



Newton City Council Agenda

March 6, 2023 - 6:00 PM

View the City Council Meeting:

In Person

City Hall - Council Chambers
101 W 4th St S, Newton, IA 50208

Television

Mediacom Channel
12/85/121.12

Online

newtongov.org/cablecast

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Presentation

2. Airport Update - Ethan Nasalroad, Johnson Aviation
3. Medical Insurance renewal options - Holmes Murphy, Joe Langel, Client Executive; Jeff Clayton, Attorney-Client Executive

Citizen Participation

4. This is the time of the meeting that a citizen may address the Council. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City policies or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda

Consent Agenda

5. February 20, 2023 Regular City Council Meeting Minutes
6. Approve Liquor License for the following: MURPH AND MARYS, 403 W 4th St N, Building 17 Suite 104, Class C Retail Alcohol License, Outdoor Service pending staff approval; NEWTON 66 #963, 1806 S 12th Ave W, Class B Retail Alcohol License
7. Designate March 20, 2023 as a public hearing for the 1st Budget Amendment for Fiscal year 2022-23
8. Certify Police Officer Candidate List
9. Certify Fire Captain Promotional List
10. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 23-02)
11. Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 1
12. Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 2

13. Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 3
14. Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 4
15. Resolution approving an agreement with Eric Michaels Magic and Illusion to perform a magic show at Newton Fest 2023
16. Resolution of Support For Peck Child Development Center Facility Expansion Project
17. Resolution approving an agreement with Axon Enterprises, Inc. for the purchase of fleet and body cameras for the Police Department
18. Resolution awarding contract for the 2023 Sidewalk Improvement Project
19. Resolution repealing the 2022 City of Newton Supplemental Specifications to the 2023 editions of SUDAS Standard Specifications and the SUDAS Design Manual and adopting the 2023 editions of both the SUDAS Standard Specifications and SUDAS Design Manual along with the 2023 City of Newton Supplemental Specifications to said 2023 editions of the SUDAS Standard Specifications and SUDAS Design Manual
20. Approve Bills

Public Hearing

21. Public hearing on proposal to enter into an Essential Purpose Loan Agreement
 - The City has proposed to enter into an Essential Purpose Loan Agreement and to borrow money thereunder in a principal amount not to exceed \$3,000,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the cost, to that extent, of (1) constructing street, sidewalk, storm water drainage, sanitary sewer and water system improvements; (2) acquiring and installing street lighting, signage and signalization improvements; (3) acquiring vehicles and equipment for the municipal police, fire and emergency services departments; (4) acquiring and equipping vehicles for the municipal streets/public works department; (5) undertaking taxiway improvements at the municipal airport; (6) undertaking municipal cemetery expansion; and (7) acquiring, demolishing and/or restoring dangerous, dilapidated and/or abandoned properties, and has published notice of the proposed action and has held a hearing thereon on March 6, 2023.
22. Public hearing on proposal to enter into a General Purpose Loan Agreement #1
 - The City proposes to enter into a General Purpose Loan Agreement #1 and to borrow money thereunder in a principal amount not to exceed \$300,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the costs, to that extent, of developing a downtown park and recreation facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 6, 2023, no petition had

been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City.

23. Public hearing on proposal to enter into a General Purpose Loan Agreement #2
 - The City proposes to enter into a General Purpose Loan Agreement #2 and to borrow money thereunder in a principal amount not to exceed \$400,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the costs, to that extent, of (1) municipal library improvements, including roof replacement; (2) City Hall improvements, including window replacement; (3) acquiring servers and computer equipment for municipal use; (4) undertaking the public works wash bay project; (5) undertaking the municipal park assessment study; and (6) undertaking facilities upgrades for the municipal park shop, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 6, 2023, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City.
24. Resolution taking additional action on proposal to enter into General Obligation Loan Agreements, combining Loan Agreements and authorizing the use of a Preliminary Official Statement in connection therewith
25. Public Hearing on a resolution adopting the FY24-FY28 Capital Improvement Plan (CIP)
 - Due to the legislation changes, this public hearing will be postponed until April 3, 2023 and republished.

Ordinance

26. Third Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking on various streets in northeast Newton
 - The City received safety concerns regarding street parking along the sections of roadways as described: No Parking on the south side of the 2000-2200 block of N 3rd Ave E. No Parking on the east side of the 200 block of E 21st St N. No Parking on the south side of the 2000-2200 blocks of N 2nd Ave E.
 - Surveys describing the recommended changes were sent to the adjacent property owners. Twenty surveys were returned with 13 residents agreeing with the recommended changes and seven opposing the recommended changes.
 - During the February 6, 2023 Council meeting, Council voted in favor of amending the ordinance to restrict parking on the north

side of the 2000-2200 block of N 3rd Ave E. and the north side of the 2000-2200 blocks of N 2nd Ave E.

27. Second Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 90, "Animals"

- Since the Covid-19 pandemic in 2020, animal complaints and particularly reports of dog bites in Newton have been on the rise.
- The City has taken steps to revisit the current animal ordinance and, in partnership with the Animal Review Committee, citizen input, and a review of current best practices and case law, changes to the ordinance have been proposed.
- Some of the changes include but are not limited to: required signage for the use of underground fencing, limitations on tethering, adds a dangerous designation and re-defines vicious, prohibits dangerous or vicious dogs in other jurisdictions from residing in Newton.

Resolution

28. Resolution adopting the 2023 Newton City Council Rules of Procedure

- At the August 29, 2022 City Council Work Session, the Council ranked updating the Council Meeting Rules and Procedures as their top priority for potential policy or procedural changes or other action items.
- The Newton City Council held a Workshop on November 28, 2022 to specifically look at the potential to update the 2018 Procedural Rules of the Newton City Council.
- It is now at the discretion of the Council to consider the proposed rule changes and adoption of the 2023 Newton City Council Rules of Procedure.

29. Resolution approving the purchase of a landfill trash compactor for the Newton Sanitary Landfill

- As part of its daily operation, the Newton Sanitary Landfill compacts trash daily with an 80,000-pound trash compactor which has reached the end of its expected life and is no longer under warranty
- The total bid amount from Mid Country Machinery and RDO Integrated Controls for the machine and for the installation of GPS equipment is \$922,061.55. City staff recommends placing the existing trash compactor on Public Surplus with a reserve value of \$52,500 which is the amount Mid Country has previously offered
- The 2023-2024 landfill budget includes \$900,000 for this purchase. The total cost for the new machine and GPS controls, minus the sale of the existing compactor, will be \$869,561.55

Staff Report

- 30. Update on Downtown Park - Brian Laube, Community Services Director and Committee Member
- 31. 2022 Parks Update - Brian Laube, Community Services Director
- 32. Review of the Building Trades Board recommendation on the Rental Housing Program - Erin Chambers, Community Development Director

Mayor/Council Comments

- 33. Mayor and Council Comments

Closed Session

- 34. To Evaluate The Professional Competency Of Individuals Whose Appointment, Hiring, Performance Or Discharge Is Being Considered When Necessary To Prevent Needless And Irreparable Injury To That Individual's Reputation And That Individual Request A Closed Session. Pursuant To The Provisions Of Section 21.5(1)(i), Code of Iowa 2023

Return to Open Session

- 35. Return to Open Session

Adjourn

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.

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NEWTON CITY COUNCIL MEETING
MINUTES FEBRUARY 20, 2023,
6:00 PM

Pledge

Pledge of Allegiance

Acting Mayor Pro Tem George asked everyone present to join in saying the Pledge of Allegiance.

Call to Order

1. Roll Call

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 Pro Tem George presided. Present Council Members: Hallam, Dalton, George, Trotter, Wade. Absent: Ervin.

Presentation

2. Historic Preservation Commission 2022 Annual Report - Larry Hurto, HPC Chair
Larry Hurto, HPC Chair, presented the Historic Preservation Commission 2022 Annual Report.

Citizen Participation

3. During Citizen Participation, Donna Stumme, 401 E 10th St S, spoke in appreciation for the work on the amended animal ordinance.

Consent Agenda

Moved by Dalton, seconded by Wade to approve consent agenda items 4-19. AYES: Five. NAYS: None. Consent Agenda was adopted.

4. February 06, 2023 Regular City Council Meeting Minutes
5. February 06, 2023 Budget Workshop Minutes
6. Approve Liquor Licenses for the following: Nostalgia Wine & Spirits- LC0048028, 109 N 2nd Ave E, Special Event 03/17/23, Temporarily extending outdoor service area
7. Resolution approving the 2022 Certified Local Government Annual Report for the Newton Historic Preservation Commission
Resolution 2023-025 adopted.
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 23-01)
Resolution 2023-026 adopted.
9. Resolution approving the submittal of a Prairie Meadows grant application for the Aurora Park Pickleball Courts Project
Resolution 2023-027 adopted.
10. Resolution accepting completion of the N 4th Ave W Traffic Signal Improvement Project
Resolution 2023-028 adopted.
11. Resolution awarding contract for the 2023 Highway and Symbol Painting Project
Resolution 2023-029 adopted.
12. Resolution awarding contract for the 2023 Overhead Door Installation Project - Community Services
Resolution 2023-030 adopted.
13. Resolution approving the Clinical Engineering Agreement with Unity Point Health
Resolution 2023-031 adopted.
14. Resolution setting the date for a public hearing on proposal to enter into General Obligation Loan Agreements and to borrow money thereunder
Resolution 2023-032 adopted.
15. Resolution approving the Newton Sanitary Landfill fee schedule
Resolution 2023-033 adopted.
16. Resolution approving a Professional Design Services Agreement for the City Hall Skylight Replacement Project
Resolution 2023-034 adopted.
17. Resolution renewing Newton's membership to the Mid-Iowa Planning Alliance
Resolution 2023-035 adopted.
18. Resolution approving 2023 Water Supply and Treatment System Facility Plan Report
Resolution 2023-036 adopted.
19. Approve Bills

Public Hearing

20. Public Hearing on a Resolution Approving the Maximum Property Tax Dollars for Fiscal Year July 1, 2023 – June 30, 2024
Acting Mayor Pro Tem George stated that this is the time and place for a Public Hearing on the above Resolution. There were no written comments. Clinton Webster, Thunderdome owner, 1611 1st Ave W and Mary Cass, 1501 N 6th Ave E, spoke regarding the effects of tax increases on citizens and business owners. Finance Officer, Lisa Frasier, indicated that the 11.01% increase consists of increased property valuations on commercial and residential properties that were assessed by the County Assessor's Office. With the new legislation there will be an adjustment that will actually be lower once we get the numbers from the auditor. Moved by Hallam, seconded by Trotter to close the public hearing. AYES: Five. NAYS: None. The public hearing was closed.
21. Resolution Approving the Maximum Property Tax Dollars for Fiscal Year July 1, 2023 – June 30, 2024
Moved by Dalton, seconded by Trotter to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-037 adopted.

Ordinance

22. 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 on various streets in northeast Newton
Moved by Hallam, seconded by Dalton to approve the second consideration of the Ordinance. AYES: Five. NAYS: None. Second Consideration of the Ordinance was approved.
23. First Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 90, "Animals"
Moved by Hallam, seconded by Wade to approve the first consideration of the Ordinance. AYES: Five. NAYS: None. First Consideration of the Ordinance was approved.

Resolution

24. Resolution approving the granting of a downtown improvement grant for the building at 118 North 2nd Avenue East
Moved by Trotter, seconded by Hallam to adopt the Resolution. Hillary Foster, 2511 N 7th Ave E, asked about the maximum grant amount. Muckler indicated the most he saw was \$55,000. It is a matching 1:1 grant. AYES: Five. NAYS: None. Resolution 2023- 038 adopted.
25. Resolution authorizing agreement for private development with Christensen Development 1, LLC and Jasper County, Iowa
Moved by Wade, seconded by Dalton to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-039 adopted.
26. Resolution approving reorganization and additions to City staff
Moved by Wade, seconded by Dalton to adopt the Resolution. AYES: Five. NAYS: None. Resolution 2023-040 adopted.

Staff Report

27. Law Enforcement Technology Presentation - Rob Burdess, Police Chief
Trace Kendig of Sector Technology Group, introduced a camera program that would capture images of vehicles without insurance coverage. The technology would have no cost but Sector would recoup through a share of the ticket revenue.

Mayor/Council Comments

Council discussed the upcoming Union Drive construction that will begin April 3rd.

Adjourn

Moved by Wade, seconded by Hallam to adjourn the meeting at 7:22 P.M. Motion unanimously carried by voice vote.



**City of Newton Civil Service Commission
Police Officer 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 Police Department. The following list shall expire one year from the date of certification, or upon exhaustion.

Police Officer Candidates

Neal Cooley
Braydon Chance

Date: March 6, 2023

Signed:

Dave Zellinger

Teresa Ray

Gary Johnson

Witness by:

Katrina Davis, City Clerk

Date:

City of Newton Council Report

**Item:**

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 23-02)

Report Number: 2023-240**Date:**

March 6, 2023

Lead Department:

Community Services

Recommendation:

Approve

Summary:

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

Financial Impact:

Cost Recovery: \$1,439.38

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abated violations that remained non-compliant after the initial warning period. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

Recommendation:

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

Matt Muckler, City Administrator

RESOLUTION 2023- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 23-02)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 23-02: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 23-02: Assessment for the Expenses for Nuisance Abatement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 23-02: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 23-02: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 23-02: 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
James Matherly	827105002	1506 1/2 W 4th St N	Newton	\$168,210	\$447.72	\$75.00	\$522.72	LOT 3 EX TR 43'X 135' NE COR & LOT 5 EX TR 70' X 135' NW NW & TR 20' X 120' ADJ ON S	1/10/2023
Leland Quarve	827476020	717 E 10 St N	Newton	\$91,710	\$205.00	\$75.00	\$280.00	NORTH EAST ADD N 108' OF E 132' LOT 2	1/10/2023
Shielow Tucker	827407010	919 E 7th ST N	Newton	\$134,870	\$120.00	\$75.00	\$195.00	EDMUNDSON'S ADD LOTS 2-3 BLK 9 & E 1/2 VAC ALLEY ADJ ON W	1/10/2023
Revenant Capital LLC	827477009	901 N 6th Ave E	Newton	\$56,980	\$366.66	\$75.00	\$441.66	LONG'S SD LOT 21	1/13/2023
Total							\$1,439.38		

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 1

Report Number: 2023-186**Date:**

March 6, 2023

Lead Department:

Community Services

Recommendation:

Approve

Summary:

Award of contract to mow and trim at eleven City-owned locations during the 2023 growing season

Financial Impact:

\$4,800.00 from D & D bond funds

Background:

The City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process. With this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained.

A request for quotes was prepared and sent out for the mowing and trimming at eleven City-owned lots for the 2023 growing season. The locations included:

- 6 Bungalow Ct.
- 7 Bungalow Ct.
- 12 Bungalow Ct.
- 315-321 E 8th St S
- 1219 S 4th Ave E
- 120 E 12th St N
- 512 1st Ave E
- 211 E 12th St N & 1117 N 3rd Ave E
- 319 E 12th St N
- 748 N 3rd Ave E
- 817 N 3rd Ave E

These locations included are mainly vacant or undeveloped, are generally not used by the public, and require a minimal level of maintenance.

The following quotes were received and opened on February 23, 2023:

Manfull Construction – Slater, Iowa

\$ 4,800.00

Shannon Dannen – Newton, IA	\$ 5,088.00
Leading Edge Lawn Care – Grinnell, IA	\$ 5,640.00
4 Seasons Lawn & Snow LLC – Grinnell, IA	\$ 10,920.00
Gilbert Lawn Care – Knoxville, IA	\$ 11,112.00
A-1 Lawncare – Newton, IA	\$ 28,680.00

The apparent lowest quote of \$4,800.00 is from Manfull Construction of Slater, Iowa. The average cost/acre/mowing for this contract is approximately 22% lower than the comparable 2022 Mowing Contract No. 1.

Recommendation:

City Staff recommends that Council award a contract for the 2023 City of Newton Mowing Contract No. 1 to Manfull Construction of Slater, Iowa.

A handwritten signature in black ink, appearing to read "Matt Muckler", with a stylized, cursive script.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION AWARDING CONTRACT FOR THE
2023 CITY OF NEWTON MOWING CONTRACT NO. 1**

WHEREAS, the City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process; and

WHEREAS, with this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained; and

WHEREAS, a request for quotes was prepared and sent out for the mowing and trimming at eleven City-owned lots for the 2023 growing season; and

WHEREAS, sealed quotes were received and opened on February 23, 2023; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 1 based on the low responsive, responsible quote received in the amount of \$4,800.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the quote of Manfull Construction of Slater, Iowa, in the amount of Four Thousand, Eight Hundred Dollars and Zero Cents (\$4,800.00) for the 2023 City of Newton Mowing Contract No. 1 is hereby accepted, the same being the lowest quote received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 1, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that completed work shall be paid from D & D bond funds.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 2

Report Number: 2023-187**Date:**

March 6, 2023

Lead Department:

Community Services

Recommendation:

Approve

Summary:

Award of contract to mow and trim at thirteen City-owned locations during the 2023 growing season

Financial Impact:

\$4,680.00 from D & D bond funds

Background:

The City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process. With this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained.

A request for quotes was prepared and sent out for the mowing and trimming at thirteen City-owned lots for the 2023 growing season. The locations included:

- 215 E 5th St N
- 421 N 3rd Ave E
- 411 N 3rd Ave E
- 214 E 4th St N
- 340 E 5th St N
- 721 E 7th St N
- 909 E 7th St N
- 1011-1015 E 9th St N
- 209 N 13th Ave W
- 115 E 4th St N
- 124 E 4th St N
- 514 S 2nd Ave W
- 411 N 2nd Ave E

These locations included are mainly vacant or undeveloped, are generally not used by the public, and require a minimal level of maintenance.

The following quotes were received and opened on February 23, 2023:

Manfull Construction – Slater, Iowa	\$ 4,680.00
Shannon Dannen – Newton, IA	\$ 5,304.00
Leading Edge Lawn Care – Grinnell, IA	\$ 6,480.00
4 Seasons Lawn & Snow LLC – Grinnell, IA	\$ 10,560.00
Gilbert Lawn Care – Knoxville, IA	\$ 10,560.00
A-1 Lawncare – Newton, IA	\$ 18,960.00

The apparent lowest quote of \$4,680.00 is from Manfull Construction of Slater, Iowa. The average cost/acre/mowing for this contract is approximately 19% lower than the comparable 2022 Mowing Contract No. 2.

Recommendation:

City Staff recommends that Council award a contract for the 2023 City of Newton Mowing Contract No. 2 to Manfull Construction of Slater, Iowa.



Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION AWARDING CONTRACT FOR THE
2023 CITY OF NEWTON MOWING CONTRACT NO. 2**

WHEREAS, the City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process; and

WHEREAS, with this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained; and

WHEREAS, a request for quotes was prepared and sent out for the mowing and trimming at thirteen City-owned lots for the 2023 growing season; and

WHEREAS, sealed quotes were received and opened on February 23, 2023; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 2 based on the low responsive, responsible quote received in the amount of \$4,680.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the quote of Manfull Construction of Slater, Iowa, in the amount of Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the 2023 City of Newton Mowing Contract No. 2 is hereby accepted, the same being the lowest quote received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 2, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that completed work shall be paid from D & D bond funds.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 3

Report Number: 2023-188**Date:**

March 6, 2023

Lead Department:

Community Services

Recommendation:

Approve

Summary:

Award of contract to mow and trim at thirteen City-owned locations during the 2023 growing season

Financial Impact:

\$4,680.00 from D & D bond funds

Background:

The City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process. With this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained.

