after written notice to the owner, shall complete the work and bill the property owner.

§ 54.11 WATER METERS:

- A) Metered Water Required:
 - 1) Requirements for Installation of Water Meters:
 - a) All water furnished by the City shall be metered unless otherwise provided in this article. The owner shall provide an easily accessible location and plumbing system for the water meter. The owner shall be responsible for contacting the City for the installation of each meter. On new construction, the water meter(s) shall be installed prior to or coincident with installation of plumbing fixtures. The water meter(s) shall be installed in accordance with City standards adopted by City Council.
 - b) Plumbing systems shall be so constructed and the meters so placed that the volume of water passing through the service line shall be measured by the water meter(s).
 - c) A meter charge in the amount set forth in the schedule of fees, Title 54, Section 54.18 of this code, will be required for each meter provided by the City.
 - d) All owners and occupants of property where water meters are located are deemed to have consented to the City's right to enter the owner's and/or occupant's property to test water meters where the City has reasonable grounds to believe the water meter is not operating according to performance standards of appropriately installed and operating water meters. If access to the meter is not permitted, the water service may, after written notice to the property owner, be turned off by the City until access is allowed.
 - 2) Requirements For Single Purpose Water Meters:

A person may apply to the Department of Public Works for a single purpose water meter. If the department determines that such property is eligible for installation of a meter, it shall be inspected and installed by the City, upon payment of a nonrefundable single purpose meter fee, as set forth in the schedule of fees, Title 54, Section 54.18 of this code, and upon payment of the meter deposit.

 - a) A single purpose water meter shall be installed according to City standards.
 - b) For residential, commercial, and industrial customers, a second meter, parallel to the dual purpose meter, may be installed to measure water flow to irrigation systems or other systems in which the water does not flow into the City of Newton's sewer system.
 - c) The single purpose meter setting must be made on the street side of the existing meter. The setting must be separately valved and run directly to outside faucets.

- d) The irrigation meter shall be carried as a separate account. The account shall be billed at the existing water rate.
- e) During the winter months when the single purpose water meter is not being used, the account shall be billed at the minimum monthly water rate.
- f) If the single purpose water line is determined to cause potential backflow or cross connection problems, a suitable backflow prevention device will be required and the account holder shall have such installed and maintained.
- g) Proof Prerequisite To Installation: In a new building or structure, all plumbing involving water meters shall be approved by the City plumbing inspector after installation.
- 3) Protection Of Meters:
 - a) The owner of the property where a water meter is located shall be responsible for the care and protection of the water meter. In case of damage to the water meter or in case of its stoppage or improper operation, the property owner shall give immediate notice to the Newton WaterWorks.
 - b) In all cases where water meters are broken or damaged, except for ordinary wear and tear, the necessary repairs to the water meter shall be made by the City, and the cost of such repairs shall be paid by the property owner. If payment for damages is not received at the time of demand, the City may, after written notice, shut off the water and not restore service until full payment has been made.
 - c) No person shall, in any way, interfere with installed water meters, except an authorized employee of the Newton WaterWorks.
- 4) Meter Tests: Whenever the City has reasonable grounds to believe a water meter is not operating according to performance standards of an appropriately installed and operating meter, the owner of the property may request and the City may perform a test on the water meter.
 - a) Inspections Permitted: All persons occupying and/or owning property where City water meters are located shall permit the City to inspect all water meters on or within the property when the City has reasonable grounds to believe the water meter is not operating according to performance standards of an appropriately installed and operating water meter. If City access is not permitted to the meter, the water may, after written notice to the property owner, be turned off by the City until access is allowed. If City access is not permitted to the meter, the City may estimate water use for purposes of water and wastewater treatment charges.
 - b) Removal Of Meters: Whenever water service is to be discontinued, the owner of the property shall grant the City access to the property for the purpose of removing the water meter.

§ 54.12 EXTENSION OF DISTRIBUTION WATER MAINS:

- A) No distribution water main shall be extended outside the limits of the City except to serve property within the City limits or under contract with the City.
- B) Capital Recovery Distribution water mains necessary to provide a uniform supply of water throughout the service area shall be paid by a water tap fee for properties served as defined by the water service area map on file in the Department of Public Works.

§ 54.13 PRIVATE FIRE PROTECTION:

All private fire hydrants external to a building shall be installed according to standards established by the City and shall be maintained by the owner according to standards established by the City.

§ 54.14 INFORMATION SUPPLIED TO PLUMBERS AND INTERESTED PARTIES:

Information which may be obtained from the records, maps and employees of the Department of Public Works relative to the location of distribution water mains and service lines will be furnished to licensed plumbers and interested parties, but such information shall not be construed as a guarantee of the accuracy of such records.

§ 54.15 CITY NOT LIABLE FOR DAMAGES BY TURNING ON WATER:

In turning on water, the City shall not be responsible for any damage that may occur by reason of improperly installed or improperly functioning plumbing fixtures or connections.

§ 54.16 SHUT OFF OF SERVICE:

The City reserves the right to shut off the water in its distribution water mains at any time for maintenance and installations and as the City deems necessary to protect the City water utility system.

