

Agenda: Newton City Council

City Council Meeting

Council Chambers, 101 W 4th St S. or via Zoom
(<https://us02web.zoom.us/j/83564044015>), Join zoom via
phone: (call 312-626-6799 & enter ID # 83564044015),
Mediacom Channels: 12/85/121.12, Website Streaming:
Newtongov.org / I want to “view” Livestream of City
Council Meetings.

January 4, 2021 6:00 p.m.
Newton, Iowa 50208

You can participate in the meeting or you can comment on an agenda item by joining the Zoom meeting and raising your hand to be recognized (must remain on mute until recognized/via phone dial *9 (star 9), this will notify City staff that you have “raised your hand” for public comment), submitting via email to cityofnewton@newtongov.org before 5:00 PM the day of the meeting or, during the meeting, you can call 641-792-2787, extension 2007.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Citizen Participation | 2. 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 | 3. December 21, 2020 Regular City Council Meeting Minutes
4. December 21, 2020 Budget Workshop Minutes
5. Approve Liquor Licenses for the following: Okoboji Grill, Renewal, LC0038895, 600 N 2 nd Ave W, Class C Liquor License (LC) (Commercial), Catering; Montana Mike’s, Renewal, LC0041393, 1400 W 18 th St S, Class C Liquor License (LC) (Commercial), Sunday Sales.
6. Resolution appointing an additional participant to The Housing Steering Committee supporting The Rural Housing Readiness Assessment Program. (No Council Report)
7. Resolution accepting completion of the 2020 Tree Removal Project No. 5 – Maytag Park. (Council Report 21-001)
8. Resolution accepting completion of the Arbor Estates Rough Grading Project. (Council Report 21-002)
9. Resolution accepting completion of the Maytag Pool Main Drain Rehabilitation Project. (Council Report 21-003)
10. Approve Bills |

Resolutions

11. Resolution Amending the City of Newton Public Works and Community Services Fee Schedule. (Council Report 21-004)
 - The various fees charged for rentals and passes at Westwood Golf Course, Maytag Pool, and other Park facilities are reviewed each year.
 - On December 16, 2020 the Newton Park Board reviewed the proposed fee schedules applicable to their area of advisory; and recommended approval of the fee schedule revisions included in this council resolution.
12. Resolution accepting Real Estate easements for the Casey's General Stores sanitary sewer construction. (Council Report 21-005)
 - Casey's General Stores has prepared plans for the purchase and development of property within Newton which includes the construction and extension of a new sanitary sewer line, with permanent easements being needed for said sewer improvements.

Mayor/Council Comments

13.

Adjourn

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

www.NewtonGov.org

REGULAR CITY COUNCIL MEETING MINUTES
DECEMBER 21, 2020, 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 via an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Hansen presided. Present Council Members: Hallam, Stonner, George, Ervin, Trotter, Mullan. Absent: None.

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

During citizen participation Robert Harban, 325 W 9th St S, spoke regarding parking his personal semi-tractor in his driveway over the weekends when he is home in order to plug it in since it is a diesel. He is asking that Council consider changing City of Newton Code 94.03.

Moved by Mullan, seconded by Hallam to approve consent agenda items 3-14.

3. December 07, 2020 Regular City Council Meeting Minutes
4. December 07, 2020 Budget Workshop Minutes
5. Approve Liquor Licenses for the following: Muse Wine Bar, Change of Ownership, License# TBD, 109 N 2nd Ave E, Special Class C Liquor License (BW) (Beer/Wine), Class B Wine Permit (Carryout Wine - Includes Native Wine), Outdoor Service, pending state and local approval.
6. Resolution appointing Jeff Osby and Rachelle Tipton to the Park Board for terms expiring on December 31, 2023. Resolution 2020-292 adopted.
7. Resolution re-appointing Lynette Birkenholz to serve on the Newton Zoning Board of Adjustment for a term ending December 31, 2025. Resolution 2020-293 adopted.
8. Resolution reappointing William Yeager, Sr. to serve on the Newton Building Trades Board for a term ending December 31, 2023. Resolution 2020-294 adopted.
9. Resolution Reappointing Jack Topp to serve on the Newton Building Trades Board for a term ending December 31, 2023. Resolution 2020-295 adopted.
10. Resolution to provide free golf and pool passes for inclusion in the Newton Housing Development Corporation's (NHDC) 2021 Get to Know Newton Welcome Package. Resolution 2020-296 adopted.
11. Resolution approving change order #1 to the contract for the PW Office building #18 tenant improvements. Resolution 2020-297 adopted.
12. Resolution approving a Telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 300 Block E 28th St N. Resolution 2020-298 adopted.
13. Resolution approving the purchase of three new large pool umbrellas. Resolution 2020-299 adopted.
14. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution to Approve Urban Renewal Plan Amendment for the 2019 Sports Entertainment Urban Renewal Area. There were no written comments. Moved by Ervin, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Trotter, seconded by Mullan to adopt the resolution. AYES: Six. NAYS: None. Resolution 2020-300 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution Approving Development Agreement with The Circle Development, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. There were no written comments. Moved by Trotter, seconded by Ervin, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by George, seconded by Trotter to adopt the resolution. AYES: Six. NAYS: None. Resolution 2020-301 adopted.

Item 19, Public Hearing on a Resolution approving the agreement to extend the option to purchase real property at 1117 North 3rd Avenue East and 211 East 12th Street North and approving a letter of support for the project, was pulled from the agenda at the request of the Developer.

Moved by Mullan, seconded by George to adopt a Resolution approving performance agreements for the 2021 Summer Concert Series at the Maytag Bowl. Stonner abstained from voting due to being in one of the bands. AYES: Five, NAYS: None. Resolution 2020-302 adopted.

Moved by Trotter, seconded by Stonner to adopt a Resolution Approving Promissory Note & Construction Contract for Lot 12, Cardinal Ridge Subdivision Plat 1 in Newton from Ground Breaker Homes, LLC of Clive, Iowa. AYES: Six. NAYS: None. Resolution 2020-303 adopted.

Moved by Mullan, seconded by Trotter to adopt a Resolution Approving Promissory Note & Construction Contract for Lot 13, Cardinal Ridge Subdivision Plat 1 in Newton from Ground Breaker Homes, LLC of Clive, Iowa. AYES: Six. NAYS: None. Resolution 2020-304 adopted.

Moved by Stonner, seconded by George to adopt a Resolution authorizing the filing of a 657A.10A petition for ownership of abandoned property at 427 North 3rd Avenue East, Newton. AYES: Six. NAYS: None. Resolution 2020-305 adopted.

Moved by Hallam, seconded by George to adopt a Resolution approving a five year contract with Windstream to provide dedicated fiber optic internet service to the City of Newton. AYES: Six. NAYS: None. Resolution 2020-306 adopted.

During Mayor/Council comments Mullan commented the Holiday lights at Agnes Patterson Park. Mayor Hansen wished everyone a safe and happy holiday.

Moved by Trotter, seconded by Mullan to adjourn the meeting at 6:22 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

BUDGET WORKSHOP MEETING MINUTES
DECEMBER 21, 2020, IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING @ 6:24
P.M.
ELECTRONIC MEETING

The City Council of Newton, Iowa met in special session at 6:24 P.M. on the above date via an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Mike Hansen presided. Present Council Members: Hallam, Stonner, George, Ervin, Trotter, Mullan. Absent: None.

Brian Laube, Community Services Director, provided Council with Capital Improvement Project (CIP) information. The CIP will come back to the Council for approval. Lisa Frasier, Finance Officer, provided information regarding the Debt Service Fund.