A request for quotes was prepared and sent out for the mowing and trimming at thirteen City-owned lots for the 2023 growing season. The locations included:

- 525 W 4th St S
- 309 S 8th Ave W
- 616 W 4th St S
- 717 W 6th St S
- 509 W 2nd St S
- 315 E 4th St S
- 917 1st Ave W
- 524 S 4th Ave E
- 625 E 5th St S
- 1312 E 6th St S
- 902 1st Ave W
- 211 S 15th Ave W
- 1608 1st Ave W

These locations included are mainly vacant or undeveloped, are generally not used by the public, and require a minimal level of maintenance.

The following quotes were received and opened on February 23, 2023:

Manfull Construction – Slater, Iowa	\$ 4,680.00
Shannon Dannen – Newton, IA	\$ 5,040.00
Leading Edge Lawn Care – Grinnell, IA	\$ 6,840.00
Gilbert Lawn Care – Knoxville, IA	\$ 10,944.00
4 Seasons Lawn & Snow LLC – Grinnell, IA	\$ 12,000.00
A-1 Lawncare – Newton, IA	\$ 18,120.00

The apparent lowest quote of \$4,680.00 is from Manfull Construction of Slater, Iowa. The average cost/acre/mowing for this contract is approximately 21% lower than the comparable 2022 Mowing Contract No. 3.

Recommendation:

City Staff recommends that Council award a contract for the 2023 City of Newton Mowing Contract No. 3 to Manfull Construction of Slater, Iowa.



Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION AWARDING CONTRACT FOR THE
2023 CITY OF NEWTON MOWING CONTRACT NO. 3**

WHEREAS, the City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process; and

WHEREAS, with this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained; and

WHEREAS, a request for quotes was prepared and sent out for the mowing and trimming at thirteen City-owned lots for the 2023 growing season; and

WHEREAS, sealed quotes were received and opened on February 23, 2023; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 3 based on the low responsive, responsible quote received in the amount of \$4,680.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the quote of Manfull Construction of Slater, Iowa, in the amount of Four Thousand, Six Hundred Eighty Dollars and Zero Cents (\$4,680.00) for the 2023 City of Newton Mowing Contract No. 3 is hereby accepted, the same being the lowest quote received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 3, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that completed work shall be paid from D & D bond funds.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2023 City of Newton Mowing Contract No. 4

Report Number: 2023-189**Date:**

March 6, 2023

Lead Department:

Community Services

Recommendation:

Approve

Summary:

Award of contract to mow and trim at eight City-owned locations during the 2023 growing season

Financial Impact:

\$6,720.00 from D & D bond funds and Parks 4030 General Fund budget

Background:

The City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process. With this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained.

A request for quotes was prepared and sent out for the mowing and trimming at eight City-owned lots for the 2023 growing season. The locations included:

2801 Rusty Wallace Drive

- S 8th Ave E @ E 23rd St S
- 601 E 19th St S
- W 19th St S @ S 12th Ave W
- 312 W 8th St N
- E 19th St N @ N 8th Ave E & N 9th Ave E
- 2000 W 18th St S
- 515 W 3rd St N

These locations included are a mix of vacant lots, unimproved right-of-way, and other undeveloped public property. The following quotes were received and opened on February 23, 2023:

Manfull Construction – Slater, Iowa	\$ 6,720.00
Shannon Dannen – Newton, IA	\$ 9,520.00
Leading Edge Lawn Care – Grinnell, IA	\$ 12,880.00
Gilbert Lawn Care – Knoxville, IA	\$ 15,504.00
4 Seasons Lawn & Snow LLC – Grinnell, IA	\$ 21,720.00

The apparent lowest quote of \$6,720.00 is from Manfull Construction of Slater, Iowa. The average cost/acre/mowing for this contract is comparable to average costs/acre/mowing received for the

other three 2023 Mowing Contracts.

Recommendation:

City Staff recommends that Council award a contract for the 2023 City of Newton Mowing Contract No. 4 to Manfull Construction of Slater, Iowa.

A handwritten signature in black ink, appearing to read "Matt Muckler". The signature is fluid and cursive, with the first name "Matt" written in a more compact, stylized manner and the last name "Muckler" written in a more extended, flowing script.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION AWARDDING CONTRACT FOR THE
2023 CITY OF NEWTON MOWING CONTRACT NO. 4**

WHEREAS, the City of Newton Community Services Department is responsible for not only mowing and maintaining all City parks and cemeteries, but also mows and removes snow at numerous other City-owned lots such as those lots acquired through the D & D process; and

WHEREAS, with this large inventory of vacant lots to maintain, additional costs are incurred in both equipment and labor to keep these extra lots maintained; and

WHEREAS, a request for quotes was prepared and sent out for the mowing and trimming at eight City-owned lots for the 2023 growing season; and

WHEREAS, sealed quotes were received and opened on February 23, 2023; and

WHEREAS, City staff recommends that the City of Newton award a contract to Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 4 based on the low responsive, responsible quote received in the amount of \$6,720.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the quote of Manfull Construction of Slater, Iowa, in the amount of Six Thousand, Seven Hundred Twenty Dollars and Zero Cents (\$6,720.00) for the 2023 City of Newton Mowing Contract No. 4 is hereby accepted, the same being the lowest quote received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Manfull Construction of Slater, Iowa for the 2023 City of Newton Mowing Contract No. 4, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that completed work shall be paid from D & D bond funds and Parks 4030 General Fund budget.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving an agreement with Eric Michaels Magic and Illusion to perform a magic show at Newton Fest 2023

Report Number: 2023-239**Date:**

March 6, 2023

Lead Department:

Community Development

Recommendation:

Approve

Summary:

Newton Fest continues to strive to provide free entertainment for the community during the second weekend in June. City staff has worked with magician Eric Michaels (Ver Steegt) to do a 60 minute performance on Saturday, June 10 at Maytag Bowl.

Financial Impact:

\$560

Background:

Newton Fest continues to provide free entertainment for our community during the second weekend in June. Events being organized by staff are taking place outdoors at Maytag Park. Staff worked with Eric Michaels Magic and Illusion to perform a magic show at Maytag Bowl at 1 p.m. on Saturday, June 10. Eric has performed at Newton Fest for many years and is always a well attended event. The show would be free to the public and allow families to have a fun, free Saturday afternoon activity.

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

Recommendation:

Staff recommends approval of this resolution.

Matt Muckler, City Administrator

RESOLUTION NO. 2023- _____

RESOLUTION APPROVING AN AGREEMENT WITH ERIC MICHAELS MAGIC AND ILLUSION TO PERFORM A MAGIC SHOW AT NEWTON FEST 2023.

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

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

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

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

WHEREAS, City staff has been working to provide family friendly and free activities at Maytag Park on Saturday, June 10, 2023 which includes a 60 minute performance by Eric Michaels Magic and Illusions, and

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

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

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Newton Fest

This Agreement, entered into by and between the **City of Newton, IA** (hereinafter called the “purchaser”) and **Eric Michaels(Ver Steegt)** (hereinafter called the “performer”) this 22nd Day of February, 2023.

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

1. **Venue:** Newton Fest, Newton IA, Maytag Bowl
2. **Date(s):** Saturday June 10th, 2023
3. **Time(s):** 1:00pm (60 min show).
4. **Load in Time:** 2 hrs prior to performance time or a time specifically arranged.
5. **Sound Check Time:** Prior to set, During Load In.
6. **Power, Sound, Lights:** Purchaser agrees to provide access to 1 standard electrical outlet within 100 ft. of performing area. Performer will be responsible for Sound/PA System and man power to operate Sound/PA system. Sound Board will be placed in front in the “house area”, a 4ft. by 4 ft. area will be needed. If a house system is available, Performer may opt to tie into that system instead. Please notify ahead of time if lighting system will be needed as one is not typically carried with performer.
7. **Stage/Backdrop:** Purchaser agrees to provide a covered, raised stage with minimum dimensions of 24ft wide and 24ft deep to perform on. If the height of the stage is greater than 2ft then there must be a set of steps, stairs, or a ramp with direct access to the stage. If no stage is available then floor space of the same dimensions will suffice. Performer will be providing and using a backdrop that is typically 14ft wide and 7 ft. high. (Maytag Bowl is Approved)
8. **Parking:** Purchaser agrees to provide free parking for a Suburban and 6x12 Cargo Trailer as close as possible to the stage/stage entrance doors.
9. **Sales:** Performer reserves the right to have Back of Room (BOR) Sales before and after each performance.
10. **Video and Photography:** Eric Michaels Magic & Illusion is a copyrighted performance and may not be videographed in its entirety. Venue and Patrons may videotape segments of the show if they wish. Performer reserves the right to videotape and photograph his performance, in its entirety, and may use the images and video for marketing and advertisement purposes in the future.

11. Monetary Consideration: \$450 for 60 min show, Plus Mileage. **\$560 Total.**

To be paid immediately following the performance. Checks made payable to "Eric Michaels"

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

13. Other Considerations: _____

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

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

Performer:

Purchaser:

By: Eric Ver Steegt

By: _____

Date: 2-22-2023

Date: _____

Cell Phone # _____

Like us on **Facebook!** 

 **Eric Michaels**

Visit us on **Instagram!**

 **#EricM_Magic**

Follow us on **Twitter!**

 **@EricM_Magic**

City of Newton Council Report

**Item:**

Resolution of Support For Peck Child Development Center Facility Expansion Project

Summary:

Peck Child Development Center is in the early stages of planning, fundraising, and applying for grants for a facility expansion that will increase the number of children served. This resolution articulates the City's support of moving forward with that effort.

Financial Impact:

None.

Report Number: 2023-254

Date:

March 6, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

Peck Child Care Center plans to expand their facility to increase the number of children they are able to provide care for. Peck Child Care Center is making applications to various grants to assist with the funding of the daycare expansion. A resolution of support from the City of Newton will assist them in their grant writing efforts.

Peck Child Care Center, a non-profit entity, provides a vital service to the community which is a linchpin of economic development. Without adequate child care/preschool in the community, economic development and growth are hindered.

The resolution does not provide for any financial assistance with the project.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION OF SUPPORT FOR PECK CHILD DEVELOPMENT CENTER
FACILITY EXPANSION PROJECT**

WHEREAS, the comprehensive plan, *Envision Newton 2042*, recommends that City of Newton focus economic development efforts on population and business growth; and

WHEREAS, the availability of quality child care options is a key community asset, enhancing our ability to attract and retain families with young children; and

WHEREAS, Newton’s major employers consistently identify the availability of quality child care as a vital component of their employee recruitment and retention programs; and

WHEREAS, Peck Child Development Center, a Newton non-profit corporation, is widely recognized as a provider of quality, affordable child care and pre-school education and has continuously operated in our community for over 40 years; and

WHEREAS, due to facility limitations, Peck Child Development Center has a waiting list of families needing child care and, accordingly, has recently purchased appurtenant land to construct new classroom and playground space; and

WHEREAS, the facility expansion project will require the use of retained capital as well as pursuit of available grants and private donations;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Newton, Iowa commends Peck Child Development Center for their commitment to expand quality, affordable child care options in our community and supports the Peck board’s efforts to seek available grant funds and private donations to finance their facility expansion project.

PASSED this 6th day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving an agreement with Axon Enterprises, Inc. for the purchase of fleet and body cameras for the Police Department

Summary:

Renewal of camera agreement with Axon

Financial Impact:

\$237,873.79 paid over 5 years through the CIP

Report Number: 2023-255

Date:

March 6, 2023

Lead Department:

Police

Recommendation:

Approve

Background:

The Police Department has been utilizing dash cameras in the patrol fleet since the early 1990s. In 2018, camera usage was expanded and body cameras were added to supplement the fleet units. At that time, Axon Enterprises, Inc. was the chosen vendor for a 5 year purchase agreement. The company's customer support, cloud storage and camera equipment have exceeded expectations and they are the leading provider of fleet and body cameras in the world. All of the Police Department's digital evidence is currently in Axon's cloud storage system, called [Evidence.com](https://evidence.com), which is accessible to our county and city attorneys for use in prosecution. The cameras have been a benefit for accountability, evidence documentation and training.

With the 5 year agreement expiring in June of 2022, it's proposed to renew the agreement with Axon Enterprises, Inc. for another 5 years. The new agreement would include three allotments of 29 body cams, 30 software licenses, charging docks, mounts, 2 allotments of 8 fleet cameras, new fleet hardware and accessories, unlimited cloud storage, redaction software and full warranty of all of the cameras. This agreement would allow the City to lock in current pricing for future technological upgrades. The fleet portion of the agreement would equip the department with new in-car fleet cameras for the next 10 years.

The proposed 5 year agreement is \$237,873.79 to be paid for over the next 5 years through the CIP. \$45,966.44 would be due in July of 2023 and would be paid with existing 2022 bond funds and proposed 2023 bond proceeds.

Recommendation:

Staff recommends approval of this resolution.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

RESOLUTION APPROVING AN AGREEMENT WITH AXON ENTERPRISE INC. FOR THE PURCHASE OF FLEET AND BODY CAMERAS FOR THE POLICE DEPARTEMENT

WHEREAS, the Police Department has utilized in-car dash cameras since the early 1990s and began using body cameras in 2018; and

WHEREAS, video systems provide a higher level of transparency, accountability and assist with prosecution and training, and

WHERAS, the current agreement with Axon Enterprises, Inc. expires in June of 2023, and

WHEREAS, the Police Department proposes to renew the agreement for another 5 years to upgrade fleet cameras, body cameras, charging docks, cloud storage, infrastructure and accessories; and

WHEREAS, the cost of a new 5-year agreement is \$237,873.79 to be paid for over the next 5 years through the CIP.

WHEREAS, \$45,966.44 would be due in July of 2023 and would be paid with existing 2022 bond funds and proposed 2023 bond proceeds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the purchase agreement with Axon Enterprises, Inc. for fleet and body cams for \$237,873.79 to be paid over the next 5 years through the CIP.

PASSED this _____ day of _____, 2023.

APPROVED this _____ day of _____, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-454399-44977.711TC

Issued: 02/20/2023

Quote Expiration: 03/15/2023

Estimated Contract Start Date: 07/01/2023

Account Number: 149095

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
101 W 4th St S 101 W 4th St S Newton, IA 50208-3714 USA	Newton Police Dept - IA 101 W 4th St S Newton, IA 50208-3714 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Travis Cole Phone: (480) 463-2200 Email: tcole@taser.com Fax: 480-463-2200	Rob Burdess Phone: (641) 791-0861 Email: robb@newtongov.org Fax:

Quote Summary

Program Length	60 Months
TOTAL COST	\$237,873.79
ESTIMATED TOTAL W/ TAX	\$237,873.79

Discount Summary

Average Savings Per Year	\$12,926.85
TOTAL SAVINGS	\$64,634.26

Payment Summary

Date	Subtotal	Tax	Total
Jun 2023	\$4,353.75	\$0.00	\$4,353.75
Jul 2023	\$23,677.86	\$0.00	\$23,677.86
Jan 2024	\$17,934.83	\$0.00	\$17,934.83
Jul 2024	\$26,540.05	\$0.00	\$26,540.05
Jan 2025	\$18,652.23	\$0.00	\$18,652.23
Jul 2025	\$27,601.66	\$0.00	\$27,601.66
Jan 2026	\$19,398.30	\$0.00	\$19,398.30
Jul 2026	\$28,705.73	\$0.00	\$28,705.73
Jan 2027	\$20,174.24	\$0.00	\$20,174.24
Jul 2027	\$29,853.94	\$0.00	\$29,853.94
Jan 2028	\$20,981.20	\$0.00	\$20,981.20
Total	\$237,873.79	\$0.00	\$237,873.79

Quote Unbundled Price:	\$302,508.05
Quote List Price:	\$287,830.25
Quote Subtotal:	\$237,873.79

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
100552	TRANSFER CREDIT - GOODS	1			\$1.00	(\$2,520.00)	(\$2,520.00)	\$0.00	(\$2,520.00)
100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1			\$1.00	\$678.58	\$678.58	\$0.00	\$678.58
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	60	\$70.73	\$34.66	\$34.66	\$6,238.80	\$0.00	\$6,238.80
BWCamTAP	Body Worn Camera TAP Bundle	29	60	\$35.80	\$32.50	\$32.50	\$56,550.00	\$0.00	\$56,550.00
Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	60	\$134.00	\$128.91	\$128.91	\$61,876.80	\$0.00	\$61,876.80
A la Carte Hardware									
71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8			\$249.00	\$249.00	\$1,992.00	\$0.00	\$1,992.00
11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8			\$1,449.00	\$1,449.00	\$11,592.00	\$0.00	\$11,592.00
72048	FLEET SIM INSERTION, ATT	8			\$15.00	\$15.00	\$120.00	\$0.00	\$120.00
72036	FLEET 3 STANDARD 2 CAMERA KIT	8			\$2,695.00	\$2,695.00	\$21,560.00	\$0.00	\$21,560.00
AB3C	AB3 Camera Bundle	24			\$749.00	\$0.00	\$0.00	\$0.00	\$0.00
AB3MBD	AB3 Multi Bay Dock Bundle	3			\$1,595.00	\$0.00	\$0.00	\$0.00	\$0.00
AB3C	AB3 Camera Bundle	5			\$749.00	\$749.00	\$3,745.00	\$0.00	\$3,745.00
A la Carte Software									
73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	60		\$26.04	\$12.13	\$21,111.13	\$0.00	\$21,111.13
73449	RESPOND DEVICE LICENSE	29	60		\$5.42	\$5.42	\$9,430.80	\$0.00	\$9,430.80
87050	FLEET VIEW XL LICENSE	8	8		\$29.00	\$29.00	\$1,856.00	\$0.00	\$1,856.00
80214	FLEET EVIDENCE.COM UNLIMITED STORAGE	8	8		\$34.00	\$34.00	\$2,176.00	\$0.00	\$2,176.00
BasicLicense	Basic License Bundle	24	60		\$16.87	\$16.25	\$23,400.00	\$0.00	\$23,400.00
ProLicense	Pro License Bundle	7	60		\$42.91	\$42.25	\$17,744.93	\$0.00	\$17,744.93
BasicLicense	Basic License Bundle	12	1		\$15.55	\$16.25	\$195.00	\$0.00	\$195.00
ProLicense	Pro License Bundle	3	1		\$39.55	\$42.25	\$126.75	\$0.00	\$126.75
Total							\$237,873.79	\$0.00	\$237,873.79

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	27	06/01/2023
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	6	06/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	24	06/01/2023
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	5	06/01/2023
AB3 Camera Bundle	74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	27	06/01/2023
AB3 Camera Bundle	74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	6	06/01/2023
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	3	06/01/2023
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	3	06/01/2023
Fleet 3 Basic + TAP Renewal	72040	FLEET REFRESH, 2 CAMERA KIT	8	01/15/2024
A la Carte	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	01/15/2024
A la Carte	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	01/15/2024
A la Carte	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	01/15/2024
A la Carte	72048	FLEET SIM INSERTION, ATT	8	01/15/2024
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	3	12/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	29	12/01/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	3	06/01/2028
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	29	06/01/2028