§ 54.17 PRIVATE WELLS RESTRICTED:

No person shall install a private water well within the City limits unless:

- A) A determination has been made by the Public Works Director that:
 - 1) The property line is greater than four hundred feet (400') from an accessible distribution water main owned and controlled by the City;
 - 2) The proposed private well is located outside the influence of an existing or proposed City owned well; and
 - 3) The proposed private well is needed due to extraordinary circumstances of the location of the property within the City which, if private ground water sources were not used, would work an extraordinary hardship on the property; or
- B) The well is being installed by a governmental entity on property owned by that entity; the Public Works Director has determined that the installation of the well will not adversely affect City water; and, the City Administrator has determined that the installation of a well is in the public interest.
 - 1) The City may require owners of existing private wells to connect to a City owned distribution water main in accordance with provisions of this article if the above conditions are not satisfied. Such connection shall be completed within ninety (90) calendar days after official notice to do so, and the existing private wells abandoned as required by State law.
 - 2) A geothermal well is not a private water well for purposes of this section.

§ 54.18 FEE SCHEDULE:

NEWTON WATERWORKS RATE SCHEDULE		
Water Rates - Inside City Limits		
Residential	\$ 11.45	Minimum, 0-200 cubic foot (cf)
	\$ 2.87	Each 100 cf after first 200 cf
Commercial	\$ 11.45	Minimum, 5/8" to 1.5" Meter
	\$ 12.80	Minimum, 2" Meter
	\$ 39.76	Minimum, 3" Meter
	\$ 49.75	Minimum, 4" Meter
	\$ 73.05	Minimum, 6" Meter
	\$ 99.68	Minimum, 8" Meter
	\$ 2.87	Each 100 cf after first 200 cf
Water Rates - Outside City Limits		
Residential	\$ 14.31	Minimum, 0-200 cubic foot (cf)
	\$ 3.59	Each 100 cf after first 200 cf
Commercial	\$ 14.31	Minimum, 5/8" to 1.5" Meter
	\$ 16.00	Minimum, 2" Meter
	\$ 49.70	Minimum, 3" Meter
	\$ 62.19	Minimum, 4" Meter
	\$ 91.30	Minimum, 6" Meter
	\$ 124.59	Minimum, 8" Meter
	\$ 3.59	Each 100 cf after first 200 cf
Iowa Regional Utilities Association (IRUA)		
2019 Contract Rates	\$ 33,982.00	Minimum, 0-31,000,000 gallons
	\$ 1.14	- next 14,000,000 gallons
	\$ 1.17	- next 48,000,000 gallons
	\$ 1.23	- all over 93,000,000 gallons
	\$ 1.51	*per 1,000 gallons, over Peak 3,500,000 gpd
*Two "over peak day" per month allowed at \$1.14/1000 gal. 3rd and all subsequent days in month in excess of peak shall be added to monthly bill at \$1.51/1000. A peak day usage is the 24 hr period to the following 12:00 midnight. Should catastrophic event occur, over peak rate shall be reviewed (includes broken main, etc.)		
Contracted, Lambs Grove Sewer Charge	\$ 24.00	Residential/Commercial Flat Charge
*Residents of City of Lambs Grove Only		
Non- Sufficient Funds	\$ 20.00	Returned NSF, Closed Account, Stop Pay, etc - Checks, ACH, Money Order, etc
Disconnection	\$ 25.00	Water is Shutoff for Non-Payment of utility, & etal
Account Set Up Charge	\$ 10.00	Existing Service
	\$ 25.00	New Service (New Construction)
Past Discount	\$ 1.00	Discount on water if paid by Due Date
Late Charge	\$ 15.00	Late Charge subsequent to Disconnection

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

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

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

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

Dated this ____ day of _____, 2022.

Katrina Davis, City Clerk

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" to make changes to street parking in the downtown.

Report Number: 22-276

Date: October 3, 2022

Summary: change parking and handicap stalls to fit newly constructed streets and parking lot.

Lead Department: Public Works Department

Financial Impact: Less than \$500

Recommendation: Approve

Background:

The Capital Improvement Plan included multiple projects that are affecting street parking throughout the downtown. The 2022 Downtown streetscape projects included reconstruction the south 100 block of E 3rd St S, E 2nd St S, W 2nd St S and W 3rd St S.

The City Hall Parking Lot Project included reconstructing the City Hall Lot and also constructing a new public parking lot to the south of the City Hall Complex. During the design phases of these projects city staff identified a few ordinance amendments that would need to be made to coincide with these construction projects.

The ordinance changes are as follows:

- Changing diagonal parking to parallel parking to accommodate the new street widths
- Identify the number of handicap stalls in the newly constructed public parking lot south of the City Hall Complex.

CODE OF ORDINANCES, CITY OF NEWTON, IOWA 2016, TITLE VII, CHAPTER 70, SECTION 70.15, TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE SEPTEMBER 2016

DIAGONAL PARKING.