Moved by Stonner, seconded by Trotter to adjourn the meeting at 6:47 PM.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

RESOLUTION NO. 2021 – _____

**RESOLUTION APPOINTING AN ADDITIONAL PARTICIPANT TO THE
HOUSING STEERING COMMITTEE SUPPORTING THE RURAL
HOUSING READINESS ASSESSMENT PROGRAM**

WHEREAS, on October 5, 2020 the City Council approved Resolution 2020-225, authorizing the City to apply for a Rural Housing Assessment Grant, which was subsequently awarded by the Iowa Economic Development Authority (IEDA); and

WHEREAS, on December 7, 2020 the City Council approved Resolution 2020-277, establishing a Housing Steering Committee to support the Rural Housing Readiness Assessment program; and

WHEREAS, the City Council desires to foster diversity within the Housing Steering Committee to better assist the committee in its primary mission of assessing community housing needs, developing recommendations and providing advice;

NOW THEREFORE, BE IT RESOLVED, that the City of Newton City Council hereby authorizes the appointment of **Jorge Arreola** to the Housing Steering Committee, to participate in the assessment phase and the development of recommendations to be made to the City Council.

PASSED this _____ day of January, 2021.

APPROVED this _____ day of _____, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2020 Tree Removal Project No. 5 – Maytag Park

Report Number: 21-001

Summary:

Accept completion of a contract to complete the removal of, or trimming on, 85 trees in Maytag Park.

Date:

January 4, 2021

Lead Department:

Public Works

Financial Impact:

Council previously approved a contract for \$92,717.00 on October 19, 2020; and this action would accept the project and authorize payment of the retainage amount of \$4,635.85.

Recommendation:

Approve

Background:

The Derecho Storm on Monday August 10, 2020 devastated trees located within the Maytag Park. The damaged trees created a safety hazard to park guests and also an unsightly appearance.

This project included the complete removal of, or trimming work on, 85 trees in Maytag Park. Tree removal on this scale would require more time and equipment than City of Newton staff possess.

City Council passed a resolution on October 19, 2020 awarding a contract to Joe Hindman of Prairie City, Iowa in the amount of \$92,717.00. The Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed is \$92,717.00

Recommendation:

City staff recommends accepting the completion of the 2020 Tree Removal Project No. 5 – Maytag Park and authorizing the retainage amount of \$4,635.85 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING COMPLETION OF THE 2020 TREE
REMOVAL PROJECT NO. 5 – MAYTAG PARK**

WHEREAS, the Derecho Storm on Monday August 10, 2020 devastated trees located within Maytag Park; and

WHEREAS, the damaged trees created a safety hazard to park guests and also left an unsightly appearance; and

WHEREAS, this project included the complete removal of, or trimming work on, 85 trees in Maytag Park; and

WHEREAS, tree removal on this scale would require more time and additional equipment than City of Newton staff possess; and

WHEREAS, after Community Services staff identified the trees needing removed and trimmed, plans and specifications for the proposed 2020 Tree Removal Project No. 5 – Maytag Park were placed out to bid; and

WHEREAS, bids were received and opened on October 13, 2020; and

WHEREAS, the City Council of the City of Newton awarded a contract to Joe Hindman of Prairie City, Iowa in the amount of \$92,717.00 on October 19, 2020 for the 2020 Tree Removal Project No. 5 – Maytag Park; and

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

WHEREAS, The final contract amount, based on actual measured quantities of work completed, is \$92,717.00 which will be paid utilizing FEMA reimbursement for 75% at \$69,537.75, State reimbursement 10% at \$9,271.70, and the remaining \$13,907.55 will be paid from City of Newton Capital funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Public Works Director to execute payment of the retainer in the amount of \$4,635.85 to Joe Hindman no sooner than 30 days after approval of this resolution, should no claims be on file.

PASSED this _____ day of January, 2021.

APPROVED this _____ day of January, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item:

Resolution accepting completion of the Arbor Estates Rough Grading Project.



Summary:

Accept completion of project and authorize release of the retainage.

Report Number: 21-002

Date:

January 4, 2021

Financial Impact:

Council previously approved a contract for \$1,309,400.00 on May 18, 2020; and this action would accept the project and authorize payment of the retainage amount of \$64,773.14.

Lead Department:

Community Services

Recommendation:

Approve

Background:

The City, in partnership with the Newton Housing Development Corporation (NHDC), has been working to increase residential subdivision development in northeast Newton. This current project known as the Arbor Estates Rough Grading Project includes rough grading the entire site outside of the previously completed Plat 1, construction of a stormwater detention pond, sanitary sewer main extensions past the proposed pond location, erosion control, seeding, and other related items needed to prepare the site for future platting and subdivision construction.

On May 18, 2020 City Council awarded a contract to McAninch Corp. of Des Moines, Iowa in the amount of \$1,309,400.00. McAninch Corp. has completed work on the project, and the Engineer's Statement of Completion Form has been signed stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed and four minor change orders is \$1,295,462.70; which is \$13,937.30 less than the original contract total.

Recommendation:

City staff recommends accepting the completion of the Arbor Estates Rough Grading Project, and authorizing the retainage amount of \$64,773.14 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Mat Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION ACCEPTING COMPLETION OF THE ARBOR ESTATES ROUGH
GRADING PROJECT.**

WHEREAS, the City, in partnership with the Newton Housing Development Corporation (NHDC), has been working to increase residential subdivision development in northeast Newton; and

WHEREAS, this current project known as the Arbor Estates Rough Grading Project includes rough grading the entire site outside of the previously completed Plat 1, construction of a stormwater detention pond, sanitary sewer main extensions past the proposed pond location, erosion control, seeding, and other related items needed to prepare the site for future platting and subdivision construction; and

WHEREAS, on May 18, 2020 City Council awarded a contract to McAninch Corp. of Des Moines, Iowa in the amount of \$1,309,400.00; and

WHEREAS, McAninch Corp. has completed work on the project, and the Engineer's Statement of Completion Form has been signed stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract; and

WHEREAS, the final contract amount, based on actual measured quantities of work completed and four minor change orders is \$1,295,462.70; which is \$13,937.30 less than the original contract total.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, approves the final contract amount of \$1,295,462.70 based on final measured quantities and four minor change orders, and authorizes the Community Services Director to execute payment of the retainage in the amount of \$64,773.14 to McAninch Corp. of Des Moines, Iowa using 2020-A Bond Capital Funds no sooner than 30 days after approval of this resolution should no claims be on file.

PASSED this _____ day of January, 2021.

APPROVED this _____ day of January, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the Maytag Pool Main Drain Rehabilitation Project

Report Number: 21-003

Date:

January 4, 2021

Summary:

Final acceptance of the project to reconstruct the Maytag Pool main drain structure.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Council previously approved a contract for \$17,840.00; and this action would accept the project and authorize payment of the retainage amount of \$892.00.

Background:

During the 2020 season at Maytag Pool the main drain structure, located in the diving well, was found to be deteriorated which caused the pool to leak at a high rate. This project removed the existing concrete structure and reconstructed it using the original plans as a guide to create a watertight structure to prevent further water loss.

The Community Services Department prepared plans and specifications for the Maytag Pool Main Drain Rehabilitation Project, and City Council passed a resolution on September 21, 2020 awarding a contract to Karl Peters Construction of Monroe, Iowa in the amount of \$17,840.00.

The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work, is \$17,840.00.