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	12	06/15/2023	06/30/2023
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	12	06/15/2023	06/30/2023
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	9	06/15/2023	06/30/2023
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	3	06/15/2023	06/30/2023
A la Carte	80214	FLEET EVIDENCE.COM UNLIMITED STORAGE	8	06/15/2023	02/14/2024
A la Carte	87050	FLEET VIEW XL LICENSE	8	06/15/2023	02/14/2024
Basic License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	24	07/01/2023	06/30/2028
Basic License Bundle	73840	EVIDENCE.COM BASIC ACCESS LICENSE	24	07/01/2023	06/30/2028
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	21	07/01/2023	06/30/2028
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	7	07/01/2023	06/30/2028
A la Carte	73449	RESPOND DEVICE LICENSE	29	07/01/2023	06/30/2028
A la Carte	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	07/01/2023	06/30/2028
Fleet 3 Basic + TAP Renewal	80400	FLEET, VEHICLE LICENSE	8	02/15/2024	02/14/2029
Fleet 3 Basic + TAP Renewal	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	16	02/15/2024	02/14/2029

Services

Bundle	Item	Description	QTY
Fleet 3 Basic + TAP Renewal	73392	FLEET 3 UPGRADE INSTALLATION (PER VEHICLE)	8

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	29	07/01/2023	06/30/2028
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	3	05/15/2024	06/30/2028
Fleet 3 Basic + TAP Renewal	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	8	01/15/2025	02/14/2029

Payment Details

Jun 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Invoice Upon Fulfillment	80214	FLEET EVIDENCE.COM UNLIMITED STORAGE	8	\$2,176.00	\$0.00	\$2,176.00
Invoice Upon Fulfillment	87050	FLEET VIEW XL LICENSE	8	\$1,856.00	\$0.00	\$1,856.00
Invoice Upon Fulfillment	BasicLicense	Basic License Bundle	12	\$195.00	\$0.00	\$195.00
Invoice Upon Fulfillment	ProLicense	Pro License Bundle	3	\$126.75	\$0.00	\$126.75
Total				\$4,353.75	\$0.00	\$4,353.75

Jul 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	73449	RESPOND DEVICE LICENSE	29	\$1,741.18	\$0.00	\$1,741.18
Year 1	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	\$3,897.69	\$0.00	\$3,897.69
Year 1	AB3C	AB3 Camera Bundle	24	\$0.00	\$0.00	\$0.00
Year 1	AB3C	AB3 Camera Bundle	5	\$691.43	\$0.00	\$691.43
Year 1	AB3MBD	AB3 Multi Bay Dock Bundle	3	\$0.00	\$0.00	\$0.00
Year 1	BasicLicense	Basic License Bundle	24	\$4,320.27	\$0.00	\$4,320.27
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	\$1,151.84	\$0.00	\$1,151.84
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	29	\$10,440.67	\$0.00	\$10,440.67
Year 1	ProLicense	Pro License Bundle	7	\$3,276.20	\$0.00	\$3,276.20
Invoice Upon Fulfillment	100552	TRANSFER CREDIT - GOODS	1	(\$2,520.00)	\$0.00	(\$2,520.00)
Invoice Upon Fulfillment	100553	TRANSFER CREDIT - SOFTWARE AND SERVICES	1	\$678.58	\$0.00	\$678.58
Total				\$23,677.86	\$0.00	\$23,677.86

Jan 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	\$2,140.20	\$0.00	\$2,140.20
Year 1	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	\$367.78	\$0.00	\$367.78
Year 1	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	\$3,980.56	\$0.00	\$3,980.56
Year 1	72048	FLEET SIM INSERTION, ATT	8	\$22.16	\$0.00	\$22.16
Year 1	Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	\$11,424.13	\$0.00	\$11,424.13
Total				\$17,934.83	\$0.00	\$17,934.83

Jul 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	73449	RESPOND DEVICE LICENSE	29	\$1,810.83	\$0.00	\$1,810.83
Year 2	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	\$4,053.59	\$0.00	\$4,053.59
Year 2	AB3C	AB3 Camera Bundle	24	\$0.00	\$0.00	\$0.00
Year 2	AB3C	AB3 Camera Bundle	5	\$719.09	\$0.00	\$719.09
Year 2	AB3MBD	AB3 Multi Bay Dock Bundle	3	\$0.00	\$0.00	\$0.00
Year 2	BasicLicense	Basic License Bundle	24	\$4,493.09	\$0.00	\$4,493.09
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	\$1,197.93	\$0.00	\$1,197.93
Year 2	BWCamTAP	Body Worn Camera TAP Bundle	29	\$10,858.28	\$0.00	\$10,858.28
Year 2	ProLicense	Pro License Bundle	7	\$3,407.24	\$0.00	\$3,407.24

Jul 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Total				\$26,540.05	\$0.00	\$26,540.05

Jan 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	\$2,225.81	\$0.00	\$2,225.81
Year 2	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	\$382.49	\$0.00	\$382.49
Year 2	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	\$4,139.78	\$0.00	\$4,139.78
Year 2	72048	FLEET SIM INSERTION, ATT	8	\$23.04	\$0.00	\$23.04
Year 2	Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	\$11,881.11	\$0.00	\$11,881.11
Total				\$18,652.23	\$0.00	\$18,652.23

Jul 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	73449	RESPOND DEVICE LICENSE	29	\$1,883.26	\$0.00	\$1,883.26
Year 3	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	\$4,215.74	\$0.00	\$4,215.74
Year 3	AB3C	AB3 Camera Bundle	24	\$0.00	\$0.00	\$0.00
Year 3	AB3C	AB3 Camera Bundle	5	\$747.85	\$0.00	\$747.85
Year 3	AB3MBD	AB3 Multi Bay Dock Bundle	3	\$0.00	\$0.00	\$0.00
Year 3	BasicLicense	Basic License Bundle	24	\$4,672.81	\$0.00	\$4,672.81
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	\$1,245.85	\$0.00	\$1,245.85
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	29	\$11,292.62	\$0.00	\$11,292.62
Year 3	ProLicense	Pro License Bundle	7	\$3,543.53	\$0.00	\$3,543.53
Total				\$27,601.66	\$0.00	\$27,601.66

Jan 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	\$2,314.84	\$0.00	\$2,314.84
Year 3	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	\$397.79	\$0.00	\$397.79
Year 3	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	\$4,305.37	\$0.00	\$4,305.37
Year 3	72048	FLEET SIM INSERTION, ATT	8	\$23.96	\$0.00	\$23.96
Year 3	Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	\$12,356.34	\$0.00	\$12,356.34
Total				\$19,398.30	\$0.00	\$19,398.30

Jul 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73449	RESPOND DEVICE LICENSE	29	\$1,958.59	\$0.00	\$1,958.59
Year 4	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	\$4,384.37	\$0.00	\$4,384.37
Year 4	AB3C	AB3 Camera Bundle	24	\$0.00	\$0.00	\$0.00
Year 4	AB3C	AB3 Camera Bundle	5	\$777.76	\$0.00	\$777.76
Year 4	AB3MBD	AB3 Multi Bay Dock Bundle	3	\$0.00	\$0.00	\$0.00
Year 4	BasicLicense	Basic License Bundle	24	\$4,859.72	\$0.00	\$4,859.72
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	\$1,295.68	\$0.00	\$1,295.68
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	29	\$11,744.33	\$0.00	\$11,744.33
Year 4	ProLicense	Pro License Bundle	7	\$3,685.28	\$0.00	\$3,685.28

Jul 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Total				\$28,705.73	\$0.00	\$28,705.73

Jan 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	\$2,407.43	\$0.00	\$2,407.43
Year 4	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	\$413.70	\$0.00	\$413.70
Year 4	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	\$4,477.59	\$0.00	\$4,477.59
Year 4	72048	FLEET SIM INSERTION, ATT	8	\$24.92	\$0.00	\$24.92
Year 4	Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	\$12,850.60	\$0.00	\$12,850.60
Total				\$20,174.24	\$0.00	\$20,174.24

Jul 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	73449	RESPOND DEVICE LICENSE	29	\$2,036.94	\$0.00	\$2,036.94
Year 5	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	29	\$4,559.74	\$0.00	\$4,559.74
Year 5	AB3C	AB3 Camera Bundle	24	\$0.00	\$0.00	\$0.00
Year 5	AB3C	AB3 Camera Bundle	5	\$808.87	\$0.00	\$808.87
Year 5	AB3MBD	AB3 Multi Bay Dock Bundle	3	\$0.00	\$0.00	\$0.00
Year 5	BasicLicense	Basic License Bundle	24	\$5,054.11	\$0.00	\$5,054.11
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	3	\$1,347.50	\$0.00	\$1,347.50
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	29	\$12,214.10	\$0.00	\$12,214.10
Year 5	ProLicense	Pro License Bundle	7	\$3,832.68	\$0.00	\$3,832.68
Total				\$29,853.94	\$0.00	\$29,853.94

Jan 2028						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	8	\$2,503.72	\$0.00	\$2,503.72
Year 5	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	8	\$430.24	\$0.00	\$430.24
Year 5	72036	FLEET 3 STANDARD 2 CAMERA KIT	8	\$4,656.70	\$0.00	\$4,656.70
Year 5	72048	FLEET SIM INSERTION, ATT	8	\$25.92	\$0.00	\$25.92
Year 5	Fleet3B+TAPRe	Fleet 3 Basic + TAP Renewal	8	\$13,364.62	\$0.00	\$13,364.62
Total				\$20,981.20	\$0.00	\$20,981.20

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Exceptions to Standard Terms and Conditions

Agency has existing contract #15227/15228 (originated via Q-147371) and is terminating that contract upon the new license start date (7/1/2023) of this quote.

The parties agree that Axon is granting a refund of \$2,520 to refund paid, but undelivered services. This discount is based on a ship date range of 6/1/2023 - 6/15/2023, resulting in a 7/1/2023 license date. Any change in this date and resulting license start date will result in modification of this discount value which may result in additional fees due to or from Axon.

Signature

Date Signed

2/20/2023



FLEET STATEMENT OF WORK BETWEEN AXON ENTERPRISE AND AGENCY

Introduction

This Statement of Work ("SOW") has been made and entered into by and between Axon Enterprise, Inc. ("AXON"), and Newton Police Dept - IA the ("AGENCY") for the purchase of the Axon Fleet in-car video solution ("FLEET") and its supporting information, services and training. (AXON Technical Project Manager/The AXON installer)

Purpose and Intent

AGENCY states, and AXON understands and agrees, that Agency's purpose and intent for entering into this SOW is for the AGENCY to obtain from AXON deliverables, which used solely in conjunction with AGENCY's existing systems and equipment, which AGENCY specifically agrees to purchase or provide pursuant to the terms of this SOW.

This SOW contains the entire agreement between the parties. There are no promises, agreements, conditions, inducements, warranties or understandings, written or oral, expressed or implied, between the parties, other than as set forth or referenced in the SOW.

Acceptance

Upon completion of the services outlined in this SOW, AGENCY will be provided a professional services acceptance form ("Acceptance Form"). AGENCY will sign the Acceptance Form acknowledging that services have been completed in substantial conformance with this SOW and the Agreement. If AGENCY reasonably believes AXON did not complete the professional services in conformance with this SOW, AGENCY must notify AXON in writing of the specific reasons within seven (7) calendar days from delivery of the Acceptance Form. AXON will remedy the issues to conform with this SOW and re-present the Acceptance Form for signature. If AXON does not receive the signed Acceptance Form or written notification of the reasons for rejection within 7 calendar days of the delivery of the Acceptance Form, AGENCY will be deemed to have accepted the services in accordance to this SOW.

Force Majeure

Neither party hereto shall be liable for delays or failure to perform with respect to this SOW due to causes beyond the party's reasonable control and not avoidable by diligence.

Schedule Change

Each party shall notify the other as soon as possible regarding any changes to agreed upon dates and times of Axon Fleet in-car Solution installation-to be performed pursuant of this Statement of Work.

Axon Fleet Deliverables

Typically, within (30) days of receiving this fully executed SOW, an AXON Technical Project Manager will deliver to AGENCY's primary point of contact via electronic media, controlled documentation, guides, instructions and videos followed by available dates for the initial project review and customer readiness validation. Unless otherwise agreed upon by AXON, AGENCY may print and reproduce said documents for use by its employees only.

Security Clearance and Access

Upon AGENCY's request, AXON will provide the AGENCY a list of AXON employees, agents, installers or representatives which require access to the AGENCY's facilities in order to perform Work pursuant of this Statement of Work. AXON will ensure that each employee, agent or representative has been informed or and consented to a criminal background investigation by AGENCY for the purposes of being allowed access to AGENCY's facilities. AGENCY is responsible for providing AXON with all required instructions and documentation accompanying the security background check's requirements.

Training

AXON will provide training applicable to Axon Evidence, Cradlepoint NetCloud Manager and Axon Fleet application in a train-the-trainer style method unless otherwise agreed upon between the AGENCY and AXON.

Local Computer

AGENCY is responsible for providing a mobile data computer (MDC) with the same software, hardware, and configuration that AGENCY personnel will use with the AXON system being installed. AGENCY is responsible for making certain that any and all security settings (port openings, firewall settings, antivirus software, virtual private network, routing, etc.) are made prior to the installation, configuration and testing of the aforementioned deliverables.

Network

AGENCY is responsible for making certain that any and all network(s) route traffic to appropriate endpoints and AXON is not liable for network breach, data interception, or loss of data due to misconfigured firewall settings or virus infection, except to the extent that such virus or infection is caused, in whole or in part, by defects in the deliverables.

Cradlepoint Router

When applicable, AGENCY must provide AXON Installers with temporary administrative access to Cradlepoint's [NetCloud Manager](#) to the extent necessary to perform Work pursuant of this Statement of Work.

Evidence.com

AGENCY must provide AXON Installers with temporary administrative access to Axon Evidence.com to the extent necessary to perform Work pursuant of this SOW.

Wireless Upload System

If purchased by the AGENCY, on such dates and times mutually agreed upon by the parties, AXON will install and configure into AGENCY's existing network a wireless network infrastructure as identified in the AGENCY's binding quote based on conditions of the sale.

VEHICLE INSTALLATION

Preparedness

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer less weapons and items of evidence. Vehicle(s) will be deemed 'out of service' to the extent necessary to perform Work pursuant of this SOW.

Existing Mobile Video Camera System Removal

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer which will remove from said vehicles all components of the existing mobile video camera system unless otherwise agreed upon by the AGENCY.

Major components will be salvaged by the AXON Installer for auction by the AGENCY. Wires and cables are not considered expendable and will not be salvaged. Salvaged components will be placed in a designated area by the AGENCY within close proximity of the vehicle in an accessible work space.

Prior to removing the existing mobile video camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's systems' operation to identify and operate, documenting any existing component or system failures and in detail, identify which components of the existing mobile video camera system will be removed by the AXON Installer.

In-Car Hardware/Software Delivery and Installation

On such dates and times mutually agreed upon by the parties, the AGENCY will deliver all vehicles to an AXON Installer, who will install and configure in each vehicle in accordance with the specifications detailed in the system's installation manual and its relevant addendum(s). Applicable in-car hardware will be installed and configured as defined and validated by the AGENCY during the pre-deployment discovery process.

If a specified vehicle is unavailable on the date and time agreed upon by the parties, AGENCY will provide a similar vehicle for the installation process. Delays due to a vehicle, or substitute vehicle, not being available at agreed upon dates and times may result in additional fees to the AGENCY. If the AXON Installer determines that a vehicle is not properly prepared for installation ("Not Fleet Ready"), such as a battery not being properly charged or properly up-fit for in-service, field operations, the issue shall be reported immediately to the AGENCY for resolution and a date and time for the future installation shall be agreed upon by the parties.

Upon completion of installation and configuration, AXON will systematically test all installed and configured in-car hardware and software to ensure that ALL functions of the hardware and software are fully operational and that any deficiencies are corrected unless otherwise agreed upon by the AGENCY, installation, configuration, test and the correct of any deficiencies will be completed in each vehicle accepted for installation.

Prior to installing the Axon Fleet camera systems, it is both the responsibility of the AGENCY and the AXON Installer to test the vehicle's existing systems' operation to identify, document any existing component or vehicle systems' failures. Prior to any vehicle up-fitting the AXON Installer will introduce the system's components, basic functions, integrations and systems overview along with reference to AXON approved, AGENCY manuals, guides, portals and videos. It is both the responsibility of the AGENCY and the AXON Installer to agree on placement of each components, the antenna(s), integration recording trigger sources and customer preferred power, ground and ignition sources prior to permanent or temporary installation of an Axon Fleet camera solution in each vehicle type. Agreed placement will be documented by the AXON Installer.

AXON welcomes up to 5 persons per system operation training session per day, and unless otherwise agreed upon by the AGENCY, the first vehicle will be used for an installation training demonstration. The second vehicle will be used for an assisted installation training demonstration. The installation training session is customary to any AXON Fleet installation service regardless of who performs the continued Axon Fleet system installations.

The customary training session does not 'certify' a non-AXON Installer, customer-employed Installer or customer 3rd party Installer, since the AXON Fleet products does not offer an Installer certification program. Any work performed by non-AXON Installer, customer-employed Installer or customer 3rd party Installer is not warranted by AXON, and AXON is not liable for any damage to the vehicle and its existing systems and AXON Fleet hardware.

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2023 Sidewalk Improvement Project

Summary:

Award Contract to A&A Concrete, LLC for the 2023 Sidewalk Improvement Project

Financial Impact:

\$42,501.00 from bond funds

Report Number: 2023-256**Date:**

March 6, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

To achieve compliance with The Americans with Disabilities Act (ADA), enacted on July 26, 1990, a companion to civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the City is required to show yearly progress in upgrades of ADA facilities. The City of Newton has a transition plan that identifies locations needing structural modifications to meet ADA requirements. Current needs include in-filling sidewalks and constructing new ADA-accessible ramps near Woodrow Wilson School and Maytag Park.

City staff completed plans and specifications, and the following bids were received and opened on February 23, 2023:

Company	Bid Price
A&A Concrete LLC Marshalltown, IA	\$42,501.00
TK Concrete Inc. Pella, IA	\$62,905.00
Caliber Concrete Adair, IA	\$63,506.04

The lowest responsive, responsible bidder is A&A Concrete, LLC, Marshalltown, IA, with a bid of \$42,501.00. The engineer's estimate for this project was \$48,046.00. The completion date of the project is July 30, 2023.

Recommendation:

Award the project to the lowest, responsive, responsible bidder, A&A Concrete, LLC, Marshalltown, IA in the amount of \$42,501.00, to be paid for from bond funds.