Angle or diagonal parking shall be permitted only in the following location: [See Section 72.02]

- East Second Street on the west side from ~~South Second~~ First Avenue to North Fourth Avenue.
- South Second Avenue West on the south side from West Third Street to West ~~Fifth~~ Fourth Street. [Ord. No. 2276 Eff. 11/28/16]

PARKING LOTS

- W 4th St S 400 block (2)

Recommendation:

Amend ordinance as proposed.

Matt Muckler
City Administrator

ORDINANCE NO. _____

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

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

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

DIAGONAL PARKING Angle or diagonal parking shall be permitted only in the following location: [See Section 72.02]

East Second Street on the west side from ~~South Second~~ First Avenue to North Fourth Avenue.

South Second Avenue West on the south side from West Third Street to West ~~Fifth~~ Fourth Street. [Ord. No. 2276 Eff. 11/28/16]

HANDICAPPED PARKING. PARKING SPACES ARE HEREBY DESIGNATED BY THE CITY AS HANDICAPPED PARKING SPACES. [SECTION 72.06] [ORD. 2276 EFF. 11/28/16]

PARKING LOTS

W 4th St S 400 block (2)

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

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

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

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

Dated this ____ day of _____, 2022.

Katrina Davis, City Clerk

City of Newton Council Report

Item: A resolution approving an amendment to the Real Estate Development Agreement with Newton Housing Development Corporation (NHDC) for Arbor Estates.

Summary: Lot sales in Arbor Estates have slowed. The amendment to the Real Estate Agreement with NHDC allows for the lot price to be paid at the time a new spec home is finished and sold.

Financial Impact: None. Purchase Price would only be delayed.



Report Number: 22-291

Date: October 24, 2022

Lead Department:
Community Development

Recommendation:
Approval

Background:

Newton Housing Development Corporation (NHDC) entered into a Real Estate Development Agreement with the City of Newton on March 21, 2018. The purpose of the Agreement was to finance the purchase of a 70.7 acre parcel of land in northeast Newton, now known as Arbor Estates, and to ensure the eventual development of the land and sale of the residential lots within the subdivision.

Conversations with potential builder/developers who previously expressed interest in spec home construction in Arbor Estates have slowed due to market conditions and economic realities. In order to overcome this hurdle and encourage spec home development, an amendment to the Real Estate Development Agreement for Arbor Estates is suggested to allow for the subordination of lots sold to builders. This means that builders take title to the while providing a second mortgage to secure payment for the lot at the time the spec home is completed and sold to a new home buyer.

NHDC has reviewed the amendment and NHDC Director Bruce Showalter has indicated that they agree with the change.

Recommendation:

Staff recommends the approval of the Resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING AN AMENDMENT TO THE REAL ESTATE DEVELOPMENT AGREEMENT WITH NEWTON HOUSING DEVELOPMENT CORPORATION (NHDC) FOR ARBOR ESTATES

WHEREAS, the Newton City Council has tasked Newton Housing Development Corporation (NHDC) with fostering the development of residential real estate and construction of new housing units in our city; and

WHEREAS, the City and NHDC entered into a Real Estate Development agreement to finance the purchase a 70.7 acre parcel of residential land in northeast Newton, to complete planning for development for the 70.7 acre parcel, and to complete Phase I Construction for the 70.7 acre parcel; and

WHEREAS, it is desirable to amend the Real Estate Development Agreement with NHDC to allow for the subordination of lots in order to provide a more nimble approach to development during today’s challenging development market;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the Mayor and City Clerk are hereby authorized to execute the Amended Real Estate Development Agreement with Newton Housing Development Corporation.

PASSED this _____ day of October 2022

APPROVED this _____ day of October 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

REAL ESTATE DEVELOPMENT AGREEMENT

(as amended August 6, 2018; March 18, 2019;
October 7, 2019; and October ____, 2022)

This Development Agreement made and entered into this _____ day of October, 2022, by and between The City of Newton, Iowa, hereinafter "City", and Newton Housing Development Corporation, hereinafter called "NHDC".

WITNESSETH:

WHEREAS, the City is a municipality in the State of Iowa, with lawful power and authority to enter into this Development Agreement;

WHEREAS, City and NHDC desire to enter into this Development Agreement for development of land to assist in the creation of housing in the City of Newton, Iowa;

WHEREAS, the City has agreed to provide funding to NHDC for the acquisition of the property hereinafter described as follows:

A parcel of land in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Eighty (80) North, Range Nineteen (19) West of the 5th P.M., Jasper County, Iowa, beginning at the Southeast Corner of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4), thence N 89°54'W, 330.00 feet along the South line of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), thence N 0°06'E, 470.00 feet, thence N70°07'E, 351.14 feet, thence S 0°06'W, 590.00 feet along the East line of said Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), to the point of beginning.

The Northeast Quarter of the Southeast Quarter of Section 26, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, EXCEPT the North 70 feet of the Northeast Quarter of the Southeast Quarter of Section 26, Township 80 North, Range 19 West of the 5th P.M., AND EXCEPT the South 50 feet of the North 120 feet of the East 361.53 feet of said Northeast Quarter of the Southeast Quarter of Section 26, Township 80 North, Range 19 West of the 5th P.M., except the East 61.53 feet thereof.