Recommendation:

City staff recommends accepting the completion of the Maytag Pool Main Drain Rehabilitation Project, and authorizing the retainage amount of \$892.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING COMPLETION OF THE
MAYTAG POOL MAIN DRAIN REHABILITATION PROJECT**

WHEREAS, during the 2020 Maytag Pool season the main drain structure, located in the diving well, was found to have begun to fail causing the pool to leak at a high rate; and

WHEREAS, the project removed the existing concrete structure and reconstructed it using the original plans as a guide to create a watertight structure to prevent further water loss; and

WHEREAS, the City of Newton Community Services Department prepared construction plans and specifications for the Maytag Pool Main Drain Rehabilitation Project; and sealed bids were received and opened for said projects by the City on September 15, 2020; and

WHEREAS, the City Council of the City of Newton awarded a contract to Karl Peters of Monroe, Iowa in the amount of \$17,840.00 on September 21, 2020 for the Maytag Pool Main Drain Rehabilitation Project; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project, and authorizes the Community Services Director to execute payment of the retainer in the amount of \$892.00 to Karl Peters no sooner than 30 days after approval of this resolution, should no claims be on file.

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PASSED this _____ day of January, 2021.

APPROVED this _____ day of January, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Disbursements 1-5-21

Vendor	Department	Description	Amount
Aetna	Fire	Reimbursement	\$ 314.81
Airgas USA LLC	Fire	Supplies	\$ 95.21
Alliant Energy/IPL	All	Utility	\$ 140.11
Amazon Capital Services	All	Supplies	\$ 575.21
American Legal Publishing Corporation	Administration	Service	\$ 123.05
Amerigroup	Fire	Reimbursement	\$ 1,313.59
Andrews, Jennifer	Landfill	Reimbursement	\$ 50.99
Axon Enterprise Inc	Police	Supplies	\$ 496.50
Baker & Taylor	Library	Books	\$ 1,847.62
Baker & Taylor Entertainment	Library	DVD	\$ 21.74
Black Hills Energy	All	Utility	\$ 106.69
Bound Tree Medical LLC	Fire	Supplies	\$ 820.25
Brick Gentry P.C.	Legal Services	Service	\$ 11,380.00
Brodart Co	Library	Service	\$ 163.40
Cardinal Tracking Inc	Police	Service	\$ 169.95
Cintas	All	Service	\$ 590.53
Cole, Chris	Parks	Clothing	\$ 14.97
Crime Free Institute	Police	Training	\$ 275.00
Darrell's Electric	City Center	Service	\$ 103.00
Demco Inc	Library	Supplies	\$ 89.17
Des Moines Register	City Center	Service	\$ 257.02
Diagnostic Imaging Associates	Police	Service	\$ 75.00
Digium Cloud Services LLC	Police	Service	\$ 401.00
DMACC - Ankeny Campus	PW Building	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 58,487.00
Eckert, Bernard	Police	Training	\$ 29.67
Edge Commercial LLC	North Central TIF	Service	\$ 7,589.55
Evident Inc	Police	Supplies	\$ 70.00
FBG Service Corporation	Library	Supplies	\$ 1,703.23
Fire Service Training Bureau	Fire	Service	\$ 75.00
Forbes Office Solutions	Library	Supplies	\$ 147.52
Galls LLC	Fire	SUPPLIES	\$ 236.96
Gregg Young Auto Center	Police	Service	\$ 418.37
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,481.00
Henderson Products Inc	Snow Removal	Supplies	\$ 213.37
HIRTA	Public Works Administration	Service	\$ 15,500.00
Homeguard Security Alarm	All	Service	\$ 360.00
Howe Excavating	Commercial D&D	Service	\$ 21,850.00
In-Roads LLC	Street	Service	\$ 49,175.75
International Assoc of Chiefs of Police	Police	Dues	\$ 190.00
Interstate Battery - Ames	Fire	Supplies	\$ 104.52
Interstate Power Systems Inc	City Center	Service	\$ 824.18
Iowa Police Chiefs Association	Police	Dues	\$ 125.00
Iowa Sports Turf Managers Association	Parks	Dues	\$ 75.00
Iowa Turfgrass Institute	Parks	Training	\$ 150.00
Jacobs Electric Motor	Water Pollution Control	Supplies	\$ 272.86

Johnson Aviation	Airport	Service	\$ 3,015.29
Karl Peters Construction	Maytag Pool	Service	\$ 4,237.00
Keystone Labs	Landfill/WPC	Service	\$ 3,828.63
Lyman, Rick	Parks	Service	\$ 280.00
M2C Inc	Water Pollution Control	Supplies	\$ 81.38
Magnum Automotive	Fire	Supplies	\$ 600.04
Manatts - D.M.	Street	Supplies	\$ 3,564.00
Marsden Bldg Maintenance	City Center	Supplies	\$ 165.91
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 523.90
MG Laundry Corporation	City Center/Fire	Service	\$ 121.40
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 330.00
Mosca Design	SSMID District	Supplies	\$ 66.22
MTI Distributing Inc	Parks	Supplies	\$ 89.50
Municipal Supply Inc	Parks	Supplies	\$ 214.40
NAPA Auto Parts	All	Supplies	\$ 402.75
News Printing Company	Police/Library	Service	\$ 28.84
Newton Clinic	Fire	Service	\$ 79.00
Newton Development Corp	Hotel/Motel Tax/TIF's	Service	\$ 25,000.00
Newton Housing Development Corporation	Fairmeadows N TIF	Service	\$ 9,000.00
O'Halloran International	Snow Removal	Supplies	\$ 92.08
Pitney Bowes	Finance	Service	\$ 346.80
Popenhagen, Nathan	Police	Service	\$ 100.00
Premier Office Equipment	Police	Service	\$ 173.03
Quill Corporation	All	Supplies	\$ 125.21
SESAC	Parks	Dues	\$ 483.00
Shield Technology	Police	Service	\$ 585.00
Sign Pro	Parks	Service	\$ 72.00
Smith Quality Rental	Landfill	Supplies	\$ 130.00
Spahn & Rose Lumber Co	All	Supplies	\$ 9.00
Superior Welding Supply	City Garage	Supplies	\$ 108.95
Swedenhjelm, Andrew & Lily	Private Incentives	Incent	\$ 10,000.00
Thatcher Auto Center	Cemetery	Supplies	\$ 600.00
Theisen's	All	Supplies	\$ 646.42
True Value Hardware	All	Supplies	\$ 111.03
Unique Management Services	Library	Service	\$ 50.00
United Way of Jasper County	RSVP/United Way	Service	\$ 15,000.00
Van Meter Inc	Landfill	Supplies	\$ 574.58
Veenstra & Kimm Inc	Building	Service	\$ 250.00
Vernon Co	Police	Clothing	\$ 483.78
Wal-Mart	Fire/Parks	Supplies	\$ 2,264.12
Warnick & Reeves Mechanical	City Center	Service	\$ 129.00
Water Department	All	Utility	\$ 88.97
YMCA Community Center	Community Center	Service	\$ 9,000.00
Zoll	Fire	Supplies	\$ 311.26
Zonar Systems	Snow Removal	Supplies	\$ 117.72

TOTAL: **\$ 273,879.75**

Pre Authorized Payments

Alliant Energy	All	Utility	\$ 3,675.34
AT&T Mobility	Landfill	Utility	\$ 176.07
Black Hills Energy	All	Utility	\$ 1,408.97
Caldwell,Bierly, & Chalupa Trust	D&D	D&D	\$ 54,371.01
Dish Network	Airport	Utility	\$ 132.04
Mediacom	Administration/Golf	Utility	\$ 404.35
Verizon	Police	Utility	\$ 15.02
GG 115 LLC	North Central TIF	Micro Grant	\$ 52,758.25
Water Department	All	Utility	\$ 108.99
Windstream	All	Utility	\$ 1,439.73