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

**RESOLUTION AWARDING CONTRACT FOR THE
2023 SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, to achieve compliance with The Americans with Disabilities Act (ADA), enacted on July 26, 1990, a companion to civil rights legislation to the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the City is required to show yearly progress in upgrades of ADA facilities; and

WHEREAS the City of Newton has a transition plan that identifies locations needing structural modifications to meet ADA requirements. Current needs include in-filling sidewalks and constructing new ADA-accessible ramps near Woodrow Wilson School and Maytag Park; and

WHEREAS, City staff completed plans and specifications, and bids were received and opened on February 23, 2023; and

WHEREAS, City staff recommends that the City of Newton award a contract to A&A Concrete, LLC of Marshalltown, IA based on the lowest responsive, responsible bid received in the amount of \$41,501.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of A&A Concrete, LLC of Marshalltown, IA, in the amount Forty-One Thousand and Five Hundred One Dollars and Zero Cents (\$41,501.00) for the 2023 Sidewalk 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 A&A Concrete, LLC of Marshalltown, IA for the 2023 Sidewalk 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. The City shall utilize Bond funds to pay for the project.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



City of Newton Council Report

**Item:**

Resolution repealing the 2022 City of Newton Supplemental Specifications to the 2023 editions of SUDAS Standard Specifications and the SUDAS Design Manual and adopting the 2023 editions of both the SUDAS Standard Specifications and SUDAS Design Manual along with the 2023 City of Newton Supplemental Specifications to said 2023 editions of the SUDAS Standard Specifications and SUDAS Design Manual

Summary:

Approval of the 2023 editions of the SUDAS Standard Specifications and SUDAS Design Manual and the 2023 City of Newton Supplemental Specifications to said documents.

Financial Impact:

None

Report Number: 2023-266

Date:

March 6, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

On April 20, 1998, the Newton City Council approved the City's use of the Des Moines Metropolitan Design Standards and the Urban Standard Specifications for Public Improvements, now known as the SUDAS (Statewide Urban Design and Specifications) Standard Specifications and SUDAS Design Manual. After adopting these specifications and design standards, supplemental specifications were approved to address Newton's specific requirements.

SUDAS specifications are used as the construction specifications on most public improvement projects and other construction work in the public right-of-way. These specifications include sections on earthwork, sewer and water mains, manholes, intakes, streets, sidewalks, driveways, erosion control, demolition, traffic signals, project bidding, and construction administration.

The SUDAS Design Manual is used as a design guide by the City and developers when preparing plans for public improvements, subdivisions, and other projects. Sections include information on contract documents and plan preparation, stormwater, sanitary sewers, water mains, roadway design, geotechnical, erosion control, parking lots, utilities, street trees, street lighting, sidewalks and bike trails, traffic signals, and trenchless construction.

The SUDAS Specifications and Design Manuals are updated annually by the SUDAS advisory committee, making it necessary to update Newton's Supplemental Specifications to accurately reflect references to various items in these new editions. The proposed revisions to the City of Newton Supplemental Specifications are minor and include the following:

- Various revisions to accurately reference wording used in the current SUDAS specifications.

Proposed changes to the Newton specifications are highlighted yellow in the attached specifications. The proposed 2023 Supplemental Specifications have been reviewed and approved by the Public Works Director and the Utility Department Director for their respective areas of responsibility.

Recommendation:

Approval of the attached resolution repealing the said 2022 City of Newton Supplemental Specifications; and adopting the 2023 editions of the SUDAS Standard Specifications and SUDAS

Design Manual, along with the 2023 City of Newton Supplemental Specifications to said 2023 editions of the SUDAS Standard Specifications and SUDAS Design Manual.

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. 2023 – _____

RESOLUTION REPEALING THE 2022 CITY OF NEWTON SUPPLEMENTAL SPECIFICATIONS TO THE 2023 EDITIONS OF THE SUDAS STANDARD SPECIFICATIONS AND SUDAS DESIGN MANUAL; AND ADOPTING THE 2023 EDITIONS OF THE SUDAS STANDARD SPECIFICATIONS AND THE SUDAS DESIGN MANUAL ALONG WITH THE 2023 CITY OF NEWTON SUPPLEMENTAL SPECIFICATIONS TO SAID 2023 EDITIONS OF THE SUDAS STANDARD SPECIFICATIONS AND DESIGN MANUAL

WHEREAS, the Newton City Council on April 20, 1998, adopted the General City of Newton Supplemental Specifications to the Des Moines Metropolitan Design Standards Manual, current edition and Urban Standard Specifications for Public Improvements, current edition; and

WHEREAS, said specifications and design guidelines are used for numerous City of Newton construction, repair, and demolition projects; along with contract administration of said projects; and

WHEREAS, the original specifications and design manual have gone through changes, updates and additions, including a name change to SUDAS (Statewide Urban Design and Specifications program); and

WHEREAS, the Public Works Department has reviewed the 2023 revisions to the specifications and design manual and has written proposed supplemental specifications for the current documents; and

WHEREAS, the proposed supplemental specifications have been reviewed by the City of Newton Public Works Director and the Utility Department Director in their respective areas.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the 2022 City of Newton Supplemental Specifications to both the 2022 edition of the SUDAS Standard Specifications and the 2020 edition of the SUDAS Design Manual adopted on February 6, 2022, are hereby repealed; and

BE IT FURTHER RESOLVED by the City Council of the City of Newton, Iowa, that the 2023 editions of the SUDAS Standard Specifications and SUDAS Design Manual are hereby adopted along with the 2023 City of Newton Supplemental Specifications to said 2023 editions of the SUDAS Standard Specifications and Design Manual.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

2023 CITY OF NEWTON SUPPLEMENTAL SPECIFICATIONS
TO THE
2023 EDITION OF THE SUDAS STANDARD SPECIFICATIONS
AND THE
2023 EDITION OF THE SUDAS DESIGN MANUAL

Adopted by the Newton City Council on March 6, 2023
Resolution No. 2023-_____

SUDAS STANDARD SPECIFICATIONS:

DIVISION 1 - GENERAL PROVISIONS AND COVENANTS:

Section 1070, Part 3, 3.01 Performance, Payment, and Maintenance Bond - ADD:

- D. Maintenance Bonds shall be provided for the following time periods:
- | | |
|---|--|
| Storm sewer, sanitary sewer and appurtenances: | 4 years |
| Portland Cement Concrete (PCC) paving, sidewalk, shared use trails, curb and gutter, and driveways: | 4 years |
| Hot-Mix Asphalt (HMA) paving, resurfacing, and incidental items: | 2 years |
| All other items: | See Special Provisions or Contract Documents |

DIVISION 5 - WATER MAINS AND APPURTENANCES:

Section 5010 § 2.01 B, Ductile Iron Pipe: ADD general note: Shall be used in contaminated soil.

Section 5010 § 2.05 B, Tracer System:

- A. Delete item 2, Ground Rod, and item 3, Ground Rod Clamp.
- B. Delete item 5, Tracer Wire Test Station, and ADD: Item 5, Tracer Wire Station: Terminate at main line valve or hydrant valve.

Section 5010 § 2.01 C, Prestressed Concrete Cylinder Pipe: DELETE

Section 5020, § 2.02, Fire Hydrant Assembly: ADD the following:

- A. Material: Comply with AWWA C502 and Newton Standards.
- B. Manufacturers: Waterous WB67-250, Steamer (Pumper) or approved equal.
- C6a: Operating Nut: Standard 5 sided 1 1/8" nut, direction of opening, CCW.
- C6b: Pumper Nozzle: 4 1/2".
- C6c: Nozzle threads: National Standard.
- C6d: Main valve nominal opening size: 5 1/4", nominal bury length 5'6".
- D 1. Add: Red (Safety)
- D 2: Add: Red.

Additional Newton Waterworks Information:

Service Pipe Information:

- A. Minimum size allowed: 3/4"
- B. From 3/4" up to, but NOT including 4" shall be Copper, Type K.
- C. 2" to 4" shall be PVC (AWWA C901), 4" and greater shall be PVC (AWWA C-900) or Ductile Iron Pipe, Class 52.
- D. Newton Waterworks shall make Service taps on mains owned by City of Newton Waterworks.
- E. The Water Works shall use insulator corps when attaching copper service to cast or ductile iron water main.
- F. See attached RESPONSIBILITIES AND OBLIGATIONS FOR CONSTRUCTION OF WATER MAIN IN SUBDIVISION for additional requirements.
- G. PVC Pipe shall not be used in areas where LUST (Leaking Underground Storage Tank) plumes are indicated. (See Water Utility for location of the LUST sites).

DIVISION 7 - STREETS AND RELATED WORK:

Section 7030, 1.07 Special Requirements: ADD

A. Brick or Hot Mix Asphalt (HMA) sidewalks and driveways in the public right-of-way will only be allowed after the property owner has obtained the approval by the Newton City Council of an agreement to install a non-standard improvement in the public right-of-way."

B. All residential driveway approaches in the public right-of-way to be Class A or C PCC; approaches must be no shorter than 10 feet in length as measured from the edge of the road and may be constructed to a maximum of 20 feet in length or to the right-of-way line, whichever comes first: or as approved by the Public Works Director.

Section 7030, 2.07 Detectable Warnings: ADD the following paragraph: "Panel types shall be products included in the Iowa Department of Transportation's (IDOT) Materials Approved Product List Enterprise (MAPLE) list for Detectable Warnings. Panel types shall be those designed specifically for installation in plastic concrete. Panels shall be Federal Color No. 22144."

Section 7030 Figures:

DELETE SUDAS Figures 7030.101 and 7030.102, Concrete Driveway Type A and Type B.

ADD City of Newton Figures 7030.101 and 7030.102, Concrete Driveway Type A and Type B (rev. date 3-3-2020).

Figure 7030.201:

- ADD "NOTE: Class A and Class C sidewalks may only be constructed with approval of the Public Works Director."
- REMOVE 1'-6" minimum flare width for Type A and Type B With Flares
- Update Note 9:
Width:
Residential Single-Family Driveway: min.=9', max.=50% of lot frontage, not to exceed 30' wide. Commercial Site or Residential w/2 or more units: width per approved site plan or as approved by the Public Works Director.

Section 7040, 3.02 FULL DEPTH PATCHING, Paragraph A. Pavement Removal:

ADD the following notes:

3. Saw cuts for pavement removal areas shall not extend into adjacent panels not being removed.
4. Remove an additional 12" minimum of pavement longitudinally and transversely beyond the edge of any excavation or utility trench to provide a 12" wide shelf of undisturbed subgrade on all sides of the patch.
5. PCC pavement less than 10 years old shall be replaced by removing full panels following the original pavement joints. One-half panel replacement may be allowed on PCC pavement 10 years or older depending on original panel size and proposed patch location.
6. Presence of adjacent random cracks and other joints may affect the extent of required pavement removal limits. Determination of required pavement replacement limits by the Public Works Director.

Section 7040 Figures:

DELETE SUDAS Figure 7040.101 - Full Depth PCC Patches Less Than or Equal to 15' Long

ADD City of Newton Figure 7040.101 - Full Depth PCC Patches Less Than or Equal to 15' Long (rev. date 2-20-2018)

Figure 7040.103: ADD the following notes:

3. Full-depth HMA patches allowed only with the approval of the Public Works Director.
4. Replace cuts in HMA streets with full-depth PCC patches per City of Newton Figure 7040.101 - Full Depth PCC Patches Less Than or Equal to 15' Long (rev. date 4-15-2019) and SUDAS Figure 7040.102, unless directed otherwise by the Public Works Director.

5. Length and width of all patches shall be at least 6 foot in each direction.

SUDAS DESIGN MANUAL:

1. Under Chapter 5, ROADWAY DESIGN: the City of Newton requires that a drainable aggregate subbase with subdrain tile system be constructed under all new PC concrete streets in compliance with SUDAS Figure 4040.231, Case E, Type 2 (use Engineering Fabric in trench as shown). Subbase shall be constructed per SUDAS Standard Specification Section 2010, Item 2.04 and Item 3.08.
2. Under Chapter 4, WATER MAINS, Section 4C-1 B., No. 1, DELETE: Prestressed Concrete Cylinder Pipe language. Newton Waterworks does not allow use of this pipe.
3. Under Chapter 4, WATER MAINS: ADD the informational sheet titled "RESPONSIBILITIES AND OBLIGATIONS FOR CONSTRUCTION OF WATER MAIN IN SUBDIVISION – NEWTON, IOWA" (rev. date 4-5-2019). Said sheet is included as an attachment to this document.
4. Under Chapter 9, UTILITIES, Section 9A – General Information: add the City of Newton Figure 9000.1 (rev. date 3-16-2020) as additional reference information.

END OF 2023 SUPPLEMENTAL SPECIFICATIONS

BLS
2-16-2023

RESPONSIBILITIES AND OBLIGATIONS FOR CONSTRUCTION OF WATER MAIN IN SUBDIVISION NEWTON, IOWA

Developer Responsibilities:

1. To obtain all necessary permits including Water Main Construction Permit from the Iowa Department of Natural Resources, and all required permits from the City of Newton.
2. To stake right of way lines and lot lines when necessary.
3. To grade right of way within one-half foot of final grade prior to water main construction.
4. Service lines are private from the City main to the structure. Service lines shall not be stubbed to property lines unless a footprint of buildings and driveways are available, so that service shut off box is not located under driveway. Final lot grade sometimes leaves less than five foot of cover over service.
5. Service lines 2" and smaller to be constructed using Type K soft copper. Service lines 4" and larger may be constructed with C900 PVC pipe. A locate wire must be buried with all PVC in order to locate at a later date.
6. To furnish a site plan to the utility.
7. Provide "as built" drawings upon completion of water main project.
8. To pay the Water Works connection fee prior to connection to existing City water main.
9. To construct all water mains according to the "Urban Standard Specification for Public Improvement".
10. Water mains shall be disinfected and a bacterial analysis completed prior to use- See "Urban Specs."
11. Verify all fire hydrant locations with Newton Fire Department.
12. The Water Works may require a performance bond that warranties all work for one year after City acceptance.

Water Utility Responsibilities:

1. Inspect subdivision construction to determine that best practices are employed during construction and that materials and installation meet "Urban Standard Specification for Public Improvement".
2. Accept ownership and responsibility for the main once the City has accepted the subdivision.
3. Perform bacterial test on finished water main and have laboratory certify that test is negative.
4. Provide any technical assistance necessary to successfully complete water main construction.
5. Construct water main to subdivision or property as agreed upon by the Utility and Developer.
6. Calculate connection fee for property to be served based on current Capital Recovery Charge cost if applicable.
7. Water Works shall contact property owner, developer or contractor after site plan review with calculated fee cost.

(Rev. date 4-15-2019)

City of Newton Disbursements 3-07-23

Vendor	Department	Description	Amount
AAAS	Library	Subscription	\$ 567.00
Acushnet Company	Golf	Merchandise	\$ 3,048.46
Alliant Energy/IPL	All	Utilities	\$ 4,661.44
Allied Oil & Supply Company	Landfill/Snow Removal	Supplies	\$ 582.50
Amazon Capital Services	All	Supplies	\$ 3,635.31
APWA Iowa Chapter	Street	Training	\$ 450.00
Baker & Taylor	Library	Books	\$ 2,854.26
Baker & Taylor Entertainment	Library	DVDs	\$ 60.15
Book Farm LLC	Library	Books	\$ 84.80
Bound Tree Medical LLC	Fire	Supplies	\$ 390.96
C. H. McGuiness Co Inc	Water Pollution Control	Supplies	\$ 542.50
Capital One	All	Supplies	\$ 549.01
Cappy's Tire & Auto Service	Parks	Service	\$ 498.96
Carl's Window Service	Library	Service	\$ 90.00
Cengage Learning	Library	Books	\$ 23.99
Center Point Large Print	Library	Books	\$ 28.67
Central Iowa Distributing Inc	Water Pollution Control	Supplies	\$ 1,190.00
Cintas	All	Service	\$ 758.64
Cleveland Golf/Srixon	Golf	Merchandise	\$ 2,194.02
Coastal Netting Company	Landfill	Supplies	\$ 410.00
Con-Struct Inc	Airport RESO 2020-111	Service	\$ 2,382.17
Davis, Katrina	Administration	Mileage	\$ 88.75
Demco Inc	Library	Supplies	\$ 416.79
Des Moines Stamp Mfg	Police	Supplies	\$ 29.50
DH Pace Company	Fire	Service	\$ 223.20
Diamond Vogel Inc	Police/WPC	Supplies	\$ 268.69
Digium Cloud Services LLC	Fire	Service	\$ 406.00
Discount School Supply	Library	Supplies	\$ 86.22
DMACC - Ankeny Campus	All	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 66,652.50
Dorsey & Whitney LLP	Debt Service	Service	\$ 25,000.00
Family Handyman	Library	Subscription	\$ 13.00
Fastenal	All	Supplies	\$ 733.08
FBG Service Corporation	Library	Service	\$ 1,644.00
Forbes Office Solutions	All	Supplies	\$ 1,155.02
FOX Strand	WPC RESO 2020-267/268	Service	\$ 17,905.37
Galls LLC	Fire/Police	Clothing	\$ 548.84
Global Industrial	Water Pollution Control	Supplies	\$ 1,514.95
Good Housekeeping	Library	Subscription	\$ 16.02
Grainger Inc	All	Supplies	\$ 1,606.90
Gralnek-Dunitz	Landfill	Supplies	\$ 55.00
Gregg Young Auto Center	Police	Service	\$ 332.85
Grife, Joe	PW Admin	Reimb	\$ 64.00
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 3,500.00
Harris Golf Cars	Golf	Service	\$ 701.64
Hawkeye Polygraph	Police	Service	\$ 350.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,153.94
Hillyard / Des Moines	Fire	Supplies	\$ 704.68
Housby Heavy Equipment	Landfill/Snow Removal	Supplies	\$ 3,871.75
Huyser, Sharri	Fire	Reimbursement	\$ 236.46
Hy-Vee Inc	Fire	Supplies	\$ 105.50
Image Trend Inc	Fire	Service	\$ 1,644.00
IMFOA	Finance	Dues	\$ 300.00
Iowa Chapter IAEI	Building Inspections	Conferences	\$ 200.00
Iowa Department of Transportation	Snow Removal/Traffic Control	Supplies	\$ 3,284.88
Iowa Golf Course Superintendents A A	Golf	Dues	\$ 125.00