The Southeast Quarter of the Southeast Quarter, of Section 26, Township 80 North, Range 19 West of the 5th P.M., Jasper County, Iowa, EXCEPT the Iowa Southern Utilities Company substation site in the Southeast Corner thereof as described in the deeds of record in Book 503, Page 360, and in Book 557, Page 420, records in the office of the County Recorder of Jasper County, Iowa; and EXCEPT those parcels described in the following Deeds of record in the office of the Jasper County Recorder: Deed recorded in Book 787 at Page 355, Deed recorded in Book 927 at Page 462, Deed recorded in Book 954 at Page 572, and Deed recorded in Instrument No. 00-09936 AND EXCEPT Fairmeadows North Plat 7 as recorded in Plat Cabinet A, Page 581.

The Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Eighty (80) North, Range Nineteen (19) West of the 5th P.M., Jasper County, Iowa, EXCEPT the North 70 feet of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Eighty (80) North,

Range Nineteen (19) West of the 5th P.M., EXCEPT the West 143 feet thereof, and Except beginning at the Southeast Corner of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), thence N 89°54'W, 330.00 feet along the South line of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), thence N 0°06'E, 470.00 feet, thence N70°07'E, 351.14 feet, thence S 0°06'W, 590.00 feet along the East line of said Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), to the point of beginning.

(hereinafter "Arbor Estates")

WHEREAS, NHDC agrees to reimburse City for the cost of such acquisition and Phase One Site Preparation upon the sale of lots in the Arbor Estates;

WHEREAS, NHDC, also agrees to reimburse City for the cost of design services and construction of rough grading, drainage, stormwater facilities, sanitary sewer extension, public streets, trails and sidewalks for Arbor Estates Plat I.

NOW THEREFORE, in consideration of the premises and the covenants and agreements herein set forth, City and NHDC do hereby covenant, agree and bind themselves as follows:

OBLIGATIONS OF CITY:

Section 1.01 Provide an economic development grant in the amount of One Million Dollars (\$1,000,000.00), plus bonding interest/bonding cost to NHDC for the acquisition of the Arbor Estates, and an economic development loan in the amount of Forty Thousand Six Hundred Twenty Dollars (\$40,620.00) for the purpose of paying Bolton & Menk for development planning services on the property.

The City will perform, or provide for the performance, in a timely manner, of all obligations to set forth in this Agreement required to be performed by the City.

Section 1.02 Provide an economic development grant in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000.00), plus interest/bonding cost to NHDC for the grading of the Arbor Estates, completion of the regional stormwater detention pond, installation of sanitary and/or storm sewer lines, and engineering services associated with the work.

In the event that the actual cost (received bid from lowest responsible bidder) of the work is an amount less than the economic development grant stipulated in this Section of the Agreement, then this agreement shall automatically adjust to the actual cost of the work for Phase One.

In the event that the actual cost (received bid from the lowest responsible bidder) of the work is an amount greater than the economic development grant stipulated in this Section of the Agreement, then both parties shall negotiate to amend and approve the agreement through action of both the NHDC Board and the Newton City Council.

Section 1.03 Provide an economic development grant in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000.00), plus interest/bonding cost to NHDC for the design services and construction of rough grading, drainage, stormwater facilities, sanitary sewer extension, public streets, trails and sidewalks for Arbor Estates Plat 1, which will include approximately 30 lots in the southeast corner of Arbor Estates. Both E. 23rd St N. and E. 26th St. N. would be extended one block and the 2300-2500 blocks of North 8th Avenue East would be constructed to

connect these two street extensions.

In the event that the actual cost of the work is an amount less than the economic development grant stipulated in this Section of the Agreement, then this agreement shall automatically adjust to the actual cost of the work for Arbor Estates Plat 1.

In the event that the actual cost (received bid from the lowest responsible bidder) of the work is an amount greater than the economic development grant stipulated in this Section of the Agreement, then both parties shall negotiated to amend and approve the agreement through action of both the NHDC Board and the Newton City Council.

OBLIGATIONS OF NHDC:

Section 2.01 Completion of the purchase of the Arbor Estates.

NHDC agrees to subdivide the Property into approximately 155 residential lots in a manner acceptable to the Newton City Council. NHDC agrees that the City of Newton will not waive any fees or local and state development standards for these lots. NHDC agrees to actively market, including, but not limited to, providing real estate signage on the property, preparing written material (fliers), web presence, meeting with developers and/or individual lot purchasers or their agents, the Arbor Estates until all of the land is sold for residential development.

Section 2.02 Construction of Phase One Site Preparation.

NHDC agrees to lead, with collaboration from the City of Newton, the Phase One Site Preparation work, which shall include: rough grade the Property, construction of the regional stormwater detention pond for the Property, and installation of Phase One sanitary and/or storm sewer lines in Calendar Year 2019.