ACH Payments from Great Southern Bank

Advantage Credit Union	All	Insurance	\$ 16,335.00
Bank Iowa	All	Insurance	\$ 7,755.00
Bank Of Oklahoma	Debt	Interest payments	\$ 285,039.60
Chase Bank	Debt	Interest payments	\$ 36,115.20
Delta Dental	All	Insurance	\$ 10,448.34
Great Southern Bank	Debt	Interest payments	\$ 37,330.00
Great Southern Bank	All	Insurance	\$ 330.00
Great Southern Bank	Golf	CC Fees	\$ 361.94
Iowa Finance Authority	WPC/Debt	Interest payments	\$ 28,358.00
Kabel	All	Insurance	\$ 50.00
Payroll 11-30-20	All	Payroll	\$ 412,157.81
Payroll 12-15-20	All	Payroll	\$ 422,639.50
Payroll 12-30-20	All	Payroll	\$ 414,352.88
State Of Iowa	Golf/Park/WPC	Sales Tax	\$ 3,500.00
Wellmark BC/BS	All	Insurance	\$ 175,577.73

City of Newton Council Report

**Item:**

Resolution Amending the City of Newton Public Works and Community Services Fee Schedule.

Report Number: 21-004

Date:

January 4, 2021

Summary:

This resolution makes changes to the Shelter Rental, Athletic Fields, & Maytag Pool sections of the Park Fee Schedule.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Minimal impact expected.

Background:

The various fees charged for rentals and passes at Westwood Golf Course, Maytag Pool, and other Park facilities are reviewed each year. Staff proposes the following revisions for the 2021 Park Fee Schedule:

Westwood Golf Course

- No changes proposed.

Shelter Rentals

- Delete "Maytag Bowl (half day)" option.
- Delete "(Special Event)" from Maytag Bowl full day rental line. All Maytag Bowl rentals will now be for the full day.

Athletic Fields

- Add new line item: "Disc Golf Event Fee (per day) at \$50.00".

Maytag Pool

- Added "(per person over 3 years old)" to the Single Season Pass item. This has been in effect for years, so the added language is for clarification only.
- Since there is no longer a cost savings in buying multiple pool season passes, the "Two Person Season Pass" through "Seven Person Season Pass" line items are being removed to avoid confusion.

On December 16, 2020 the Newton Park Board reviewed the proposed fee schedules applicable to their area of advisory; and recommended approval of the above noted fee schedule revisions included in this council resolution.

All other fees included in the latest revision of said fee schedule will remain unchanged.

Recommendation:

City Staff recommends approval of this resolution amending the City of Newton Public Works and Community Services Fee Schedule.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

RESOLUTION AMENDING THE CITY OF NEWTON PUBLIC WORKS
AND COMMUNITY SERVICES FEE SCHEDULE

WHEREAS, the City of Newton charges fees for certain services provided by the City; and

WHEREAS, these fees are reviewed annually by the City as part of the budget preparation process; and

WHEREAS, revisions are proposed to the Shelter Rental, Athletic Fields, & Maytag Pool sections of the Park Fee Schedule; and

WHEREAS, the following fee schedules will be effective retroactively on January 1, 2021:

Westwood Golf Course Fee Schedule

Golf Green Fees	2021 Fee
18 Holes Weekday	\$16.00
18 Holes Weekend (Saturday or Sunday)	\$21.00
9 Hole Weekday	\$12.00
9 Holes Weekend (Saturday or Sunday)	\$14.00
Twilight Rate (after 3:00 p.m.) and Spring/Fall Rate	\$12.00
10 Punch Pass-18 holes	\$128.00*
10 Punch Pass-9 holes	\$96.00*
extra holes	\$5.00

Golf Cart Fees	2021 Fee
Cart 18 holes	\$14.00
Cart 9 holes	\$8.00
Annual Cart Rental - Single	\$495.00
Annual Cart Rental - Family	\$595.00
10 Punch Pass - 18 holes	\$112.00*
10 Punch Pass - 9 holes	\$64.00*
Daily Trail Fee	\$12.00
Annual Trail Fee	\$240.00
Gas Cart Storage	\$200.00
Electric Cart Storage	\$215.00

Golf Season Passes	2021 Fee
Youth (ages 21 and younger as of Jan 1st)	\$169.00*
Young Adult Couple (ages 22 - 35 as of Jan 1st)	\$589.00*
Young Adult Single (ages 22 - 35 as of Jan 1st)	\$389.00*
Adult Couple (ages 36 - 64 as of Jan 1st)	\$779.00*
Adult Single (ages 36 - 64 as of Jan 1st)	\$539.00*
Senior Couple (ages 65 and older as of Jan 1st)	\$749.00*
Senior Single (ages 65 and older as of Jan 1st)	\$499.00*

Golf Range Fees	2021 Fee
One Time (Large)	\$7.00
One Time (Small)	\$3.50
Season Pass	\$110.00

NOTE - On all above Westwood Golf fees followed by an asterisk (*), City of Newton residents shall qualify for an additional 5% off the base fee shown.

Park Fee Schedule

Rentals (7 am - 3:30 pm or 4 pm - 10:30 pm)	2021 Fee
Aurora Park Shelter	\$35.00
Sunset Park Shelter	\$30.00
Woodland Park Shelter	\$40.00
Log Cabin at Maytag Park	\$30.00
South Shelter at Maytag Park	\$35.00
West Shelter at Maytag Park	\$40.00
Pool Pavilion at Maytag Park (does not include pool)	\$45.00
• add Large Event fee to shelter (per area) *	\$50.00
• add Water Surcharge to shelter (if available) *	\$25.00
Maytag Bowl (half day)	\$100.00
Maytag Bowl (Special Event)	\$300.00

* Large Event fee applies to groups wanting to reserve an additional area of the park adjacent to the shelter they are renting for the purposes of accommodating groups of 100+ people and/or space for extra activities for their gathering.

* Water Surcharge for groups needing water connections, if available, for group's activities.

Athletic Fields	2021 Fee
Adult Softball Leagues (per game)	\$40.00
Athletic Field Rental (all day)	\$50.00
Athletic Field Rental (per hour)	\$5.00
Disc Golf Event Fee (per day)	\$50.00
Softball Complex Field Lights (per day) **	\$40.00
Woodland Field Lights (per day) **	\$40.00
Softball/Baseball Field Marking - chalked lines (per field) **	\$50.00
Soccer Field Marking - painted lines (per field) **	\$200.00

** Fee for lights and marking of fields are in addition to field rental fee, and are shown per field.

Maytag Park Pool	2021 Fee
Daily fee	\$5.00
Daily fee - after 5 p.m.	\$2.50
Lap Swim (Monday-Saturday noon to 1:00 pm) ***	\$2.50
Toddler Swim (M-W-F from 11:00 am to 1:00 pm) ***	\$2.50
Single Season Pass (per person over 3 years old)	\$50.00
Two Person Season Pass	\$100.00
Three Person Season Pass	\$150.00
Four Person Season Pass	\$200.00
Five Person Season Pass	\$250.00
Six Person Season Pass	\$300.00
Seven Person Season Pass	\$350.00
Evening Pool Party (2 hours)	\$250.00
Morning Pool Party (2 hours)	\$250.00
• add Waterslides to pool party	\$25.00
• add Diving Boards to pool party	\$25.00
• pool party with greater than 150 guests	\$25.00
Replacement Pool Pass	\$5.00
Swim Lessons	\$30.00