Isolved Benefit Services	Finance	Service	\$ 90.13
Jeff Seals Construction	City Center	Service	\$ 2,500.00
Johnson Aviation	Airport	Service	\$ 3,300.57
Key Cooperative	Police	Fuel	\$ 3,008.12
Kiesler's Police Supply	Police	Supplies	\$ 2,391.00
Law Enforcement Targets Inc	Police	Supplies	\$ 505.65
Liberty Tire Services LLC	Landfill	Service	\$ 300.00
Martin Marietta Materials	Street	Supplies	\$ 841.57
Maxim Advertising	Administration	Service	\$ 353.20
McClure Engineering Co	Storm Water/WPC	Service	\$ 2,066.67
Mediacom	Golf	Utility	\$ 208.80
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 709.20
MG Laundry Corporation	City Center/Fire	Service	\$ 120.65
Mid-Iowa Planning Alliance	Ec Dev/Planning & Zoning	Services	\$ 2,364.00
Midwest Alarm	Library	Service	\$ 350.28
MTI Distributing Inc	Golf/Parks	Supplies	\$ 422.60
NAPA Auto Parts	All	Supplies	\$ 2,027.96
News Printing Company	All	Services	\$ 649.49
Petty Cash - Fire	Fire	Reimbursement	\$ 15.00
Preferred Pest Control Inc	Fire/Library	Service	\$ 709.80
Premier Office Equipment	Executive	Service	\$ 129.07
Quill Corporation	All	Supplies	\$ 788.78
R&R Products Inc	Parks	Supplies	\$ 816.65
Reeves Heating & Cooling	Library	Service	\$ 533.68
Regal Clean LLC	City Center	Service	\$ 2,725.00
Riggs Printing Inc	PW Admin	Supplies	\$ 44.00
Rybo's Painting	Library	Service	\$ 2,670.42
SirsiDynix	Library	Technology	\$ 8,900.00
Spahn & Rose Lumber Co	Library	Supplies	\$ 452.58
Springer Professional Home Services	Library	Service	\$ 2.40
Studio Melee	Library	Consulting	\$ 720.00
Subway	Fire	Supplies	\$ 166.57
Theisen's	All	Supplies	\$ 452.01
TK Elevator	City Center	Service	\$ 205.17
Tricare	Fire	Reimbursement	\$ 395.82
True Value Hardware	All	Supplies	\$ 84.69
United Healthcare	Fire	Reimbursement	\$ 1,227.95
United Healthcare	Fire	Reimbursement	\$ 260.00
University of Northern Iowa	Police	Service	\$ 200.00
Van Maanen Electric Inc	Street Lighting	Service	\$ 204.50
Van Manen, Austin	Police	Reimbursement	\$ 26.89
Van Wall Equipment	Parks	Supplies	\$ 536.27
Vernon Co	Police	Supplies	\$ 779.88
Warnick Mechanical	Golf	Supplies	\$ 24.28
Water Department	All	Utilities	\$ 250.73
Weldon, Bryan	Fire	Reimbursement	\$ 407.52
Windstream	City Center	Utilities	\$ 41.38
Wing, Chris	Police	Reimbursement	\$ 88.28
Zoll	Fire	Supplies	\$ 311.37

Grand Totals:

\$ 208,217.70

Pre-Authorized Payments

Beverage Distributors of Iowa	Golf	Concessions	\$ 401.62
Black Hills Energy	All	Utilities	\$ 7,026.69
Dewey Ford	Police	Service	\$ 3,686.43
Dish Network	Airport	Utilities	\$ 147.09
Doll Distributing	Golf	Concessions	\$ 845.04
Iowa Beverage Systems	Golf	Concessions	\$ 203.20
Mediacom	City Center	Utilities	\$ 306.90
TK Concrete Inc	City Center RESO 2022-106/242 & 2023-006	Service	\$ 26,481.25
United States Cellular	All	Utilities	\$ 256.85
Verizon	Fire	Utilities	\$ 35.01
Total			\$ 39,390.08

Newton Waterworks Disbursements 3-07-23

Vendor	Department	Description	Amount
AIR PRODUCTS AND CHEMICALS INC.	Waterworks	SUPPLIES	\$ 2,952.12
ALLIANT ENERGY ACCOUNT PAYABLE	Waterworks	SERVICE	\$ 7,635.77
AMAZON CAPITAL SERVICES	Waterworks	SUPPLIES	\$ 703.99
ANTHONY, TANNER	Waterworks	REFUND	\$ 19.55
BLACK HILLS ENERGY	Waterworks	SERVICE	\$ 326.42
COMPASS BUSINESS SOLUTIONS	Waterworks	SUPPLIES	\$ 1,458.57
ELECTRICAL ENGINEERING & EQUIP	Waterworks	SERVICE	\$ 629.60
FARVER TRUE VALUE	Waterworks	SUPPLIES	\$ 1,172.60
GORDON FLESCH COMPANY, INC.	Waterworks	SERVICE	\$ 105.00
HACH CHEMICAL COMPANY	Waterworks	SUPPLIES	\$ 526.70
HAWKINS INC	Waterworks	SUPPLIES	\$ 4,143.77
HYVEE	Waterworks	SUPPLIES	\$ 101.71
IOWA ONE CALL	Waterworks	SERVICE	\$ 52.70
IOWA STATE UNIVERSITY	Waterworks	REGISTRATION	\$ 330.00
JASPER CONSTRUCTION SERVICES	Waterworks	SUPPLIES	\$ 36.35
JETCO INC	Waterworks	SERVICE	\$ 15,279.38
KEY COOPERATIVE	Waterworks	SUPPLIES	\$ 52.59
MCCLURE	Waterworks	SERVICES	\$ 1,033.33
MG LAUNDRY CORP	Waterworks	SERVICE	\$ 131.75
MISSISSIPPI LIME COMPANY	Waterworks	SUPPLIES	\$ 20,694.50
MUNICIPAL SUPPLY INC	Waterworks	SUPPLIES	\$ 505.60
NAPA AUTO PARTS	Waterworks	SUPPLIES	\$ 550.31
PHelp UNIFORM SPECIALISTS	Waterworks	SERVICE	\$ 72.00
PIERCE, TODD	Waterworks	REIMBURSEMENT	\$ 10.00
POWERPLAN	Waterworks	SUPPLIES	\$ 313.15
RATCLIFF, GLENN	Waterworks	REIMBURSEMENT	\$ 10.00
STAR EQUIPMENT LTD	Waterworks	SUPPLIES	\$ 246.53
STATE HYGIENIC LABORATORY	Waterworks	SUPPLIES	\$ 20.00
T/C TOWN COUNTRY SERVICES	Waterworks	SERVICE	\$ 380.00
THEISEN'S	Waterworks	SUPPLIES	\$ 123.22
US POSTMASTER	Waterworks	FEE	\$ 290.00
VESSCO INC	Waterworks	SUPPLIES	\$ 1,082.00
WATTS TECHNOLOGIES, INC.	Waterworks	SERVICE	\$ 300.00
WELLS FARGO	Waterworks	SERVICE	\$ 197.46
ZIEGLER INC	Waterworks	SUPPLIES	\$ 177.32

TOTAL:

\$ 61,663.99

City of Newton Council Report

**Item:**

Public hearing on proposal to enter into an Essential Purpose Loan Agreement

Summary:

Resolution taking additional action on proposal to enter into General Obligation Loan Agreements, combining Loan Agreements and authorizing the use of a Preliminary Official Statement in connection therewith

Report Number: 2023-248**Date:**

March 6, 2023

Lead Department:

Administration

Recommendation:**Financial Impact:**

Next step in approval of the 2023 General Obligation Bonds and authorizing use of Preliminary Official Statement

Background:

During the FY24 budget and CIP process, staff has presented the need for bonding in the spring of 2023 for various projects and continued funding of current initiatives. This public hearing does not include the projects in the 1.6 million dollar Park bond, as this was approved by voters and does not require the City to hold a public hearing but is included in the FY23 General Obligation Bonds.

The 3 loan agreements below include funding for the following proposed items:

Essential Purpose Loan Agreement #1, not to exceed \$3,000,000

• Police Vehicles	\$ 200,000
• Police Equipment	\$ 60,000
• Fire Vehicle	\$ 65,000
• D&D Program	\$ 150,000
• Airport Parallel Taxiway	\$ 115,000
• Skid Loader	\$ 35,000
• W 6 th St S Reconstruction	\$ 520,000
• Engineering Vehicle	\$ 42,000
• Cemetery Expansion	\$ 15,000
• Downtown Street Improvements (TIF)	\$1,340,000

General Purpose Loan Agreement #1, not to exceed \$300,000

• Downtown Park (TIF)	\$ 225,000
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General Purpose Loan Agreement #2, not to exceed \$400,000

• Administration Servers	\$ 10,000
• Library Roof	\$ 35,000
• City Center Window Replacement	\$ 30,000

• Public Works Wash Bay Project	\$ 200,000
• Park Assessment Study	\$ 16,000
• Park Shop Equipment Upgrades	\$ 14,000

The City Council intends to combine the Loan Agreements into a single loan agreement and to issue General Obligation Corporate Purpose Bonds, Series 2023A.

The City Administrator and Finance Officer are hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of the Disclosure Counsel and the Underwriter to prepare the Preliminary Official Statement describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

The use by the Underwriter of the Preliminary Official Statement in substantially the form as has been presented to and considered by the City Council is hereby approved, and the Underwriter is hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the Preliminary Official Statement but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the City Administrator is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. The Preliminary Official Statement as of its date is deemed final by the City within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission.

Recommendation:

Staff recommends approval of the attached Resolution taking additional action in regards to the 2023 General Obligation bonds and the use of the preliminary official statement.



Matt Muckler, City Administrator



Overview of Municipal Securities Disclosure

Governmental issuers ("Issuers") of municipal bonds are subject to several important legal provisions under federal securities laws. This overview serves as a starting point for understanding the federal securities law framework surrounding issuance of municipal bonds. In recent years, the U.S. Securities and Exchange Commission ("SEC") has expanded its regulation of the municipal securities market, bringing civil and criminal enforcement actions against issuers, elected officials, and employees for violations of the anti-fraud or continuing disclosure provisions described below.

This overview should be reviewed in connection with the Issuer's policies and procedures (the "Disclosure Policy"), which relate to (1) the disclosure document (often referred to as the "official statement" or "OS") for publicly-offered bond transactions and (2) ongoing continuing disclosure associated with outstanding bond issues (also known as "continuing disclosure").

Overview of Legal Duties Under Federal Securities Law

Issuers of municipal securities are regulated by the Securities Act of 1933 and the Securities Exchange Act of 1934 and various rules promulgated under those acts by the U.S. Securities and Exchange Commission ("SEC"). Of particular importance are Rule 10b-5 (which prohibits fraud) and Rule 15c2-12 (which generates an issuer's ongoing disclosure obligations). Taken together, these rules impose primary disclosure duties (i.e. accuracy and forthrightness in the preparation of an official statement for new bond issues) and secondary disclosure duties (i.e. timely filing financial and other data under a continuing disclosure certificate ("CDC") for outstanding bond issues).

How Do the Anti-Fraud Provisions of SEC Rule 10b-5 Affect Issuers?

Various provisions of federal securities law including SEC Rule 10b-5 prohibit fraud in the issuance, purchase, or sale of municipal securities. These provisions generally prohibit "material" misstatements or omissions to investors, potential investors, or the general public. Violation of these provisions can result in civil or criminal liability.

Who Is Responsible for the Content of an OS?

When bonds are issued and publicly offered, an official statement will be prepared on behalf of the Issuer. The official statement is the disclosure document that sets forth the terms associated with the bond issue and is used to market and sell the Issuer's bonds. Issuers (including elected officials and staff) are primarily responsible for the accuracy of an official statement. Hiring a professional to assist with the preparation of an OS does not discharge an Issuer's responsibility. The elected officials and relevant employees of an issuer have an affirmative obligation to ensure the accuracy of the contents of the financial and other information in an OS— delivery of an OS without first reading it to gauge its accuracy may be reckless and the basis for an SEC enforcement action.

What Ongoing Requirements Are Imposed by SEC Rule 15c2-12?

SEC Rule 15c2-12 ensures that Issuers contractually agree to provide certain financial and operating information to investors and the public on an ongoing basis. The type of information that must be reported is generally (i) annual financial reports and (ii) material event notices.

What Are the Annual Filing Requirements?

Issuers must file updated financial information and operating data on an annual or other regular basis, as specified in their CDC. Generally, the information that must be reported includes audited financial statements, annual financial or operating data, of the type included in the OS for the related bonds.

What Material Event Notices Must Be Filed and When?

Issuers must notify investors (via a specific filing on the "EMMA" website, at <https://emma.msrb.org/>) within 10 business days if certain events occur while a bond is outstanding. Generally, those events are items that impact an Issuer's ability to pay or timely pay amounts owed on outstanding debt, rating changes, defaults, and the incurrence of material financial obligations (debt obligations of the Issuer). At present, there are 16 events that can trigger reporting obligations. The Issuer's Disclosure Policy will detail the events and the procedures intended to enable timely identification and disclosure.

What Is Addressed by the Disclosure Policy?

The Disclosure Policy is designed to assist Issuers with fulfilling both primary and secondary disclosure responsibilities. It sets forth procedures that govern preparation of official statements for new bond offerings (see Appendix I of the policy), compliance with continuing disclosure requirements under a CDC (see Appendix II of the policy), and systematic training of key staff members and elected officials.

Where Can I Find Additional Information?

As always, you and your staff can contact us with any questions about your responsibilities under federal securities law, to address specific items, and for annual training seminars (Dorsey & Whitney LLP provides an annual securities law training for issuers during the first quarter of each year, to satisfy one of the requirements of the Disclosure Policy).

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NEW ISSUE - DTC BOOK ENTRY ONLY

UNDERLYING RATING: S&P: “[__]”
 [EXPECTED] INSURED RATING: S&P: “AA”
 (See “Rating” and “Bond Insurance” herein.)

In the opinion of Dorsey & Whitney LLP, Bond Counsel, according to present laws, rulings and decisions and assuming the accuracy of certain representations and compliance with certain covenants, the interest on the Bonds (i) is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986 (the “Code”) and (ii) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on noncorporate taxpayers by Section 55 of the Code. Interest on the Bonds may, however, be taken into account in determining adjusted financial statement income for purposes of the federal alternative minimum tax imposed on applicable corporations (as defined in Section 59(k) of the Code) for tax years beginning after December 31, 2022. In the opinion of Bond Counsel, the Bonds are “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code. See “TAX EXEMPTION AND RELATED TAX MATTERS” herein.

\$4,655,000*
City of Newton, Iowa
General Obligation Corporate Purpose Bonds,
Series 2023A

Dated: Date of Delivery**Due:** As shown on inside cover

The \$4,655,000* General Obligation Corporate Purpose Bonds, Series 2023A (the “Bonds”), are being issued in fully registered form in denominations of \$5,000 or any integral multiple thereof pursuant to the provisions of Chapters 384 and 76 of the Code of Iowa, 2021, as amended and a resolution authorizing issuance of the Bonds (the “Resolution”) expected to be adopted by the City of Newton, Iowa (the “Issuer” or the “City”) on April 3, 2023*. The Depository Trust Company, New York, New York (“DTC”) will act as the securities depository for the Bonds and its nominee, Cede & Co., will be the registered owner of the Bonds. Individual purchases of the Bonds will be recorded on a book-entry only system operated by DTC. Purchasers of the Bonds will not receive certificates representing their interest in the Bonds purchased. So long as DTC or its nominee, Cede & Co., is the Bondholder, the principal of, premium, if any, and interest on the Bonds will be paid by BOKF, N.A., Lincoln, Nebraska, as Registrar and Paying Agent (the “Registrar”), or its successor, to DTC, or its nominee, Cede & Co. Disbursement of such payments to the Beneficial Owners is the responsibility of the DTC Participants as more fully described herein. Neither the Issuer nor the Registrar will have any responsibility or obligation to such DTC Participants, indirect participants or the persons for whom they act as nominee with respect to the Bonds. See “APPENDIX F – BOOK-ENTRY SYSTEM” herein.

The Bonds will bear interest from their dated date, payable semiannually on each June 1 and December 1, commencing December 1, 2023*.

The scheduled payment of principal of and interest on the Bonds when due will be guaranteed under a municipal bond insurance policy to be issued concurrently with the delivery of the Bonds by BUILD AMERICA MUTUAL ASSURANCE COMPANY. See “BOND INSURANCE” and “APPENDIX G – SPECIMEN MUNICIPAL BOND INSURANCE POLICY” herein.



The Bonds are subject to mandatory sinking fund redemption by the Issuer prior to their stated maturities in the manner and at the time described herein. All of the Bonds then outstanding are subject to optional redemption at the option of the Issuer, as a whole or in part, from any source of available funds, on June 1, 2031*, or on any date thereafter at a redemption price equal to the principal amount of the Bonds, together with accrued interest to the date fixed for redemption, without premium. See “THE BONDS – Redemption” herein.

The Bonds and the interest thereon are general obligations of the Issuer, and all taxable property within the corporate boundaries of the Issuer is subject to the levy of taxes to pay the principal of and interest on the Bonds without constitutional or statutory limitation as to rate or amount. See “SECURITY AND SOURCE OF PAYMENT” herein.

Proceeds of the Bonds will be used for the purpose of paying the cost of financing the Projects, as further described in “PLAN OF FINANCING” herein.. See “PLAN OF FINANCING” herein.

The Bonds are being offered when, as and if issued by the Issuer and accepted by the Underwriter, subject to receipt of an opinion as to legality, validity and tax exemption by Dorsey & Whitney LLP, Des Moines, Iowa, Bond Counsel. Dorsey & Whitney LLP is also serving as Disclosure Counsel to the Issuer in connection with the issuance of the Bonds. It is expected that the Bonds in the definitive form will be available for delivery through the facilities of DTC on or about April 19, 2023.*



* Preliminary, subject to change.

\$4,655,000*
City of Newton, Iowa
General Obligation Corporate Purpose Bonds,
Series 2023A

MATURITY SCHEDULE

<u>Due</u>	<u>Amount</u> *	<u>Rate</u> *	<u>Yield</u> *	<u>Cusip Num.</u> **	<u>Due</u>	<u>Amount</u> *	<u>Rate</u> *	<u>Yield</u> *	<u>Cusip Num.</u> **
June 1, 2028	\$155,000				June 1, 2036	\$325,000			
June 1, 2029	\$265,000				June 1, 2037	\$340,000			
June 1, 2030	\$250,000				June 1, 2038	\$350,000			
June 1, 2031	\$265,000				June 1, 2039	\$365,000			
June 1, 2032	\$275,000				June 1, 2040	\$375,000			
June 1, 2033	\$285,000				June 1, 2041	\$390,000			
June 1, 2034	\$300,000				June 1, 2042	\$405,000			
June 1, 2035	\$310,000								

\$_____ * ____%* Term Bond due June 1, 20__, Yield ____%*, CUSIP** _____

* Preliminary, subject to change.

** CUSIP numbers shown above have been assigned by a separate organization not affiliated with the Issuer. The Issuer has not selected nor is responsible for selecting the CUSIP numbers assigned to the Bonds nor do they make any representation as to the correctness of such CUSIP numbers on the Bonds or as indicated above.

No dealer, broker, salesman or any other person has been authorized to give any information or to make any representations other than those contained in this Official Statement and, if given or made, such information or representations must not be relied upon as having been authorized by the Issuer or the Underwriter. This Official Statement does not constitute an offer to sell or a solicitation of any offer to buy any of the securities offered hereby in any state to any persons to whom it is unlawful to make such offer in such state. Except where otherwise indicated, this Official Statement speaks as of the date hereof. Neither the delivery of this Official Statement nor any sale hereunder shall under any circumstances create any implication that there has been no change in the affairs of the Issuer since the date hereof.

The information set forth herein has been obtained from the Issuer and from other sources that are believed to be reliable, but it is not guaranteed as to accuracy or completeness, and is not to be construed as a representation, by the Underwriter. The Underwriter has provided the following sentence for inclusion in this Official Statement. The Underwriter has reviewed the information in this Official Statement in accordance with, and as part of, its responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriter does not guarantee the accuracy or completeness of such information.