Section 2.03 Payment to City

NHDC agrees to pay to the City the sum of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) upon the sale and closing of each lot in Arbor Estates upon which public infrastructure has been already installed either by the City or by NHDC through a grant from the City. NHDC agrees to pay to the City the sum of Twenty Thousand and no/100 Dollars (\$20,000.00) upon the sale and closing of each lot or lot equivalent in Arbor estates upon which a developer will install infrastructure.

NHDC and the City agree to review alternate lot prices as part of a large purchase by a single buyer. Alternate lot prices may be accepted but shall require additional approval from both the Newton Housing Development Corporation and the City of Newton City Council.

NHDC shall not allow any grading, excavation or construction on any individual lot or lot equivalent by an individual builder within Arbor estates until the lot has been legally sold and the builder has applied, paid applicable fees, and obtained a valid building permit from the City of Newton. Upon the sale of each lot, NHDC will reimburse the City within 30 days of closing. Upon completion of payment for 155 lots or lot equivalents, all sums owed the City by NHDC relative to Arbor Estates shall be deemed satisfied and paid in full.

- a. Subordination Allowed. In the event that market conditions are such that a homebuilder requires title to a lot or lots with payment occurring at the time the newly constructed

home is sold, NHDC shall have the option to sell and subordinate lots to a homebuilder. NHDC shall reimburse the City for each subordinated lot within 30 days of the Closing Date when the lot with improvements (new home) is transferred to a homeowner. NHDC agrees to notify the City of Newton, in writing, in advance of subordinating a lot.

Section 2.04 Default Provisions

A party shall be deemed to be in default under this Agreement if such party fails to substantially perform or comply with its material commitments, covenants and obligations set forth herein. Should NHDC fail to undertake and complete its obligations as described in this Agreement to the City's specifications, then the City shall give NHDC thirty (30) days written notice to commence and ninety (90) days to complete said required obligation. If NHDC fails to complete the obligations within the ninety (90) day period, then the City, without further notice to NHDC, or its successors in interest, may, without prejudice to any other rights or remedies it may have, place liens and take enforcement action on the Property. If NHDC defaults on any portion of this Agreement and fails to cure after the notice and cure provisions set forth above, NHDC hereby agrees to deed all Barton Property land that NHDC still owns to the City of Newton.

DURATION:

The duration of this Agreement is binding and runs with the land in perpetuity, and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Property or any portion thereof. The City's rights with regard to each individual lot shall be extinguished upon the sale of such lot to a third party and the payment from NHDC to the City in accordance with Section 2.03 above.

LAND DEDICATION:

Facilities or tracts that either are or shall become public facilities that will serve the development are, as follows: roadways, trails, and stormwater detention areas.

INDEMNIFICATION:

NHDC shall indemnify and hold the City harmless from any and against all claims, demands, disputes, damages, costs, expenses, (to include attorneys' fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Arbor Estates (formerly Barton Land), except those claims or liabilities caused by or arising from the negligence or intentional acts of the City, or its employees or agents.

COUNTERPARTS:

This Agreement may be signed in one or more counterparts which shall be as binding and effectual as the original.

ASSIGNMENT:

It is agreed that this agreement shall not be assigned by NHDC without the written consent of the City. The parties further agree that City's interest in this agreement may be assigned to another agency of the City of Newton, Iowa.

ENTIRETY:

This Agreement constitutes the entire Agreement between the parties, and any other Agreements between the parties, unless reduced to writing and executed by the parties shall be null and void.

IN WITNESS WHEREOF, the parties have set their hands to this Agreement the date and year first above written.

CITY OF NEWTON, IOWA

NEWTON HOUSING DEVELOPMENT CORPORATION

By: Michael L. Hansen, Mayor

By: _____
Jennifer Cook, its President

By: _____
Amy Trease, its Secretary

STATE OF IOWA)
)
JASPER COUNTY)

On this _____ day of _____, 2019, the foregoing instrument was acknowledged before me by _____ as _____ of the City of Newton, Iowa.

Notary Public

STATE OF IOWA)
)
JASPER COUNTY)

On this _____ day of _____, 2019, the foregoing instrument was acknowledged before me by Jennifer cook and Amy Trease as President and Secretary, respectively, of Newton Housing Development Corporation.

Notary Public

City of Newton Council Report

Item: Resolution approving the granting of Downtown Micro Grant Funds in the painting program to Gary Forbes for 102 North 2nd Avenue East.

Summary: The Downtown Micro-Grant Program provides assistance for rehabilitation or renovation projects in the Downtown. Forbes Office Solutions is has requested funds in the painting program area for improvements to the rear deck.

Financial Impact: \$3,000.00, 1:1 Match is required.



Report Number: 22-292

Date: October 24, 2022

Lead Department: Community Development

Recommendation:
Approve

Proposal: The applicant desires to power wash and remove old paint on the rear deck of the building at 102 North 2nd Avenue East. After paint removal, the structure will be repainted.

Analysis: The proposed project will continue to improve the aesthetics of the Newton Downtown. The project is eligible for a maximum total award of \$3,000 (\$1,500 for paint removal and \$1,500 for new paint). Total project cost is estimated at \$9,700.00

Downtown Grant Review Board: At their meeting on September 28, 2022, the Downtown Grant Review Board unanimously recommended approval of the project and awarding downtown grant funds in an amount up to \$3,000.00, provided a 1:1 match is met.