***Season Passes can be used for lap swim.

CEMETERY FEE SCHEDULE

Union Cemetery and Memorial Park Cemetery

<u>Sale of Sections</u>	<u>Fee</u>
Adult	\$850
Baby (spaces in Babyland only)	\$425
Veteran in Veteran's Section (resident) ¹	\$0
Veteran in Veteran's Section (non-resident) ¹	\$750
Veteran's Spouse	\$750
Cremation (narrow section in older area) (not available in 2020)	\$650
<u>Columbarium</u>	
Niche ⁵	\$1,400
Double Niche ⁵	\$2,800
<u>Opening & Closing Graves</u>	
Adult-Weekdays ²	\$850
Baby-Weekdays ²	\$425
Cremation-Weekdays ^{2, 3}	\$550
<u>Disinterment</u>	
Adult (casket) ⁴	\$1,500
Baby (casket/cremation) ⁴	\$750
Adult Cremation (cremation) ⁴	\$750
Columbarium Niche (cremation)	\$150
<u>Setting of Stones & Misc. Charges</u>	
Veteran in Veteran's Section	\$100
Veteran not in Veteran's Section	\$125
Lot Location & Inspection Fee for Foundations	\$25
	\$20
Fee for copy of Certificate of Interment Rights	
Lot or Niche Transfer Fee	\$30

1. To qualify for the resident rate, a driver's license, recent utility bill or voter registration must be provided that shows the deceased lived within Newton city limits within 90 days of death.
2. Any weekday closing of graves that begin after 2:30 pm will incur an additional \$100 fee; Saturdays additional \$200.00; Sundays/Holidays additional \$250.00.
3. \$50.00 for each additional cremation opening & closing in same section/niche and on same day.
4. City is not liable for damages that occur to the vault or urn.
5. Niche purchases include bronze name plaque and opening/closing to place urn.

SOLID WASTE/RECYCLING COLLECTION FEE

Residential Solid Waste/Recycling collection fee FYE 21	\$14.00/unit/month
Residential Solid Waste/Recycling collection fee FYE 22	\$14.28/unit/month
Residential Solid Waste/Recycling collection fee FYE 23	\$14.57/unit/month
Residential Solid Waste/Recycling collection fee FYE 24	\$14.86/unit/month
Residential Solid Waste/Recycling collection fee FYE 25	\$15.16/unit/month

NEWTON MUNICIPAL AIRPORT FEE SCHEDULE

Annual Fees for Aeronautical Activities shall be:

1. Charter Operations	\$350.00
2. Aircraft Maintenance	\$350.00
3. Flight Instruction	\$350.00
4. Aircraft Sales	\$150.00
5. Aircraft Storage	\$150.00
6. Aircraft Rental	\$150.00
7. Sales of Fuel & Oil	\$350.00
8. Aerial Application-Site Based Providers	\$500.00
9. Aerial Application-Mobile Providers	\$500.00
10. Aerial Tour Operations	\$150.00

NUISANCE ABATEMENT FEE SCHEDULE

Abatement and administrative fees for nuisance abatements completed under Section 94.25 - *Abatement of Nuisance by Written Notice* of City Code Chapter 94 - *Public Nuisances* shall be:

1. Hourly Rate - Contracted Work	\$60
2. Landfill or Disposal Fees	(actual cost)
3. Administrative Fee - 1 st Occurrence	\$75 per occurrence
4. Administrative Fee - additional occurrences of the same violation abated in the same calendar year.	\$100 per occurrence

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the above 2021 Fee Schedule be adopted.

PASSED this _____ day of January, 2021.

APPROVED this _____ day of January, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution accepting Real Estate easements for the Casey's General Stores sanitary sewer construction.

Report Number: 21-005

Date: January 4, 2021

Summary: Acceptance of permanent easements at two locations to complete sanitary sewer construction by Casey's General Stores.

Lead Department:
Community Development

Recommendation: Approve

Financial Impact: None

Background:

As part of Casey's General Stores' purchase of property within Newton, certain easements are required to be filed at the closing of the transaction. Two permanent easements are required to match the proposed sanitary sewer line to be constructed by Casey's.

The following identified easements, as represented by Real Estate Easements executed by the property owners subject to City Council approval and now on file with the City Clerk are:

<u>Easement Number</u>	<u>Property Owner</u>	<u>Easement Address</u>
2021-01	Mary Beukema Harms, Susan Beukema Blakely, & Pamela Beukema Hulme	Parcels 1301200012 & 1301200009
2021-02	Timberline RV Camp, LLC	1601 E 36 th St S

All easements have been granted by the owners at no cost to the City.

Recommendation:

City Staff recommends that City Council accept, approve, and execute the Real Estate Easements noted above.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

RESOLUTION ACCEPTING REAL ESTATE EASEMENTS FOR THE
CASEY’S GENERAL STORES SANITARY SEWER CONSTRUCTION

WHEREAS, Casey’s General Stores has prepared plans for the purchase and development of property within Newton which includes the construction and extension of a new sanitary sewer line; and

WHEREAS, as part of said project and the purchase of property, permanent easements are required to match the proposed sanitary sewer line to be constructed by Casey's; and

WHEREAS, Casey's General Stores prepared Real Estate Easement documents, contacted the affected property owners and the City, and secured signatures on said documents.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the following identified Easements, as represented by Real Estate Easements executed by the property owner subject to City Council approval and now on file with the City Clerk, are hereby approved:

Easement Number	Property Owner	Easement Address
2021-01	Mary Beukema Harms, Susan Beukema Blakely, & Pamela Beukema Hulme	Parcels 1301200012 & 1301200009
2021-02	Timberline RV Camp, LLC	1601 E 36 th St S

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to execute the Real Estate Easement documents for the affected properties. All easements have been granted by the owner at no cost to the City.

PASSED this _____ day of January, 2021.

APPROVED this _____ day of January, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Prepared by/Return to: Amy M. Costello, One S.E. Convenience Blvd., Ankeny, IA 50021 (515-446-6822)

SANITARY SEWER EASEMENT AGREEMENT

THIS SANITARY SEWER EASEMENT AGREEMENT, made this ____ day of _____, 20____ (“Easement Agreement”), by and between Timberline Rv Camp, LLC, an Iowa limited liability company (“Grantors”), and the City of Newton, Jasper County, Iowa, a municipal corporation (“Grantee”),

WITNESSETH:

WHEREAS, Grantor is the owner of certain real estate located in Newton, Jasper County, Iowa, locally known as 1601 E. 36th Street South, Newton, Iowa, and doing business as KOA Journey Campgrounds (“Grantor’s Property”); and

WHEREAS, the parties wish to create for themselves, their heirs, successors and assigns, a sanitary sewer easement and maintenance agreement upon a portion of Grantor’s Property, for the benefit of the City, upon the terms and conditions herein contained.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties herein agree as follows:

1. Grantor does hereby grant unto the City, a permanent sanitary sewer easement over that portion of Grantor’s Property as shown on the attached Exhibit, and legally described as:

A 50 foot wide Sanitary Sewer Easement in part of Lot 9, SE Beltline Park Addition, an Official Plat, all being in and forming a part of the City of Newton, Jasper County, Iowa, whose centerline is more particularly described as follows: COMMENCING at the Northwest corner of the Fractional Northeast Quarter of Section 1, Township 79 North, Range 19 West, of the 5th P.M.; THENCE South 0°04'32" West, along the West line of the said Northeast Quarter, a distance of 736.48 feet, to the POINT OF BEGINNING; THENCE North 35°45'43" West, a distance of 39.30 feet, to the POINT OF TERMINATION, containing 1,965 square feet,

more or less

(the "Easement Area").