No representation is made regarding whether the Bonds constitute legal investments under the laws of any state for banks, savings banks, savings and loan associations, life insurance companies, and other institutions organized in such state, or fiduciaries subject to the laws of such state.

This Official Statement is not to be construed as a contract with the purchasers of the Bonds. Statements contained in this Official Statement which involve estimates, forecasts or matters of opinion, whether or not expressly so described herein, are intended solely as such and are not to be construed as a representation of facts.

THE BONDS HAVE NOT BEEN REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION BY REASON OF THE PROVISIONS OF SECTION 3(a)(2) OF THE SECURITIES ACT OF 1933, AS AMENDED. THE REGISTRATION OR QUALIFICATIONS OF THE BONDS IN ACCORDANCE WITH APPLICABLE PROVISIONS OF SECURITIES LAWS OF THE STATES IN WHICH THE BONDS HAVE BEEN REGISTERED OR QUALIFIED AND THE EXEMPTION FROM REGISTRATION OR QUALIFICATION IN OTHER STATES SHALL NOT BE REGARDED AS A RECOMMENDATION THEREOF. NEITHER THESE STATES NOR ANY OF THEIR AGENCIES HAVE PASSED UPON THE MERITS OF THE BONDS OR THE ACCURACY OR COMPLETENESS OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

THIS OFFICIAL STATEMENT, INCLUDING THE APPENDICES ATTACHED HERETO, CONTAINS STATEMENTS WHICH SHOULD BE CONSIDERED “FORWARD-LOOKING STATEMENTS,” MEANING THEY REFER TO POSSIBLE FUTURE EVENTS OR CONDITIONS. SUCH STATEMENTS ARE GENERALLY IDENTIFIABLE BY THE WORDS SUCH AS “ANTICIPATED,” “PLAN,” “EXPECT,” “PROJECTED,” “ESTIMATE,” “BUDGET,” “PRO FORMA,” “FORECAST,” “INTEND,” OR OTHER WORDS OF SIMILAR IMPORT. THE ACHIEVEMENT OF CERTAIN RESULTS OR OTHER EXPECTATIONS CONTAINED IN SUCH FORWARD-LOOKING STATEMENTS INVOLVE KNOWN AND UNKNOWN RISKS, UNCERTAINTIES AND OTHER FACTORS WHICH MAY CAUSE ACTUAL RESULTS, PERFORMANCE OR ACHIEVEMENTS TO DIFFER FROM THOSE EXPRESSED OR IMPLIED BY SUCH FORWARD-LOOKING STATEMENTS. THE ISSUER DOES NOT EXPECT OR INTEND TO UPDATE OR REVISE ANY FORWARD-LOOKING STATEMENTS CONTAINED HEREIN IF OR WHEN ITS EXPECTATIONS OR EVENTS, CONDITIONS OR CIRCUMSTANCES ON WHICH SUCH STATEMENTS ARE BASED OCCUR.

References to website addresses presented herein are for informational purposes only and may be in the form of a hyperlink solely for the reader’s convenience. Unless specified otherwise, such websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement for purposes of, and as that term is defined in, Securities and Exchange Commission Rule 15c2-12.

In connection with the issuance of the Bonds, the Issuer will enter into a Continuing Disclosure Certificate. See “APPENDIX C – FORM OF CONTINUING DISCLOSURE CERTIFICATE.”

BUILD AMERICA MUTUAL ASSURANCE COMPANY (“BAM”) makes no representation regarding the Bonds or the advisability of investing in the Bonds. In addition, BAM has not independently verified, makes no representation regarding, and does not accept any responsibility for the accuracy or completeness of this Official Statement or any information or disclosure contained herein, or omitted herefrom, other than with respect to the accuracy of the information regarding BAM, supplied by BAM, and presented under the heading “BOND INSURANCE” and “APPENDIX G – SPECIMEN MUNICIPAL BOND INSURANCE POLICY”.

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OFFICIAL STATEMENT

\$4,655,000*

**City of Newton, Iowa
General Obligation Corporate Purpose Bonds,
Series 2023A**

INTRODUCTION

The purpose of this Official Statement, including the cover page and the appendices hereto (the “Official Statement”), is to set forth certain information in conjunction with the sale of \$4,655,000* General Obligation Corporate Purpose Bonds, Series 2023A (the “Bonds”), of the City of Newton, Iowa (the “Issuer” or the “City”). This Introduction is not a summary of this Official Statement, but is only a brief description of the Bonds and certain other matters. Such description is qualified by reference to the entire Official Statement and the documents summarized or described herein. This Official Statement should be reviewed in its entirety. The offering of the Bonds to potential investors is made only by means of the entire Official Statement, including the appendices attached hereto. All statements made in this Official Statement involving matters of opinion or of estimates, whether or not so expressly stated, are set forth as such and not as representations of fact, and no representation is made that any of the estimates will be realized. Copies of statutes, resolutions, ordinances, reports or other documents referred to herein are available, upon request, from the Issuer.

The Bonds are being issued pursuant to the provisions of Chapters 384 and 76 of the Code of Iowa, 2021, as amended (collectively, the “Act”) and a resolution expected to be adopted by the Issuer on April 3, 2023* (the “Resolution”), to evidence the obligations of the Issuer under a loan agreement (the “Loan Agreement”) between the Issuer and the Underwriter.

The Bonds and the interest thereon are general obligations of the Issuer, and all taxable property within the corporate boundaries of the Issuer is subject to the levy of taxes to pay the principal of and interest on the Bonds without constitutional or statutory limitation as to rate or amount. See “SECURITY AND SOURCE OF PAYMENT” herein.

Proceeds of the Series 2022A Bonds will be used for the purpose of paying the cost of financing the Projects, as further described in “PLAN OF FINANCING” herein. See “PLAN OF FINANCING” and “SOURCES AND USES OF FUNDS” herein.

[In the future, the Issuer anticipates authorizing additional bonds (the “Additional Bonds”) to finance [additional costs of the Project][future projects for the Issuer], but has not finalized timing and amounts. The Additional Bonds are not being offered pursuant to this Official Statement, and any potential bonds constitute separate issues.]

THE ISSUER

The Issuer, with a 2020 U.S. Census population of 15,760, comprises approximately 11.26 square miles. The Issuer operates under a statutory form of government consisting of a six-member City Council, of which the Mayor is not a voting member. Additional information concerning the Issuer is included in “APPENDIX A – INFORMATION ABOUT THE ISSUER” hereto.

THE BONDS

General

The Bonds will be issued in fully registered form only, without coupons. The Bonds will be initially registered in the name of Cede & Co., as nominee of DTC. DTC will act as securities depository of the Bonds. Interest on and principal of the Bonds are payable in lawful money of the United States of America.

The Bonds are dated as of the date of their delivery, will mature on June 1 in the years and in the amounts set forth on the inside cover page hereof, and will bear interest at the rates to be set forth on the inside cover page hereof. Interest on the Bonds is payable semiannually on June 1 and December 1 in each year, beginning on December 1, 2023*, calculated on the basis of a year of 360 days and twelve 30-day months. Interest shall be payable to the persons who were registered owners thereof as of the fifteenth day of the month immediately preceding the interest payment date, to the addresses appearing on the registration books maintained by the Registrar or such other address as is furnished to the Registrar in writing by a registered owner. The Bonds are issuable in denominations of \$5,000 or any integral multiple thereof.

* Preliminary, subject to change.

Redemption

Optional Redemption. All of the Bonds then outstanding are subject to redemption at the option of the Issuer, as a whole or in part, from any source of available funds, beginning on June 1, 2031*, or on any date thereafter at a redemption price equal to the principal amount of the Bonds, together with accrued interest to the date fixed for redemption, without premium.

Mandatory Sinking Fund Redemption*. The Bonds identified below are subject to mandatory redemption (by lot, as selected by the Registrar) on June 1 in each of the years set forth below at a redemption price of 100% of the principal amount thereof to be redeemed, plus accrued interest thereon to the redemption date in the following principal amounts:

<u>Term Bond Maturing June 1, 20__</u>	
<u>Date</u>	<u>Amount</u>
June 1, 20__	\$_____
June 1, 20__ (maturity)	\$_____

Selection of Bonds for Redemption. Bonds subject to redemption (other than mandatory sinking fund redemption) will be selected in such order of maturity as the Issuer may direct. If less than all of the Bonds of a single maturity are to be redeemed, the Bonds to be redeemed will be selected by lot or other random method by the Registrar in such a manner as the Registrar may determine.

Notice of Redemption. Prior to the redemption of any Bonds under the provisions of the Resolution, the Registrar shall give notice by certified mail or electronic means not less than thirty (30) days prior to the redemption date to each registered owner thereof.

SECURITY AND SOURCE OF PAYMENT

General

Pursuant to the Resolution and the Act, the Bonds and the interest thereon are general obligations of the Issuer, and all taxable property within the corporate boundaries of the Issuer is subject to the levy of taxes to pay the principal of and interest on the Bonds without constitutional or statutory limitation as to rate or amount. See “APPENDIX A – INFORMATION ABOUT THE ISSUER.”

Section 76.2 of the Code of Iowa, 2021, as amended (the “Iowa Code”) provides that when an Iowa political subdivision issues general obligation bonds, the governing authority of such political subdivision shall, by resolution adopted before issuing the bonds, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds. A certified copy of this resolution shall be filed with the County Auditor in which the Issuer is located, giving rise to a duty of the County Auditor to annually enter this levy for collection from the taxable property within the boundaries of the Issuer, until funds are realized to pay the bonds in full.

For the purpose of providing for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds as the same become due, the Resolution provides for the levy of a tax sufficient for that purpose on all the taxable property in the Issuer in each of the years while the Bonds are outstanding. The Issuer shall file a certified copy of the Resolution with the County Auditor, pursuant to which the County Auditor is instructed to enter for collection and assess the tax authorized. When annually entering such taxes for collection, the County Auditor shall include the same as a part of the tax levy for Debt Service Fund purposes of the Issuer and when collected, the proceeds of the taxes shall be converted into the Debt Service Fund of the Issuer and set aside therein as a special account to be used solely and only for the payment of the principal of and interest on the Bonds and for no other purpose whatsoever.

Pursuant to the provisions of Section 76.4 of the Iowa Code, each year while the Bonds remain outstanding and unpaid, any funds of the Issuer which may lawfully be applied for such purpose, may be appropriated, budgeted and, if received, used for the payment of the principal of and interest on the Bonds as the same become due, and if so appropriated, the taxes for any given fiscal year as provided for in the Resolution, shall be reduced by the amount of such alternate funds as have been appropriated for said purpose and evidenced in the Issuer’s budget. While not pledged to Bondholders, the Issuer may use tax increment revenues for the payment of the principal of and interest on the Bonds.

* Preliminary, subject to change.

BOND INSURANCE

Bond Insurance Policy

Concurrently with the issuance of the Bonds, Build America Mutual Assurance Company (“BAM”) will issue its Municipal Bond Insurance Policy for the Bonds (the “Policy”). The Policy guarantees the scheduled payment of principal of and interest on the Bonds when due as set forth in the form of the Policy included as an appendix to this Official Statement.

The Policy is not covered by any insurance security or guaranty fund established under New York, California, Connecticut or Florida insurance law. See “APPENDIX G – SPECIMEN MUNICIPAL BOND INSURANCE POLICY.”

Build America Mutual Assurance Company

BAM is a New York domiciled mutual insurance corporation and is licensed to conduct financial guaranty insurance business in all fifty states of the United States and the District of Columbia. BAM provides credit enhancement products solely to issuers in the U.S. public finance markets. BAM will only insure obligations of states, political subdivisions, integral parts of states or political subdivisions or entities otherwise eligible for the exclusion of income under section 115 of the U.S. Internal Revenue Code of 1986, as amended. No member of BAM is liable for the obligations of BAM.

The address of the principal executive offices of BAM is: 200 Liberty Street, 27th Floor, New York, New York 10281, its telephone number is: 212-235-2500, and its website is located at: www.buildamerica.com.

BAM is licensed and subject to regulation as a financial guaranty insurance corporation under the laws of the State of New York and in particular Articles 41 and 69 of the New York Insurance Law.

BAM’s financial strength is rated “AA/Stable” by S&P Global Ratings, a business unit of Standard & Poor’s Financial Services LLC (“S&P”). An explanation of the significance of the rating and current reports may be obtained from S&P at www.standardandpoors.com. The rating of BAM should be evaluated independently. The rating reflects the S&P’s current assessment of the creditworthiness of BAM and its ability to pay claims on its policies of insurance. The above rating is not a recommendation to buy, sell or hold the Bonds, and such rating is subject to revision or withdrawal at any time by S&P, including withdrawal initiated at the request of BAM in its sole discretion. Any downward revision or withdrawal of the above rating may have an adverse effect on the market price of the Bonds. BAM only guarantees scheduled principal and scheduled interest payments payable by the issuer of the Bonds on the date(s) when such amounts were initially scheduled to become due and payable (subject to and in accordance with the terms of the Policy), and BAM does not guarantee the market price or liquidity of the Bonds, nor does it guarantee that the rating on the Bonds will not be revised or withdrawn.

Capitalization of BAM

BAM’s total admitted assets, total liabilities, and total capital and surplus, as of December 31, 2022 and as prepared in accordance with statutory accounting practices prescribed or permitted by the New York State Department of Financial Services were \$490.7million, \$207.3 million and \$283.4 million, respectively.

BAM is party to a first loss reinsurance treaty that provides first loss protection up to a maximum of 15% of the par amount outstanding for each policy issued by BAM, subject to certain limitations and restrictions.

BAM’s most recent Statutory Annual Statement, which has been filed with the New York State Insurance Department and posted on BAM’s website at www.buildamerica.com, is incorporated herein by reference and may be obtained, without charge, upon request to BAM at its address provided above (Attention: Finance Department). Future financial statements will similarly be made available when published.

BAM makes no representation regarding the Bonds or the advisability of investing in the Bonds. In addition, BAM has not independently verified, makes no representation regarding, and does not accept any responsibility for the accuracy or completeness of this Official Statement or any information or disclosure contained herein, or omitted herefrom, other than with respect to the accuracy of the information regarding BAM, supplied by BAM and presented under the heading “BOND INSURANCE”.

Additional Information Available from BAM

Credit Insights Videos. For certain BAM-insured issues, BAM produces and posts a brief Credit Insights video that provides a discussion of the obligor and some of the key factors BAM’s analysts and credit committee considered when approving the credit for insurance. The Credit Insights videos are easily accessible on BAM’s website at www.buildamerica.com/videos. (The preceding website address is provided for convenience of reference only. Information available at such address is not incorporated herein by reference.)

Credit Profiles. Prior to the pricing of bonds that BAM has been selected to insure, BAM may prepare a pre-sale Credit Profile for those bonds. These pre-sale Credit Profiles provide information about the sector designation (e.g. general obligation, sales tax); a preliminary summary of financial information and key ratios; and demographic and economic data relevant to the obligor, if available. Subsequent to closing, for any offering that includes bonds insured by BAM, any pre-sale Credit Profile will be updated and superseded by a final Credit Profile to include information about the gross par insured by CUSIP, maturity and coupon. BAM pre-sale and final Credit Profiles are easily accessible on BAM's website at www.buildamerica.com/credit-profiles. BAM will produce a Credit Profile for all bonds insured by BAM, whether or not a pre-sale Credit Profile has been prepared for such bonds. (The preceding website address is provided for convenience of reference only. Information available at such address is not incorporated herein by reference.)

Disclaimers. The Credit Profiles and the Credit Insights videos and the information contained therein are not recommendations to purchase, hold or sell securities or to make any investment decisions. Credit-related and other analyses and statements in the Credit Profiles and the Credit Insights videos are statements of opinion as of the date expressed, and BAM assumes no responsibility to update the content of such material. The Credit Profiles and Credit Insight videos are prepared by BAM; they have not been reviewed or approved by the issuer of or the underwriter for the Bonds, and the issuer and underwriter assume no responsibility for their content.

BAM receives compensation (an insurance premium) for the insurance that it is providing with respect to the Bonds. Neither BAM nor any affiliate of BAM has purchased, or committed to purchase, any of the Bonds, whether at the initial offering or otherwise.

BONDHOLDERS' RISKS

An investment in the Bonds involves an element of risk. In order to identify risk factors and make an informed investment decision, potential investors should be thoroughly familiar with this entire Official Statement (including the appendices hereto) in order to make a judgment as to whether the Bonds are an appropriate investment.

Bond Insurance

In the event of default of the payment of the regularly scheduled principal of and interest on the Bonds when due, any owner of the Bonds will have a claim under the Policy for such payments.

Default in the payment of principal of and interest on the Bonds does not obligate acceleration of the obligations of BAM without appropriate consent. BAM may direct and must consent to any remedies exercised and BAM's consent may be required in connection with amendments to the Resolution. The obligations of BAM under the Policy are general obligations of BAM and in an event of default by BAM, the remedies available to the Bondholders may be limited by laws related to insolvency. If BAM becomes insolvent or otherwise becomes subject to receivership or similar proceedings under state insurance law, Bondholders may become general unsecured creditors of BAM and, under such circumstances, timely payment of the principal of and interest on the Bonds might depend entirely on the ability of the Issuer to pay principal of and interest on the Bonds as described under the heading "SECURITY AND SOURCE OF PAYMENT" herein.

The ability of BAM to make payment of such defaulted principal or interest under the Policy may be adversely affected by the financial condition of BAM at such time. No assurance is given as to the current or future financial condition of BAM or the financial condition of any entity with which BAM may merge or by which it may be acquired.

In the event BAM is unable to make payment of principal and interest on the Bonds as such payments become due under the Policy, the Bonds are payable solely from the Issuer as described herein. In the event BAM becomes obligated to make payments with respect to the Bonds, no assurance is given that such event will not adversely affect the market price of the Bonds or the marketability for the Bonds.

The long-term ratings of the Bonds are dependent in part on the financial strength of BAM and its claims-paying ability. BAM's financial strength and claims-paying ability are predicated upon a number of factors which could change over time. No assurance is given that the long-term ratings of BAM and of the ratings on the Bonds will not be subject to downgrade and such event could adversely affect the market price of the Bonds or the marketability for the Bonds. See "RATING" herein.

The Issuer has made no independent investigation into the claims-paying ability of BAM, and no assurance or representation regarding the financial strength or projected financial strength of BAM is given. Thus, when making an investment decision, potential investors should carefully consider the ability of the Issuer to pay principal of and interest on the Bonds and the claims-paying ability of BAM, particularly over the life of the Bonds. See "BOND INSURANCE" herein for further information provided by BAM and the Policy, which includes further instructions for obtaining current financial information regarding BAM.

Tax Levy Procedures

The Bonds are general obligations of the Issuer, payable from and secured by a continuing ad-valorem tax levied against all of the taxable property within the boundaries of the Issuer. As part of the budgetary process of the Issuer each fiscal year the Issuer will have an obligation to request a debt service levy to be applied against all of the taxable property within the boundaries of the Issuer. A failure on the part of the Issuer to make a timely levy request or a levy request by the Issuer that is inaccurate or is insufficient to make full payments of the debt service on the Bonds for a particular fiscal year may cause Bondholders to experience delay in the receipt of distributions of principal of and/or interest on the Bonds.