Recommendation: City Staff recommends approval of the resolution and agreement, which follows the recommendation of the Downtown Grant Review Board.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022– _____

RESOLUTION APPROVING THE GRANTING OF DOWNTOWN MICRO GRANT FUNDS IN THE PAINTING PROGRAM TO GARY FORBES FOR 102 NORTH 2ND AVENUE EAST

WHEREAS, *Newton’s Future* recognizes the role of the Downtown as the heart of the community and recommends a focus on curb appeal and community aesthetics; and

WHEREAS, bonded funds that were set aside for the purpose of downtown improvements serve as the funding source for the grant program; and

WHEREAS, Gary Forbes, Forbes Office Solutions, submitted an application requesting funds for 102 North 2nd Avenue East from the Downtown Micro-grant Program; and

WHEREAS, The Downtown Grant Review Board reviewed the application on September 28, 2022 and unanimously approved a motion recommending funds be granted to Gary Forbes, Forbes Office Solutions in an amount up to \$3,000.00, provided a 1:1 match is met for the paint removal and painting project;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Downtown Improvement Grant Funds be provided to Gary Forbes, Forbes Office Solutions for 102 North 2nd Avenue East for paint removal and new painting of the rear deck in an amount not to exceed \$3,000.00.

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa: That the City shall obtain the signatures on the Downtown Improvement Grant Program Agreement.

PASSED this _____ day of October, 2022.

APPROVED this _____ day of October, 2022.

ATTEST:

Michael L. Hansen, Mayor

Katrina Davis, City Clerk



**Downtown Façade Grant Program Agreement
Between City of Newton and Gary Forbes, Forbes Office Solutions**

This Agreement made and entered into this ____ day of _____ 2022 by and between the City of Newton, Iowa, hereinafter called “City” and Gary Forbes, Forbes Office Solutions, 102 North 2nd Avenue East, Newton, Iowa, hereinafter called “Applicant.”

WHEREAS, the Applicant submitted an application to receive Downtown Micro Grant for property located at 102 North 2nd Avenue East; and

WHEREAS, the Downtown Grant Review Board unanimously approved the application as follows:
power-washing, old paint removal, new painting;

NOW, THEREFORE BE IT UNDERSTOOD AND AGREED:

- 1.) The Applicant will receive **up to \$3,000.00** in grant fund for the paint and paint removal project at 102 North 2nd Avenue East.
- 2.) The project shall be completed before October 3, 2023. The applicant may request an extension.
- 3.) The City of Newton will provide the grant funding as a reimbursement of completed and paid work.
 - a. Copies of all receipts for each project area shall be submitted to the City of Newton, Community Development Department, 403 West 4th Street North, Suite 501, Iowa 50208 for administrative verification of expenditures and applicant match.
- 4.) The applicant will provide a 1:1 match to the grant funds the project.
- 5.) The City will make timely reimbursement payment of grant funds upon completion of the project and verification of project expenses.

Applicant/Owner:

Gary Forbes
Forbes Office Solutions

Date

For City of Newton:

Michael L. Hansen, Mayor

Date

City of Newton Council Report

**Item:**

Resolution to reorganize Newton WaterWorks staff into the Public Works and Administration Departments

Report Number: 22-293

Date:

October 24, 2022

Summary:

As the Newton Waterworks Board of Trustees is dissolved, the City Council of Newton, Iowa will assume obligations of managing and controlling the Newton WaterWorks. A reorganization of staff is necessary, moving WaterWorks Distribution and Treatment Operations to Public Works with no salary changes, and WaterWorks Administration to the Administrative Department with no changes in salary.

Lead Department:

Administration

Recommendation:

Approve

Since the responsibilities and workload for the WaterWorks Operations would fall on the Public Works Director, it is also recommended that the Public Works Director receive a 5% wage increase.

Financial Impact:

5% wage increase (\$5,755.00) for Public Works Director

Background:

The City of Newton special election on September 13, 2022 declared the public measure adopted which stated the Newton Waterworks Board of Trustees be dissolved and the City Council of Newton, Iowa assume obligations of managing and controlling the Newton WaterWorks.

Due to the division of responsibilities and workloads, it is recommended that the WaterWorks Distribution and Treatment Operations become a new division under the Public Works Department with no salary changes, and WaterWorks Administration move to the Administrative Department with no changes in salary.

Since the responsibilities and workload for the WaterWorks Operations would fall on the Public Works Director, it is recommended that the Public Works Director receive a 5% wage increase.