2. Grantor agrees to grant Grantee access to the Easement Area in order to maintain, operate, repair, replace, rebuild, modify as necessary, inspect, patrol, at any time, and from time to time, in, through, across, and under the permanent easement on Grantor's Property, a sanitary sewer line and appurtenant equipment, connections, lines, and other necessary appliances and structures which are necessary for the proper maintenance and function of the sanitary sewer.

3. Grantor grants to Grantee, its agents, officers, employees, and contractors the authority, right, and privilege at any and all times, when necessary or convenient to do so, to go upon the Easement Area, and do and perform any and all acts necessary or convenient to the carrying into effect the purposes for which this Easement Agreement is made.

4. Grantor agrees that Grantee, its agents, officers, employees, and contractors, may remove any obstructions that have been placed or permitted upon the Easement Area subsequent to the execution of this Easement Agreement, and that Grantee shall be under no obligation to repair or replace any obstruction on the Easement Area that was created or occurred subsequent to the execution of this Agreement unless agreed to in writing by the City.

5. Grantor agrees that all lines, connections, and other appliances and structures installed by Grantee shall remain the sole and exclusive property of Grantee, subject to removal at the option of Grantee.

6. Grantee agrees to backfill any trench made, repair and replace any concrete or hard surface now located upon the Easement Area, reseed grass (or re-sod as is appropriate) and restore to its original condition landscaping, fixtures or other items or property located on the disturbed portion of the Easement Area after each entry by Grantee.

7. Grantor reserves the right to make other uses of the land within the Easement Area, provided that such uses shall not unreasonably interfere with the rights and easements herein granted to Grantee.

8. Each party hereto shall protect, defend, hold harmless and indemnify the other from and against any and all claims, losses, damage or liability arising out of its use of the Easement Area.

9. The grant and other provisions of this permanent easement shall be perpetual and run with the land so long as Grantee continues to utilize the Easement Area as a part of its municipal improvements. Should the sanitary sewer cease to be used for its intended purpose, be relocated or destroyed, this Easement Agreement shall automatically terminate.

GRANTOR:

GRANTEE:

TIMBERLINE RV CAMP, LLC

CITY OF NEWTON, IOWA

By: _____

Print: _____

Its: _____

By: _____

Print: _____

Its: _____

By: _____

Print: _____

Its: _____

By: _____

Print: _____

Its: _____

ACKNOWLEDGMENTS

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said state, personally appeared _____ and _____, to me personally known and who being by me duly sworn, did say that they are the _____ and _____, respectively, of the City of Jasper, Iowa; that the instrument was signed on behalf of the City, by the authority of its City Council, and that _____ and _____ acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

Notary Public in and for said County and State

STATE OF _____)
) SS:
COUNTY OF _____)

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said state, personally appeared _____ and _____, to me personally known and who being by me duly sworn, did say that they are the _____ and _____, respectively, of Timberline Rv Camping, LLC; that the instrument was signed on behalf of the corporation, by the authority of its Board of Directors, and that _____ and _____ acknowledge the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by them voluntarily executed.

Notary Public in and for said County and State

PREPARED BY: PELDS DESIGN SERVICES. - 2323 DIXON STREET, DES MOINES, IOWA 50316 - PH. (515)265-8196

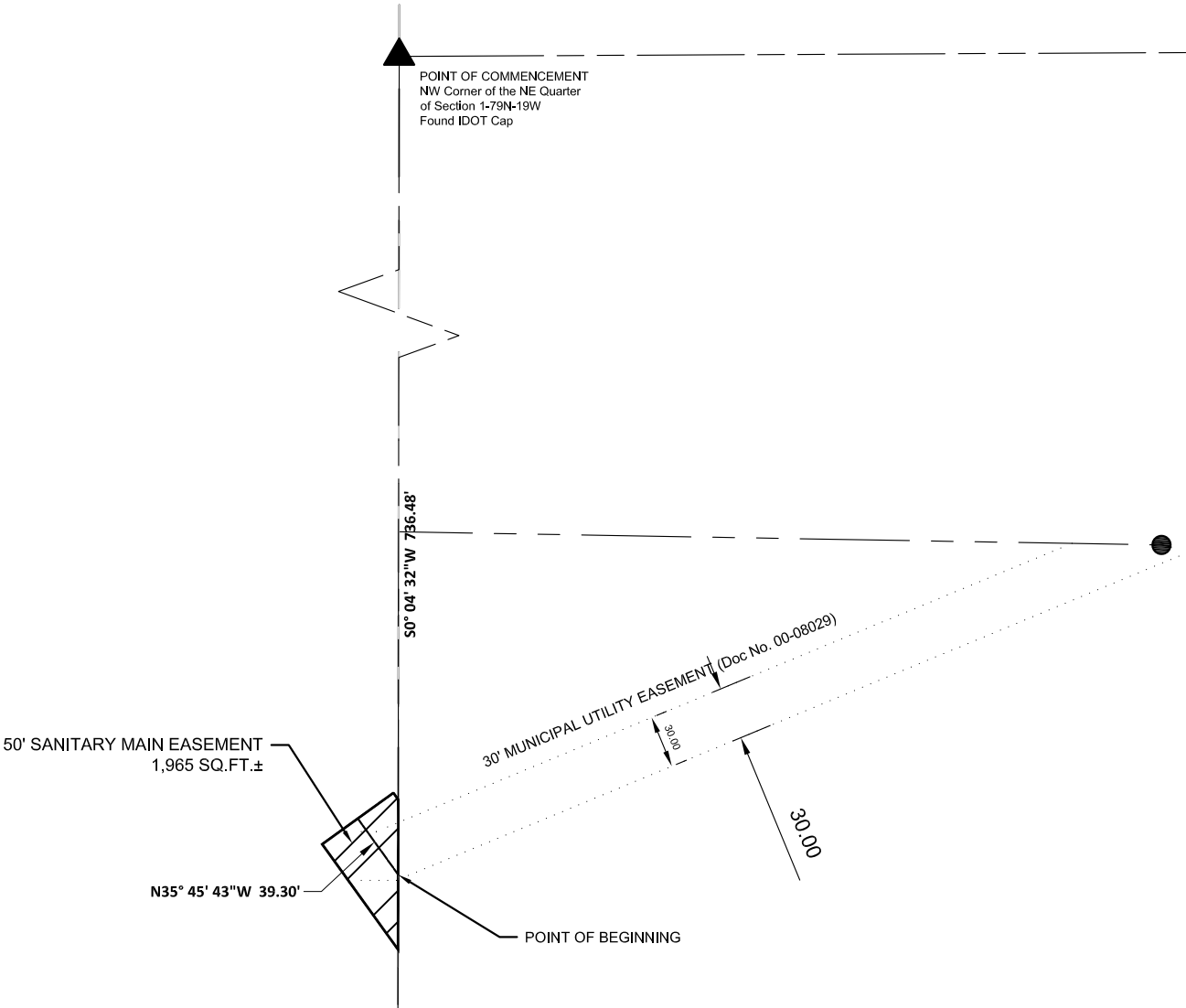
EASEMENT EXHIBIT A

(SANITARY SEWER EASEMENT)

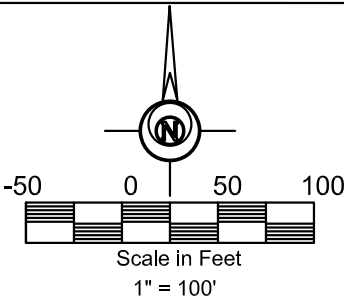
LEGAL DESCRIPTION:

A 50 foot wide Sanitary Sewer Easement in part of Lot 9, SE Beltline Park Addition, an Official Plat, all being in and forming a part of the City of Newton, Jasper County, Iowa, whose centerline is more particularly described as follows:

COMMENCING at the Northwest corner of the Fractional Northeast Quarter of Section 1, Township 79 North, Range 19 West, of the 5th P.M.; THENCE South 0°04'32" West, along the West line of the said Northeast Quarter, a distance of 736.48 feet, to the POINT OF BEGINNING; THENCE North 35°45'43" West, a distance of 39.30 feet to the POINT OF TERMINATION, containing 1,965 square feet, more or less.