Changes in Property Taxation

From time to time the Iowa General Assembly has altered the method of property taxation and could do so again. Any alteration in property taxation structure could affect property tax revenues available to pay the Bonds.

Historically, the Iowa General Assembly has applied changes in property taxation structure on a prospective basis; however, there is no assurance that future changes in property taxation structure by the Iowa General Assembly will not be retroactive. It is impossible to predict the outcome of future property tax changes by the Iowa General Assembly or their potential negative impact, if any, on the Bonds and the security for the Bonds.

Matters Relating to Enforceability of Agreements

Bondholders shall have and possess all the rights of action and remedies afforded by the common law, the Constitution and statutes of the State of Iowa and of the United States of America for the enforcement of payment of the Bonds, including, but not limited to, the right to a proceeding in law or in equity by suit, action or mandamus to enforce and compel performance of the duties required by Iowa law and the Resolution.

The practical realization of any rights upon any default will depend upon the exercise of various remedies specified in the Resolution or the Loan Agreement. The remedies available to the Bondholders upon an event of default under the Resolution or the Loan Agreement, in certain respects, may require judicial action, which is often subject to discretion and delay. Under existing law, including specifically the federal bankruptcy code, certain of the remedies specified in the Loan Agreement or the Resolution may not be readily available or may be limited. A court may decide not to order the specific performance of the covenants contained in these documents. The legal opinions to be delivered concurrently with the delivery of the Bonds will be qualified as to the enforceability of the various legal instruments by limitations imposed by general principles of equity and public policy and by bankruptcy, reorganization, insolvency or other similar laws affecting the rights of creditors generally.

No representation is made, and no assurance is given, that the enforcement of any remedies will result in sufficient funds to pay all amounts due under the Resolution or the Loan Agreement, including principal of and interest on the Bonds.

Secondary Market

There can be no guarantee that there will be a secondary market for the Bonds or, if a secondary market exists, that such Bonds can be sold for any particular price. Occasionally, because of general market conditions or because of adverse history of economic prospects connected with a particular issue, secondary marketing practices in connection with a particular Bond or Bonds issue are suspended or terminated. Additionally, prices of bond or note issues for which a market is being made will depend upon then prevailing circumstances. Such prices could be substantially different from the original purchase price of the Bonds.

EACH PROSPECTIVE PURCHASER IS RESPONSIBLE FOR ASSESSING THE MERITS AND RISKS OF AN INVESTMENT IN THE BONDS AND MUST BE ABLE TO BEAR THE ECONOMIC RISK OF SUCH INVESTMENT. THE SECONDARY MARKET FOR THE BONDS, IF ANY, COULD BE LIMITED.

Rating Loss

S&P Global Ratings, a Standard and Poor's Financial Services LLC business ("S&P") has assigned a rating of "[]" to the Bonds. S&P [is expected to assign] an insured rating of "AA" (stable outlook) to the Bonds based upon issuance and delivery of the municipal bond insurance policy by BAM. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance that the rating will continue for any given period of time, or that such rating will not be revised, suspended or withdrawn, if, in the judgment of S&P, circumstances so warrant. A revision, suspension or withdrawal of a rating may have an adverse effect on the market price of the Bonds.

Bankruptcy and Insolvency

The rights and remedies provided in the Resolution may be limited by and are subject to the provisions of federal bankruptcy laws, to other laws or equitable principles that may affect the enforcement of creditor's rights, to the exercise of judicial discretion in appropriate cases and to limitations in legal remedies against exercise of judicial discretion in appropriate cases and to limitations on legal remedies against municipal corporations in the State of Iowa. The various opinions of counsel to be delivered with respect to the Bonds, the Loan Agreement and the Resolution, including the opinion of Bond Counsel, will be similarly qualified. If the Issuer were to file a petition under chapter nine of the federal bankruptcy code, the owners of the Bonds could be prohibited from taking any steps to enforce their rights under the Resolution. In the event the Issuer fails to comply with its covenants under the Resolution or fails to make payments on the Bonds, there can be no assurance of the availability of remedies adequate to protect the interests of the holders of the Bonds.

Under Sections 76.16 and 76.16A of the Iowa Code, a city, county, or other political subdivision may become a debtor under chapter nine of the federal bankruptcy code, if it is rendered insolvent, as defined in 11 U.S.C. §101(32)(c), as a result of a debt involuntarily incurred. As used therein, "*debt*" means an obligation to pay money, other than pursuant to a valid and binding collective bargaining agreement or previously authorized bond issue, as to which the governing body of the city, county, or other political subdivision has made a specific finding set forth in a duly adopted resolution of each of the following: (1) that all or a portion of such obligation will not be paid from available insurance proceeds and must be paid from an increase in general tax levy; (2) that such increase in the general tax levy will result in a severe, adverse impact on the ability of the city, county, or political subdivision to exercise the powers granted to it under applicable law, including without limitation providing necessary services and promoting economic development; (3) that as a result of such obligation, the city, county, or other political subdivision is unable to pay its debts as they become due; and (4) that the debt is not an obligation to pay money to a city, county, entity organized pursuant to Chapter 28E of the Iowa Code, or other political subdivision.

Forward-Looking Statements

This Official Statement contains statements relating to future results that are "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995. When used in this Official Statement, the words "anticipated," "plan," "expect," "projected," "estimate," "budget," "pro forma," "forecast," "intend," and similar expressions identify forward-looking statements. Any forward-looking statement is subject to uncertainty. Accordingly, such statements are subject to risks that could cause actual results to differ, possibly materially, from those contemplated in such forward-looking statements. Inevitably, some assumptions used to develop forward-looking statements will not be realized or unanticipated events and circumstances may occur. Therefore, investors should be aware that there are likely to be differences between forward-looking statements and the actual results. These differences could be material and could impact the availability of funds of the Issuer to pay debt service when due on the Bonds.

Tax Matters, Bank Qualification and Loss of Tax Exemption

As discussed under the heading "TAX EXEMPTION AND RELATED TAX MATTERS" herein, the interest on the Bonds could become includable in gross income for purposes of federal income taxation retroactive to the date of delivery of the Bonds, as a result of acts or omissions of the Issuer in violation of its covenants in the Resolution. Should such an event of taxability occur, the Bonds would not be subject to a special redemption and would remain outstanding until maturity or until redeemed under the redemption provisions contained in the Bonds, and there is no provision for an adjustment of the interest rate on the Bonds.

The Issuer will designate the Bonds as "qualified tax-exempt obligations" under the exception provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and has further covenanted to comply with certain other requirements, which affords banks and certain other financial institutions more favorable treatment of their deduction for interest expense than would otherwise be allowed under Section 265(b)(2) of the Code. However, the Issuer's failure to comply with such covenants could cause the Bonds not to be "qualified tax-exempt obligations" and banks and certain other financial institutions would not receive more favorable treatment of their deduction for interest expense than would otherwise be allowed under Section 265(b)(2) of the Code.

It is possible that actions of the Issuer after the closing of the Bonds will alter the tax exempt status of the Bonds, and, in the extreme, remove the tax exempt status from the Bonds. In that instance, the Bonds are not subject to mandatory prepayment, and the interest rate on the Bonds does not increase or otherwise reset. A determination of taxability on the Bonds, after closing of the Bonds, could materially adversely affect the value and marketability of the Bonds.

DTC-Beneficial Owners

Beneficial Owners of the Bonds may experience some delay in the receipt of distributions of principal of and interest on the Bonds since such distributions will be forwarded by the Paying Agent to DTC and DTC will credit such distributions to the accounts of the Participants which will thereafter credit them to the accounts of the Beneficial Owner either directly or indirectly through indirect

Participants. Neither the Issuer nor the Paying Agent will have any responsibility or obligation to assure that any such notice or payment is forwarded by DTC to any Participants or by any Participant to any Beneficial Owner.

In addition, since transactions in the Bonds can be effected only through DTC Participants, indirect participants and certain banks, the ability of a Beneficial Owner to pledge the Bonds to persons or entities that do not participate in the DTC system, or otherwise to take actions in respect of such Bonds, may be limited due to lack of a physical certificate. Beneficial Owners will be permitted to exercise the rights of registered Owners only indirectly through DTC and the Participants. See “APPENDIX F – BOOK-ENTRY SYSTEM.”

Proposed Federal Tax Legislation

From time to time, Presidential proposals, federal legislative committee proposals or legislative proposals are made that would, if enacted, alter or amend one or more of the federal tax matters described herein in certain respects or would adversely affect the market value of the Bonds. It cannot be predicted whether or in what forms any of such proposals that may be introduced, may be enacted and there can be no assurance that such proposals will not apply to the Bonds. See “TAX EXEMPTION AND RELATED TAX MATTERS” herein.

Cybersecurity

The Issuer, like many other public and private entities, relies on a large and complex technology environment to conduct its operations. As such, it may face multiple cybersecurity threats including but not limited to, hacking, viruses, malware and other attacks on computer or other sensitive digital systems and networks. There can be no assurances that any security and operational control measures implemented by the Issuer will be completely successful to guard against and prevent cyber threats and attacks. Failure to properly maintain functionality, control, security, and integrity of the Issuer’s information systems could impact business operations and systems, and the costs of remedying any such damage could be significant.

Pension and OPEB Information

The Issuer contributes to the Iowa Public Employees’ Retirement System (“IPERS”), which is a state-wide multiple-employer cost-sharing defined benefit pension plan administered by the State of Iowa. IPERS provides retirement and death benefits which are established by State statute to plan members and beneficiaries. All full-time employees of the Issuer not covered by MFPRSI (defined herein) are required to participate in IPERS. IPERS plan members are required to contribute a percentage of their annual salary, in addition to the Issuer being required to make annual contributions to IPERS. Contribution amounts are set by State statute. The IPERS Annual Comprehensive Financial Report for its fiscal year ended June 30, 2022 (the “IPERS ACFR”), indicates that as of June 30, 2022, the date of the most recent actuarial valuation for IPERS, the funded ratio of IPERS was 89.50%, and the unfunded actuarial liability was approximately \$4.616 billion. The IPERS ACFR identifies the IPERS Net Pension Liability at June 30, 2022, at approximately \$3.783 billion, while its net pension asset at June 30, 2021, was approximately \$345.2 million. The IPERS ACFR is available on the IPERS website, or by contacting IPERS at 7401 Register Drive, Des Moines, IA 50321. See “APPENDIX D – AUDITED FINANCIAL STATEMENTS OF THE ISSUER” for additional information on IPERS.

Bond Counsel, Disclosure Counsel, the Underwriter and the Issuer undertake no responsibility for and make no representations as to the accuracy or completeness of the information available from the IPERS discussed above or included on the IPERS website, including, but not limited to, updates of such information on the State Auditor’s website or links to other internet sites accessed through the IPERS website.

In fiscal year ended June 30, 2021, the Issuer’s IPERS contribution totaled approximately \$394,655. The Issuer is current in its obligations to IPERS.

Pursuant to Governmental Accounting Standards Board Statement No. 68, IPERS has allocated the net pension liability among its members, with the Issuer’s identified portion at June 30, 2021, at approximately \$3,665,641. While the Issuer’s contributions to IPERS are controlled by state law, there can be no assurance the Issuer will not be required by changes in State law to increase its contribution requirement in the future, which may have the effect of negatively impacting the finances of the Issuer. See “APPENDIX D – AUDITED FINANCIAL STATEMENTS OF THE ISSUER” for additional information on pension and liabilities of the Issuer.

The Issuer also contributes to the Municipal Fire and Police Retirement System of Iowa (“MFPRSI”), which is a multiple-employer cost-sharing defined benefit pension plan for fire fighters and police officers, administered under Chapter 411 of the Code of Iowa. MFPRSI plan members are required to contribute a percentage of their annual salary, in addition to the Issuer being required to make annual contributions to MFPRSI. Contribution amounts are set by State statute. The MFPRSI Annual Comprehensive Financial Report for its fiscal year ended June 30, 2021 (the “MFPRSI Report”) indicates that as of June 30, 2021, the date of the most recent actuarial valuation for MFPRSI, the funded ratio of MFPRSI was 82.95%, and the unfunded actuarial liability was approximately \$600 million. The MFPRSI Report identifies the MFPRSI Net Pension Liability at June 30, 2021, at approximately \$224.6 million, while its net pension liability at June 30, 2020, at approximately \$797.6 million. The MFPRSI Report is available on the MFPRSI website. See “APPENDIX D – AUDITED FINANCIAL STATEMENTS OF THE ISSUER” for additional information on MFPRSI.

Bond Counsel, Disclosure Counsel, the Underwriter and the Issuer undertake no responsibility for and make no representations as to the accuracy or completeness of the information available from the MFPRSI discussed above or included on the MFPRSI website, including, but not limited to, updates of such information on the State Auditor's website or links to other internet sites accessed through the MFPRSI website.

In fiscal year ended June 30, 2021, the Issuer's MFPRSI contribution totaled approximately \$906,129. The Issuer is current in its obligations to MFPRSI.

Pursuant to Governmental Accounting Standards Board Statement No. 68, MFPRSI has allocated the net pension liability among its members, with the Issuer's identified portion at June 30, 2021, at approximately \$8,244,770. While the Issuer's contributions to MFPRSI are controlled by state law, there can be no assurance the Issuer will not be required by changes in State law to increase its contribution requirement in the future, which may have the effect of negatively impacting the finances of the Issuer. See "APPENDIX D – AUDITED FINANCIAL STATEMENTS OF THE ISSUER" for additional information on pension and liabilities of the Issuer.

The Issuer operates a single-employer health benefit plan which provides medical/prescription drug benefits for employees, retirees and their spouses. Group insurance benefits are established under the Iowa Code, Chapter 509A.13. The Issuer currently finances the benefit on a pay-as-you-go basis. For the year ended June 30, 2021, the Issuer contributed \$2,362,803 and plan members eligible for benefits contributed \$129,176 to the plan. At June 30, 2021, no assets have been accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement No. 75. Individuals who are employed by the Issuer and are eligible to participate in the group health plan are eligible to continue health care benefits upon retirement. Retirees under age 65 pay the same premium for the medical/prescription drug benefits as active employees, which results in an implicit subsidy. Retired participants must be age 55 or older at retirement, with the exception of special service participants who must be age 50 with 22 years of service. At June 30, 2021, 121 active and 8 retired employees were covered by the benefit terms. See "APPENDIX D – AUDITED FINANCIAL STATEMENTS OF THE ISSUER" for additional information on other post-employment benefits of the Issuer.

Risk of Audit

The Internal Revenue Service has an ongoing program to audit tax-exempt obligations to determine the legitimacy of the tax status of such obligations. No assurance can be given as to whether the Internal Revenue Service will commence an audit of the Bonds. Public awareness of any audit could adversely affect the market value and liquidity of the Bonds during the pendency of the audit, regardless of the ultimate outcome of the audit.

Summary

The foregoing is intended only as a summary of certain risk factors attendant to an investment in the Bonds. In order for potential investors to identify risk factors and make an informed investment decision, potential investors should become thoroughly familiar with this entire Official Statement and the appendices hereto.

LITIGATION

The Issuer encounters litigation occasionally, as a course of business; however, no litigation currently exists that is not believed to be covered by current insurance carriers and the Issuer is not aware of any pending litigation that questions the validity of these Bonds.

ACCOUNTANT

The financial statements of the Issuer as of and for the year ended June 30, 2021, included in this Official Statement as Appendix D, have been audited by Gronewold, Bell, Kyhnn & Co. P.C., Atlantic, Iowa, independent auditors, as stated in their report appearing herein. Gronewold, Bell, Kyhnn & Co. P.C., has not been engaged to perform, and has not performed, any procedures on the financial statements after June 30, 2021, and also has not performed any procedures relating to this Official Statement.

The financial statements are prepared on the basis of cash receipts and disbursements, which is a basis of accounting other than U.S. generally accepted accounting principles.

The audited financial statements as of and for the year ended June 30, 2022 are not available; however, the Annual Financial Report of the Issuer attached hereto in Appendix E is an unaudited report that has been filed with the State of Iowa Department of Management for the fiscal year ended June 30, 2022. The audited financial statements for the fiscal year ended June 30, 2022, are expected to be included in the final Official Statement or filed on EMMA (defined herein) when they become available.

PLAN OF FINANCING

The Issuer will use the proceeds of the Bonds to provide funds for the purpose of paying the cost, to that extent, of (i) demolition of the existing Westwood Golf Course clubhouse and construction of a new clubhouse structure, including related site improvements;

(ii) construction and/or installation of improvements to the Maytag Pool; (iii) construction and installation of pickle ball courts at the existing Aurora Park; (iv) construction of a dog park at the existing Sunset Park; (v) constructing street, sidewalk, storm water drainage, sanitary sewer and water system improvements; (vi) acquiring and installing street lighting, signage and signalization improvements; (vii) acquiring vehicles and equipment for the municipal police, fire and emergency services departments; (viii) acquiring and equipping vehicles for the municipal streets/public works department; (ix) undertaking taxiway improvements at the municipal airport; (x) undertaking municipal cemetery expansion; (xi) acquiring, demolishing and/or restoring dangerous, dilapidated and/or abandoned real properties; (xii) developing a downtown splash-pad park and recreation facility (xiii) municipal library improvements, including roof replacement; (xiv) City Hall improvements, including window replacement; (xv) acquiring servers and computer equipment for municipal use; (xvi) undertaking the public works wash bay project; (xvii) undertaking the municipal park assessment study; (xviii) undertaking facilities upgrades for the municipal park shop (collectively, the “Projects”); and (xix) paying certain costs of issuance related to the Bonds.

SOURCES AND USES OF FUNDS*

The following are estimated sources and uses of funds, with respect to the Bonds.

Sources of Funds	
Bond Principal	\$4,655,000*
Premium	\$
Total Sources of Funds	\$
 Uses of Funds	
Projects Fund	\$
Capitalized Interest	\$
Costs of Issuance & Contingency ⁽¹⁾	\$
Total Uses of Funds	\$

(1) Includes, among other things, payment of certain legal, financial and other expenses related to the issuance of the Bonds (including, without limitation, underwriters' discount and bond insurance premium). See the discussion under the caption "UNDERWRITING" herein.

TAX EXEMPTION AND RELATED TAX MATTERS

Federal Income Tax Exemption

The opinion of Bond Counsel will state that under present laws and rulings, interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on noncorporate taxpayers under the Code.

The opinion set forth in the preceding sentence will be subject to the condition that the Issuer comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. In the resolution authorizing the issuance of the Bonds, the Issuer will covenant to comply with all such requirements.

There may be certain other federal tax consequences to the ownership of the Bonds by certain taxpayers, including without limitation, corporations subject to the branch profits tax, financial institutions, certain insurance companies, certain S corporations, individual recipients of Social Security and Railroad Retirement benefits, taxpayers who may be deemed to have incurred (or continued) indebtedness to purchase or carry tax-exempt obligations, and corporations that may be subject to the alternative minimum tax. Bond Counsel will express no opinion with respect to other federal tax consequences to owners of the Bonds. Prospective purchasers of the Bonds should consult with their tax advisors as to such matters.

Ownership of the Bonds may result in other state and local tax consequences to certain taxpayers. Bond Counsel expresses no opinion regarding any such collateral consequences arising with respect to the Bonds. Prospective purchasers of the Bonds should consult their tax advisors regarding the applicability of any such state and local taxes.