Recommendation:

Staff recommends approval of the resolution to reorganize Newton WaterWorks staff into the Public Works and Administration Departments.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

RESOLUTION TO REORGANIZE NEWTON WATERWORKS STAFF INTO THE PUBLIC WORKS AND ADMINISTRATION DEPARTMENTS

WHEREAS, the Newton WaterWorks was managed by a Board of Trustees, which had three members appointed by the mayor and was established following a special election on March 26, 1951; and

WHEREAS, at their March 18, 2022 regular board meeting, the Newton WaterWorks Board of Trustees voted unanimously to recommend that the Newton City Council assume governance of the Newton Waterworks; and

WHEREAS, a special election was held on September 13, 2022 which featured the following question of the registered voters: “Shall the Newton Waterworks Board of Trustees be dissolved and the City Council of Newton, Iowa in the County of Jasper, Iowa, assume the obligations of managing and controlling the Newton WaterWorks.”; and

WHEREAS, the Jasper County Board of Supervisor’s canvassed the election on September 20, 2022 and declared the public measure to be adopted; and

WHEREAS, the normal responsibilities and work load for the WaterWorks Operations are more Public Works related, it is recommended that the Distribution and Treatment Operations move to Public Works with no changes in salary; and

WHEREAS, the responsibilities and work load for the WaterWorks Operations would fall on the Public Works Director, it is recommended that the Public Works Director receive a 5% wage increase from \$115,092 to \$120,847; and

WHEREAS, the normal responsibilities and work load for the WaterWorks Administration are more related to the Administration Department, it is recommended that WaterWorks Administration move to the Administration Department with no changes in salary.

Position	Current Authorization	Proposed Authorization	Reporting to:
Public Works Director	\$115,092	\$120,847	City Administrator
WaterWorks Operations	14 FTE	12 FTE	Public Works Director
WaterWorks Administration	3 FTE	3 FTE	City Administrator

WHEREAS, the stated changes were presented to the Employee Relations Committee (ERC) and the ERC recommended the changes be made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby approves the realignment changes as stated.

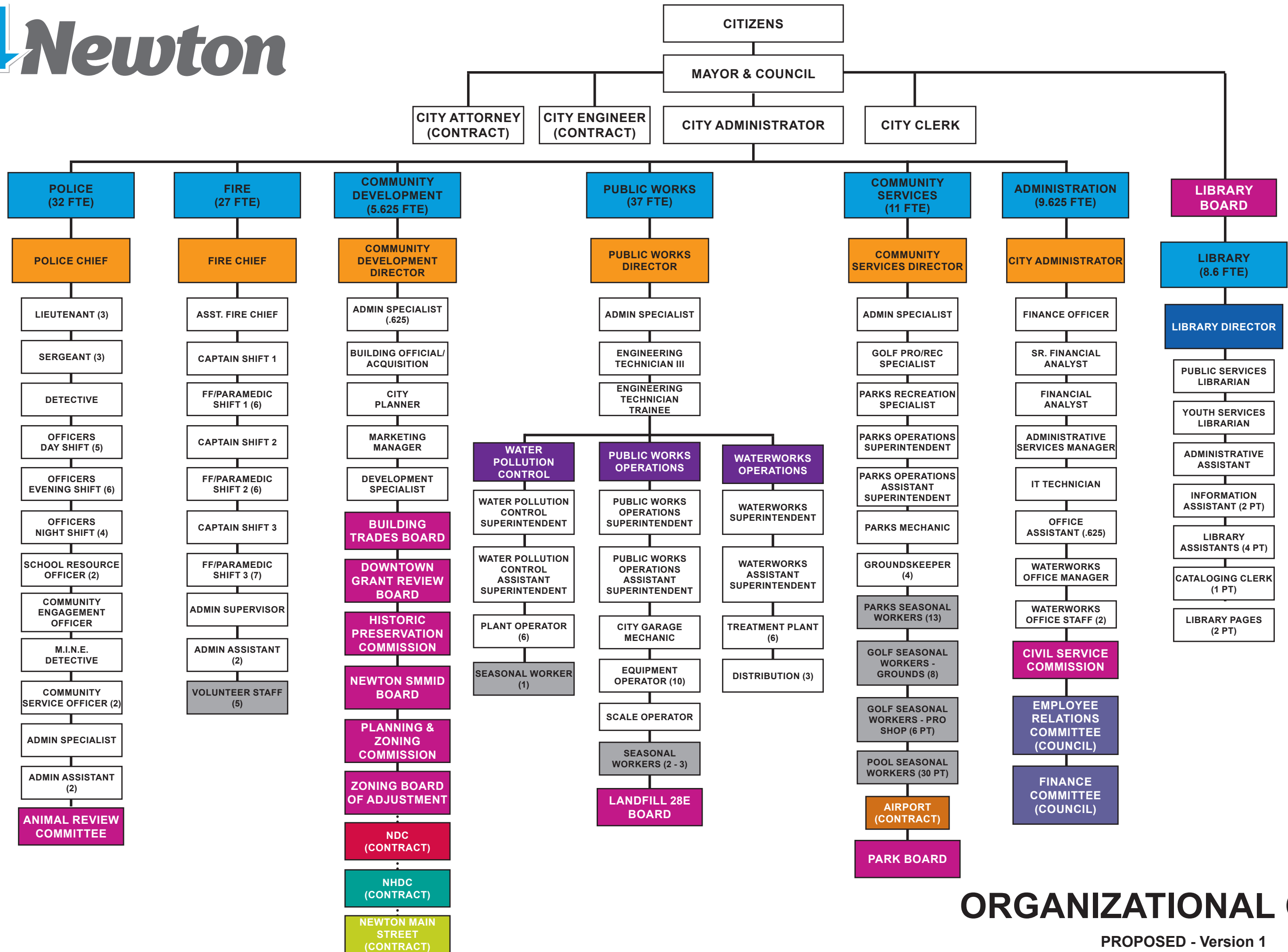
PASSED this _____ day of October 2022.