NOTE:
THIS DRAWING IS BEING MADE AVAILABLE BY PELDS DESIGN SERVICES (P.D.S.) FOR USE ON THIS PROJECT IN ACCORDANCE WITH P.D.S.'s AGREEMENT FOR PROFESSIONAL SERVICES. P.D.S. ASSUMES NO RESPONSIBILITY OR LIABILITY (CONSEQUENTIAL OR OTHERWISE) FOR ANY USE OF THESE DRAWINGS (OR ANY PART THEREOF) EXCEPT IN ACCORDANCE WITH THE TERMS OF SAID AGREEMENT.



- SYMBOLS LEGEND
- P.O.B. POINT OF BEGINNING
 - CALCULATED CORNER (NOT SET)
 - FOUND CORNER
 - ± PLUS/MINUS
 - (M) MEASURED



Architecture | Engineering | Surveying
2323 Dixon Street, Des Moines, Iowa 50316 | PO Box 4626, Des Moines, Iowa 50305 | Ph: 515 265 9196

EASEMENT EXHIBIT FOR NEWTON KOA
NEWTON IOWA

COPYRIGHT DATE:	DRAWN BY:	SCALE:	LATEST REVISION:	DRAWING NO:
	A.BRADFIELD	1" = 100'	12.17.2020	19-158

FILE PATH: J:\2019 PROJECTS\19-158 - CGS - NEWTON, IA (NWC I-80 & IA SPEEDWAY DR.)\ENGINEERING\SITE PLAN\SHEET SET\19-158 EE SAN OFF-SITE.DWG

Prepared by/Return to: Amy M. Costello, One S.E. Convenience Blvd., Ankeny, IA 50021 (515-446-6822)

SANITARY SEWER EASEMENT AGREEMENT

THIS SANITARY SEWER EASEMENT AGREEMENT, made this ____ day of _____, 20____ (“Easement Agreement”), by and between Mary Beukema Harms, a married person; Susan Beukema Blakely, a single person; and, Pamela Beukema Hulme, a single person (“Grantors”), and the City of Newton, Jasper County, Iowa, a municipal corporation (“Grantee”),

WITNESSETH:

WHEREAS, Grantors are the owners of certain real estate located in Newton, Jasper County, Iowa, legally described as follows:

A part of the Fractional Northeast Quarter of Section 1, Township 79 North, Range 19 West of the 5th P.M., all being in and forming a part of the City of Newton, Jasper County, Iowa, being more particularly described as follows:

COMMENCING at the Southeast corner of the said Northeast Quarter; THENCE North 00°27'16" West, along the east line of said Section 1, a distance of 1354.44 feet; THENCE South 89°32'44" West, a distance of 78.10 feet to the POINT OF BEGINNING; THENCE South 24°31'08" West, along the Iowa Speedway Drive right-of-way, a distance of 165.58 feet; THENCE South 64°55'44" West, along the I-80 right-of-way, a distance of 554.03 feet; THENCE North 0°28'12" West, a distance of 468.41 feet; THENCE North 86°24'01" East, a distance of 525.30 feet, to the said Iowa Speedway Drive right-of-way; THENCE South 23°22'44" East, along the said Iowa Speedway Drive right-of-way, a distance of 126.33 feet to the POINT OF BEGINNING, containing 4.48 acres, more or less,

(“Grantors’ Property”); and

WHEREAS, the parties wish to create for themselves, their heirs, successors and assigns, a sanitary sewer easement and maintenance agreement upon a portion of Grantors’ Property, for the benefit of the City, upon the terms and conditions herein contained.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties herein agree as follows:

1. Grantors do hereby grant unto the City, a permanent sanitary sewer easement over that portion of Grantors' Property as shown on the attached Exhibit, and legally described as:

A 50 foot wide Sanitary Sewer Easement in part of the Fractional Northeast Quarter of Section 1, Township 79 North, Range 19 West, of the 5th P.M. all being in and forming a part of the City of Newton, Jasper County, Iowa, whose centerline is more particularly described as follows:

COMMENCING at the said Northwest corner of the Northeast Quarter; THENCE South 0°04'32" West, along the West line of the said Northeast Quarter, a distance of 736.48 feet, to the POINT OF BEGINNING; THENCE South 35°45'43" East, a distance of 71.55 feet; THENCE North 89°47'53" East, a distance of 179.82 feet; THENCE South 88°36'26" East, a distance of 248.63 feet; THENCE South 77°02'52" East, a distance of 294.12 feet; THENCE South 49°56'56" East, a distance of 273.21 feet; THENCE South 84°51'50" East, a distance of 291.86 feet; THENCE North 86°23'56" East, a distance of 735.99 feet, to the POINT OF TERMINATION, containing 2.40 acres, more or less

(the "Easement Area").

2. Grantors agree to grant Grantee access to the Easement Area in order to maintain, operate, repair, replace, rebuild, modify as necessary, inspect, patrol, at any time, and from time to time, in, through, across, and under the permanent easement on Grantors' Property, a sanitary sewer line and appurtenant equipment, connections, lines, and other necessary appliances and structures which are necessary for the proper maintenance and function of the sanitary sewer.

3. Grantors grant to Grantee, its agents, officers, employees, and contractors the authority, right, and privilege at any and all times, when necessary or convenient to do so, to go upon the Easement Area, and do and perform any and all acts necessary or convenient to the carrying into effect the purposes for which this Easement Agreement is made.

4. Grantors agree that Grantee, its agents, officers, employees, and contractors, may remove any obstructions that have been placed or permitted upon the Easement Area subsequent to the execution of this Easement Agreement, and that Grantee shall be under no obligation to repair or replace any obstruction on the Easement Area that was created or occurred subsequent to the execution of this Agreement unless agreed to in writing by the City.

5. Grantors agree that all lines, connections, and other appliances and structures installed by Grantee shall remain the sole and exclusive property of Grantee, subject to removal at the option of Grantee.

6. Grantee agrees to backfill any trench made, repair and replace any concrete or hard surface now located upon the Easement Area, reseed grass (or re-sod as is appropriate) and restore to its original condition landscaping, fixtures or other items or property located on the disturbed portion of the Easement Area after each entry by Grantee.

7. Grantors reserve the right to make other uses of the land within the Easement Area, provided that such uses shall not unreasonably interfere with the rights and easements herein granted to Grantee.

8. Each party hereto shall protect, defend, hold harmless and indemnify the other from and against any and all claims, losses, damage or liability arising out of its use of the Easement Area.

9. The grant and other provisions of this permanent easement shall be perpetual and run with the land so long as Grantee continues to utilize the Easement Area as a part of its municipal improvements. Should the sanitary sewer cease to be used for its intended purpose, be relocated or destroyed, this Easement Agreement shall automatically terminate.

GRANTORS:	GRANTEE
_____	CITY OF NEWTON, IOWA
Mary Beukema Harms	By: _____
_____	Print: _____
Susan Beukema Blakely	Its: _____
_____	By: _____
Pamela Beukema Hulme	Print: _____
	Its: _____

ACKNOWLEDGMENTS

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

On this ____ day of _____, 20__, before me, the undersigned, a Notary Public in and for said state, personally appeared _____ and _____, to me personally known and who being by me duly sworn, did say that they are the _____ and _____, respectively, of the City of Jasper, Iowa; that the instrument was signed on behalf of the City, by the authority of its City Council, and that _____ and _____ acknowledge the execution

of the instrument to be their voluntary act and deed and the voluntary act and deed of the City, by it voluntarily executed.

Notary Public in and for said County and State

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Mary Beukema Harms, to me personally known, and she acknowledged the execution of the said instrument to be her voluntary act and deed.

Notary Public in and for said State

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Susan Beukema Blakely, to me personally known, and she acknowledged the execution of the said instrument to be her voluntary act and deed.

Notary Public in and for said State

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

On this _____ day of _____, 20____, before me, a Notary Public in and for said County and State, personally appeared Pamela Beukema Hulme, to me personally known, and she acknowledged the execution of the said instrument to be her voluntary act and deed.

Notary Public in and for said State

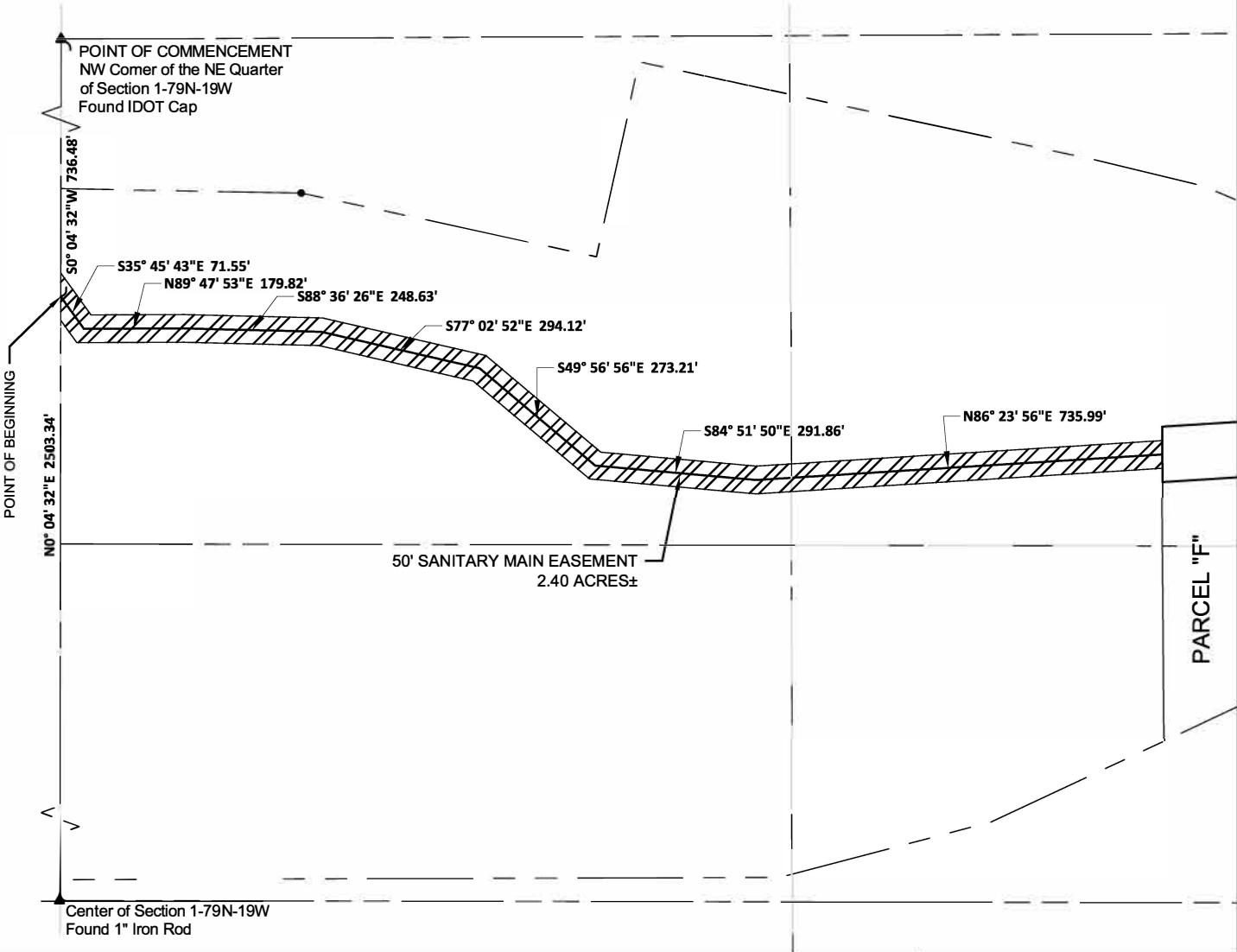
PREPARED BY: PELDS DESIGN SERVICES. - 2323 DIXON STREET, DES MOINES, IOWA 50316 - PH. (515)265-8196

EASEMENT EXHIBIT A
(SANITARY SEWER EASEMENT)

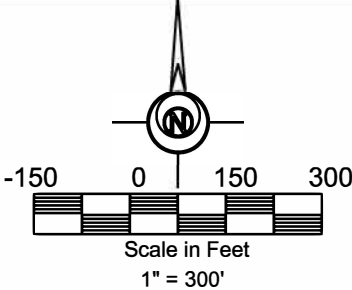
LEGAL DESCRIPTION:

A 50 foot wide Sanitary Sewer Easement in part of the Fractional Northeast Quarter of Section 1, Township 79 North, Range 19 West, of the 5th P.M. all being in and forming a part of the City of Newton, Jasper County, Iowa, whose centerline is more particularly described as follows:

COMMENCING at the said Northwest corner of the Northeast Quarter; THENCE South 0°04'32" West, along the West line of the said Northeast Quarter, a distance of 736.48 feet, to the POINT OF BEGINNING; THENCE South 35°45'43" East, a distance of 71.55 feet; THENCE North 89°47'53" East, a distance of 179.82 feet; THENCE South 88°36'26" East, a distance of 248.63 feet; THENCE South 77°02'52" East, a distance of 294.12 feet; THENCE South 49°56'56" East, a distance of 273.21 feet; THENCE South 84°51'50" East, a distance of 291.86 feet; THENCE North 86°23'56" East, a distance of 735.99 feet, to the POINT OF TERMINATION, containing 2.40 acres, more or less.



NOTE:
THIS DRAWING IS BEING MADE AVAILABLE BY PELDS DESIGN SERVICES (P.D.S.) FOR USE ON THIS PROJECT IN ACCORDANCE WITH P.D.S.'s AGREEMENT FOR PROFESSIONAL SERVICES. P.D.S. ASSUMES NO RESPONSIBILITY OR LIABILITY (CONSEQUENTIAL OR OTHERWISE) FOR ANY USE OF THESE DRAWINGS (OR ANY PART THEREOF) EXCEPT IN ACCORDANCE WITH THE TERMS OF SAID AGREEMENT.



- SYMBOLS LEGEND**
- P.O.B. POINT OF BEGINNING
 - CALCULATED CORNER (NOT SET)
 - FOUND CORNER
 - ± PLUS/MINUS
 - (M) MEASURED



Architecture | Engineering | Surveying
2323 Dixon Street, Des Moines, Iowa 50316 | PO Box 4626, Des Moines, Iowa 50305 | Ph: 515 265 9196

EASEMENT EXHIBIT FOR CGS NWC IOWA SPEEDWAY DRIVE
& 1-80, NEWTON IOWA

COPYRIGHT DATE:	DRAWN BY:	SCALE:	LATEST REVISION:	DRAWING NO.:
	A.BRADFIELD	1" = 300'	12.17.2020	19-158

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