APPROVED this _____ day of October 2022.

Michael L. Hansen, Mayor

(SEAL)
ATTEST:

Katrina Davis, City Clerk



ORGANIZATIONAL CHART

PROPOSED - Version 1

City of Newton Council Report



Item:

Resolution adopting the 2022 - 2024 Council Goals for the City of Newton.

Report Number: 22-294

Date:

October 24, 2022

Summary:

The 2022 – 2024 City Council Goals will serve as a guide during the upcoming budget process as well as serve as direction in setting priorities for City Staff.

Lead Department:

Administration Department

Recommendation:

Approve

Financial Impact:

No financial impact by adopting the Goals.

Background:

Presented for the City Council's consideration are the 2022 – 2024 City Council Goals. The City of Newton Goal Setting Process takes place every year. It is an opportunity for elected officials to communicate to the city administrator a work plan for the coming year. It also allows elected officials to communicate to staff which projects they consider to be the highest priority projects and serve Department Directors in the course of their daily work and the setting of priorities. These priorities are then used to create a budget proposal for Council consideration. The priorities selected by elected officials also guide City staff in developing a five-year Capital Improvement Plan (CIP) for the consideration of elected officials.

Goals were divided into two separate lists. The first was for priorities which would require funding of \$20,000 or more and the second was for priorities which would require less than \$20,000 in funding. During the Goal setting process, Council selected 10 of the \$20,000 or more funding priorities and 5 of the \$20,000 or less funding priorities.

Recommendation:

Staff recommends approval of the 2022 – 2024 Council Goals.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION ADOPTING THE 2022 - 2024 COUNCIL GOALS FOR THE CITY OF NEWTON

WHEREAS, it is the fundamental and foundational purpose of the City of Newton to provide a safe community, encourage economic development, foster a high quality of life, and lead with effective, efficient governance; and

WHEREAS, the 2022 - 2024 City Council Goals set forth goals, objectives, and strategies to achieve these purposes as well as to set the future course for the City;

WHEREAS, the 2022 – 2024 City Council Goals will assist in the upcoming budget process for FY24;

WHEREAS, the 2022 - 2024 City Council Goals summarizes the details of the tasks and responsibilities that will serve Directors in the course of their daily work and the setting of priorities;

WHEREAS, it is important for the City Council, City Staff, and the community to clearly know the direction of the organization and to hold one another accountable for that direction;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the attached 2022 - 2024 City Council Goals are hereby adopted and shall be used by City Staff in accomplishing the City’s Goals.

PASSED this _____ day of October, 2022.

APPROVED this _____ day of October, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



2022 – 2024 CITY COUNCIL GOALS – MORE THAN \$20,000 FUNDING REQUIRED

1. Resurface and Widen W. 6th St. S. - \$520,000 (20)
2. Downtown Streets, Phase I - \$1,340,000 (18)
3. Arbor Estates, Phase II - \$1,300,000 (17)
4. New Skate Park at Aurora Park - \$800,000 (16)
4. New Roof at Library - \$200,000 (16)
6. Code Enforcement Division in PD - \$162,459 annually (13)
7. Basketball Hoops, Trail Repair, Stump Removal, ADA - \$100,000 (10)
8. S. 12th Ave. W. Reconstruction - \$600,000 (9)
9. Fire Prevention Specialist & Captain Pay \$163,205 annually (8)
9. Inclusive Playground Features - \$330,000 (8)

2022 – 2024 CITY COUNCIL GOALS – LESS THAN \$20,000 FUNDING REQUIRED

1. Evaluate the Long-Term Needs or Uses of all City Parks (20)
1. Target Conference Tourism (20)
3. Staff Analysis of Outdoor Warning Sirens (9)
4. Downtown Retail (8)
5. Reduced Price Pool Admission Passes (6)

Estimated cost and number of votes per item is listed in parentheses.



2022 – 2024 CITY COUNCIL GOALS – MORE THAN \$20,000 FUNDING REQUIRED

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7. Fire Prevention Specialist & Captain Pay \$163,205 annually (8)

2022 – 2024 CITY COUNCIL GOALS – LESS THAN \$20,000 FUNDING REQUIRED

1. Evaluate the Long-Term Needs or Uses of all City Parks (20)
1. Target Conference Tourism (20)
3. Seek Grants and Develop Plans for New Skate Park at Aurora Park (16)
4. Staff Analysis of Outdoor Warning Sirens (9)
5. Downtown Retail (8)
6. Reduced Price Pool Admission Passes (6)

Estimated cost included and number of votes per item is listed in parentheses.