Proposed Changes in Federal and State Tax Law

From time to time, there are Presidential proposals, proposals of various federal committees, and legislative proposals in the Congress and in the states that, if enacted, could alter or amend the federal and state tax matters referred to herein or adversely affect the marketability or market value of the Bonds or otherwise prevent holders of the Bonds from realizing the full benefit of the tax

* Preliminary, subject to change.

exemption of interest on the Bonds. Further, such proposals may impact the marketability or market value of the Bonds simply by being proposed. No prediction is made whether such provisions will be enacted as proposed or concerning other future legislation affecting the tax treatment of interest on the Bonds. In addition, regulatory actions are from time to time announced or proposed and litigation is threatened or commenced which, if implemented or concluded in a particular manner, could adversely affect the market value, marketability or tax exempt status of the Bonds. It cannot be predicted whether any such regulatory action will be implemented, how any particular litigation or judicial action will be resolved, or whether the Bonds would be impacted thereby.

Purchasers of the Bonds should consult their tax advisors regarding any pending or proposed legislation, regulatory initiatives or litigation. The opinions expressed by Bond Counsel are based upon existing legislation and regulations as interpreted by relevant judicial and regulatory authorities as of the date of issuance and delivery of the Bonds, and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any proposed or pending legislation, regulatory initiatives or litigation.

Qualified Tax-Exempt Obligations

In the resolution authorizing the issuance of the Bonds, the Issuer will designate the Bonds as “qualified tax exempt obligations” within the meaning of Section 265(b)(3) of the Code relating to the ability of financial institutions to deduct from income for federal income tax purposes a portion of the interest expense that is allocable to tax-exempt obligations. In the opinion of Bond Counsel, the Bonds are “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code.

Original Issue Premium

The Bonds maturing in the years _____ are being issued at a premium to the principal amount payable at maturity. Except in the case of dealers, which are subject to special rules, Bondholders who acquire the Bonds at a premium must, from time to time, reduce their federal tax bases for the Bonds for purposes of determining gain or loss on the sale or payment of such Bonds. Premium generally is amortized for federal income tax purposes on the basis of a bondholder’s constant yield to maturity or to certain call dates with semiannual compounding. Bondholders who acquire any Bonds at a premium might recognize taxable gain upon sale of the Bonds, even if such Bonds are sold for an amount equal to or less than their original cost. Amortized premium is not deductible for federal income tax purposes. Bondholders who acquire any Bonds at a premium should consult their tax advisors concerning the calculation of bond premium and the timing and rate of premium amortization, as well as the state and local tax consequences of owning and selling the Bonds acquired at a premium.

Original Issue Discount

The Bonds maturing in the years _____ (collectively, the “Discount Bonds”) are being sold at a discount from the principal amount payable on such Discount Bonds at maturity. The difference between the price at which a substantial amount of the Discount Bonds of a given maturity is first sold to the public (the “Issue Price”) and the principal amount payable at maturity constitutes “original issue discount” under the Code. The amount of original issue discount that accrues to a holder of a Discount Bond under Section 1288 of the Code (“Section 1288”) is excluded from federal gross income to the same extent that stated interest on such Discount Bond would be so excluded. The amount of the original issue discount that accrues with respect to a Discount Bond under Section 1288 is added to the owner’s federal tax basis in determining gain or loss upon disposition of such Discount Bond (whether by sale, exchange, redemption or payment at maturity).

Interest in the form of original issue discount accrues under Section 1288 pursuant to a constant yield method that reflects semiannual compounding on dates that are determined by reference to the maturity date of the Discount Bond. The amount of original issue discount that accrues for any particular semiannual accrual period generally is equal to the excess of (1) the product of (a) one-half of the yield on such Discount Bonds (adjusted as necessary for an initial short period) and (b) the adjusted issue price of such Discount Bonds, over (2) the amount of stated interest actually payable. For purposes of the preceding sentence, the adjusted issue price is determined by adding to the Issue Price for such Discount Bonds the original issue discount that is treated as having accrued during all prior semiannual accrual periods. If a Discount Bond is sold or otherwise disposed of between semiannual compounding dates, then the original issue discount that would have accrued for that semiannual accrual period for federal income tax purposes is allocated ratably to the days in such accrual period.

An owner of a Discount Bond who disposes of such Discount Bond prior to maturity should consult owner’s tax advisor as to the amount of original issue discount accrued over the period held and the amount of taxable gain or loss upon the sale or other disposition of such Discount Bond prior to maturity.

Owners who purchase Discount Bonds in the initial public offering but at a price different than the Issue Price should consult their own tax advisors with respect to the tax consequences of the ownership of Discount Bonds.

The Code contains provisions relating to the accrual of original issue discount in the case of subsequent purchasers of bonds such as the Discount Bonds. Owners who do not purchase Discount Bonds in the initial offering should consult their own tax advisors with respect to the tax consequences of the ownership of the Discount Bonds.

Original issue discount that accrues in each year to an owner of a Discount Bond may result in collateral federal income tax consequences to certain taxpayers. No opinion is expressed as to state and local income tax treatment of original issue discount. All owners of Discount Bonds should consult their own tax advisors with respect to the federal, state, local and foreign tax consequences associated with the purchase, ownership, redemption, sale or other disposition of Discount Bonds.

LEGAL MATTERS

Legal matters incident to the authorization, issuance and sale of the Bonds and with regard to the tax-exempt status of the interest thereon (see “TAX EXEMPTION AND RELATED TAX MATTERS” herein) are subject to the approving legal opinion of Dorsey & Whitney LLP, Des Moines, Iowa, Bond Counsel, a form of which is attached hereto as “APPENDIX B – FORM OF BOND COUNSEL OPINION.” Signed copies of the opinion, dated and premised on law in effect as of the date of original delivery of the Bonds, will be delivered to the Underwriter at the time of such original delivery. The Bonds are offered subject to prior sale and to the approval of legality of the Bonds by Bond Counsel. Dorsey & Whitney LLP is also serving as Disclosure Counsel to the Issuer in connection with issuance of the Bonds.

The legal opinion to be delivered will express the professional judgment of Bond Counsel, and by rendering a legal opinion, Bond Counsel does not become an insurer or guarantor of the result indicated by that expression of professional judgment or of the transaction or the future performance of the parties to the transaction.

RATING

The Bonds are rated “[]” by S&P. S&P [is expected to assign] an insured rating of “AA” (stable outlook) to the Bonds based upon issuance and delivery of the municipal bond insurance policy by BAM. The rating reflects only the views of S&P, and an explanation of the significance of that rating may be obtained only from S&P and its published materials. The rating described above is not a recommendation to buy, sell or hold the Bonds. There can be no assurance that any rating will continue for any given period of time or that it will not be revised downward or withdrawn entirely if, in the judgment of S&P, circumstances so warrant. Therefore, after the date hereof, investors should not assume that the rating is still in effect. A downward revision or withdrawal of the rating is likely to have an adverse effect on the market price and marketability of the Bonds. The Issuer has not assumed any responsibility either to notify the owners of the Bonds of any proposed change in or withdrawal of any rating subsequent to the date of this Official Statement, except in connection with the reporting of events as provided in the Continuing Disclosure Certificate, or to contest any revision or withdrawal.

CONTINUING DISCLOSURE

The Issuer will covenant in a Continuing Disclosure Certificate for the benefit of the Owners and Beneficial Owners of the Bonds to provide annually certain financial information and operating data relating to the Issuer (the “Annual Report”), and to provide notices of the occurrence of certain enumerated events. The Annual Report is to be filed by the Issuer no later than twelve months after the close of each fiscal year, commencing with the fiscal year ending June 30, 2022, with the Municipal Securities Rulemaking Board, at its internet repository named “Electronic Municipal Market Access” (“EMMA”). The notices of events, if any, are also to be filed with EMMA. See “APPENDIX C – FORM OF CONTINUING DISCLOSURE CERTIFICATE.” The specific nature of the information to be contained in the Annual Report or the notices of events, and the manner in which such materials are to be filed, are summarized in “APPENDIX C – FORM OF CONTINUING DISCLOSURE CERTIFICATE.” These covenants have been made in order to assist the Underwriter in complying with Securities and Exchange Commission Rule 15c2-12(b)(5) (the “Rule”).

[Statement of CD]

UNDERWRITING

The Bonds are being purchased, subject to certain conditions, by D.A. Davidson & Co. (the “Underwriter”). The Underwriter has agreed, subject to certain conditions, to purchase all, but not less than all, of the Bonds at an aggregate purchase price of \$_____ (reflecting the par amount of the Bonds with original issue premium of \$_____ and an underwriter’s discount of \$_____).

The Underwriter may offer and sell the Bonds to certain dealers (including dealers depositing the Bonds into unit investment trusts, certain of which may be sponsored or managed by the Underwriter) at prices lower than the initial public offering prices stated on the cover page. The initial public offering prices of the Bonds may be changed, from time to time, by the Underwriter.

The Underwriter intends to engage in secondary market trading of the Bonds subject to applicable securities laws. The Underwriter is not obligated, however, to repurchase any of the Bonds at the request of the holder thereof.

MISCELLANEOUS

Brief descriptions or summaries of the Issuer, the Bonds, the Resolution and other documents, agreements and statutes are included in this Official Statement. The summaries or references herein to the Bonds, the Resolution and other documents, agreements and statutes referred to herein, and the description of the Bonds included herein, do not purport to be comprehensive or definitive, and such summaries, references and descriptions are qualified in their entirety by reference to such documents, and the description herein of the Bonds is qualified in its entirety by reference to the form thereof and the information with respect thereto included in the aforesaid documents. Copies of such documents may be obtained from the Issuer.

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact, and no representation is made that any of the estimates will be realized. This Official Statement is not to be construed as a contract or agreement between the Issuer and the purchasers or Owners of any of the Bonds.

The attached APPENDICES A, B, C, D, E, F and G are integral parts of this Official Statement and must be read together with all of the foregoing statements.

It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bonds nor any error in the printing of such numbers shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for any Bonds.

The Issuer has reviewed the information contained herein which relates to it and has approved all such information for use within this Official Statement. The execution and delivery of this Official Statement has been duly authorized by the Issuer.

City of Newton, Iowa

/s/_____

APPENDIX A

INFORMATION ABOUT THE ISSUER

OTHER OBLIGATIONS

From time to time the City, pursuant to Section 403.9 of the Iowa Code and the Issuer's urban renewal plans, has entered into Development Agreements which contain payment obligations from the Issuer to an external party. The Issuer's payment requirements under these contracts are not structured as general liabilities of the Issuer, but rather are exclusively secured by and payable from a pledge of the City's incremental property tax revenues (TIF) to be derived from the taxable properties (or some subset thereof) contained within an urban renewal area of the Issuer pursuant to Section 403.19 of the Iowa Code. The City's payment obligations under these contracts are routinely contingent upon development or redevelopment performance requirements of the external party and are typically made subject to annual appropriation rights by the City Council. TIF Payments under these contracts are typically due and owing semi-annually on December 1 and June 1 of each fiscal year of the City.

The following table contains information on the City's more significant Development Agreements, each subject to annual appropriation by the City:

<u>Third Party Agreement Name</u>	<u>Agreement Date</u>	<u>Maximum Amount Outstanding</u>	<u>Last Payment Date</u>
Miller Valentine	2014	\$150,000	2027
Hotel Maytag	2017	\$360,000	2034
McCann Housing Partners	2019	\$600,000	2033
Lion Development Group	2018, amended 2020	\$722,000	2031
Circle Development	2020, amended 2021	\$13,525,000	2044
Van Maanen Electric	2021	\$600,000	2027
Hopkins Properties LLC	2022	\$150,000	2033
Theisens	2022	\$210,000	2028

APPENDIX B

FORM OF BOND COUNSEL OPINION*

***This form of bond counsel opinion is subject to change pending the results of the sale of the Bonds contemplated herein.**

APPENDIX C

FORM OF CONTINUING DISCLOSURE CERTIFICATE

APPENDIX D

AUDITED FINANCIAL STATEMENTS OF THE ISSUER

The financial statements are prepared on the basis of cash receipts and disbursements, which is a basis of accounting other than U.S. generally accepted accounting principles.

APPENDIX E

ANNUAL FINANCIAL REPORT OF THE ISSUER

The following is an unaudited report that has been filed with the State of Iowa Department of Management.

APPENDIX F

BOOK-ENTRY SYSTEM

The information in this Appendix concerning The Depository Trust Company, New York, New York (“DTC”) and DTC’s book-entry system has been obtained from DTC. Neither the Underwriter nor the Issuer take responsibility for the accuracy or completeness thereof, or for any material changes in such information subsequent to the date hereof, or for any information provided at the web sites referenced below. Beneficial Owners should confirm the following with DTC or the Direct Participants (as hereinafter defined). So long as Cede & Co. is the Registered Owner of the Bonds, as nominee of DTC, references in the Official Statement to the Bondowners or Registered Owners of the Bonds shall mean Cede & Co. and shall not mean the Beneficial Owners of the Bonds.

Book-Entry System

The Depository Trust Company (“DTC”), New York, NY, will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Bond certificate will be issued for the Bonds, in the aggregate principal amount of such issue, and will be deposited with DTC.

DTC, the world’s largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of the Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). DTC has a Standard & Poor’s rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each Bond (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults and proposed amendments to the Security documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Bonds within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to Issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption proceeds, distributions and dividend payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from Issuer or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent or Issuer, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of Issuer or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to Issuer or Agent. Under such circumstances, in the event that a successor depository is not obtained, Bond certificates are required to be printed and delivered.

The Issuer may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Issuer believes to be reliable, but the Issuer does not take any responsibility for the accuracy thereof.

APPENDIX G
SPECIMEN MUNICIPAL BOND INSURANCE POLICY

February 28, 2023

Via Email

Matt Muckler
City Administrator/City Hall
Newton, Iowa

Re: 2023 General Obligation Loan Agreements
Our File No. 504612-53

Dear Matt:

We have prepared and attach proceedings related to the action to be taken on the City's General Obligation Loan Agreements (the "Loan Agreements") at the March 6, 2023 City Council meeting. The proceedings also combine the Loan Agreements and authorize the use of a preliminary official statement (the "P.O.S.") in connection with the sale of the Bonds.

The proceedings attached include the following items:

1. Minutes of the meeting covering the public hearings, followed by the resolution taking additional action in connection with the loan agreements and combining the loan agreements into one loan agreement (the "Loan Agreement"). This resolution simply sets forth the City Council's determination to enter into the Loan Agreement in the future, and its adoption constitutes the "additional action" required by the Iowa Code. The resolution also provides for the authorization of the P.O.S. and approves its use by D.A. Davidson & Co.

2. Certificate attesting the entire transcript.

The minutes as drafted assume that no objections will be filed or made regarding the Essential Purpose Loan Agreement and that no petitions will be filed asking that the question of entering into the General Purpose Loan Agreement #1 or the General Purpose Loan Agreement #2 be submitted to the registered voters of the City. If such a petition is filed with respect to any of these loan agreements, please contact us right away.

Prior to the adoption of the resolution, you and the City Council should review the proposed P.O.S., which we have prepared as disclosure counsel, carefully for accuracy and to ensure that there are no important facts being left out of the document that might bear on potential risks to bond holders. In addition, the financial and operating data set forth as Appendix A to the P.O.S. (which D.A. Davidson & Co. has worked with you to prepare) should be carefully reviewed for accuracy. Please note that we are not reviewing the Appendix A data for accuracy or sufficiency.

As soon as possible after the City Council meeting, please return one fully executed copy of all of the completed pages in these proceedings. If you have any questions, please contact Erin Regan, Cheryl Ritter or me.

Best regards,

John P. Danos

Attachments

cc: D.A. Davidson & Co.
Katrina Davis
Lisa Frasier
BOKF, NA
James Smith/Jennifer Block

MINUTES TO HOLD HEARINGS AND
TAKE ADDITIONAL ACTION ON
ENTERING INTO LOAN AGREEMENTS,
COMBINING LOAN AGREEMENTS
AND APPROVING PRELIMINARY
OFFICIAL STATEMENT

504612-53

Newton, Iowa

March 6, 2023

The City Council of the City of Newton, Iowa, met on March 6, 2023, at 6:00 o'clock p.m., at the City of Newton Council Chambers, Newton, Iowa. The Mayor presided and the roll was called showing the following members of the City Council present and absent:

Present: _____

Absent: _____.

This being the time and place specified for taking action on the proposal to enter into an Essential Purpose Loan Agreement in a principal amount not to exceed \$3,000,000, the City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor closed the public hearing.

This being the time and place specified for taking action on the proposal to enter into the General Purpose Loan Agreement #1 and to borrow money thereunder in a principal amount not to exceed \$300,000, the City Clerk announced that no written petition had been filed asking that the question of entering into the loan agreement be submitted to the registered voters of the City, and that the City Council may proceed with the authorization of the loan agreement. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor declared the public hearing closed.

This also being the time and place specified for taking action on the proposal to enter into the General Purpose Loan Agreement #2 and to borrow money thereunder in a principal amount not to exceed \$400,000, the City Clerk announced that no written petition had been filed asking that the question of entering into the loan agreement be submitted to the registered voters of the City, and that the City Council may proceed with the authorization of the loan agreement. Whereupon, the Mayor called for any written or oral objections, and there being none, the Mayor declared the public hearing closed.

After due consideration and discussion, Council Member _____ introduced the following resolution and moved its adoption, seconded by Council Member _____. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

Ayes: _____

Nays: _____.

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

• • • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

Mayor

Attest:

City Clerk

RESOLUTION NO. 2023-_____

Resolution taking additional action on proposal to enter into General Obligation Loan Agreements, combining Loan Agreements and authorizing the use of a Preliminary Official Statement in connection therewith

WHEREAS, the City of Newton (the “City”), in Jasper County, State of Iowa, heretofore proposed to enter into a General Purpose Loan Agreement (the “2022 Loan Agreement”) in a principal amount not to exceed \$1,600,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the cost, to that extent, of (1) demolition of the existing Westwood Golf Course clubhouse and construction a new clubhouse structure, including related site improvements; (2) construction and/or installation of improvements to the Maytag Pool; (3) construction and installation of pickle ball courts at the existing Aurora Park; and (4) construction of a dog park at the existing Sunset Park (the “2022 Projects”), the City has held a successful election on said proposal on September 13, 2022; and

WHEREAS, the City also proposed to enter into an Essential Purpose Loan Agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$3,000,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the cost, to that extent, of (1) constructing street, sidewalk, storm water drainage, sanitary sewer and water system improvements; (2) acquiring and installing street lighting, signage and signalization improvements; (3) acquiring vehicles and equipment for the municipal police, fire and emergency services departments; (4) acquiring and equipping vehicles for the municipal streets/public works department; (5) undertaking taxiway improvements at the municipal airport; (6) undertaking municipal cemetery expansion; and (7) acquiring, demolishing and/or restoring dangerous, dilapidated and/or abandoned properties, and has published notice of the proposed action and has held a hearing thereon on March 6, 2023; and

WHEREAS, the City also proposes to enter into a General Purpose Loan Agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$300,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the costs, to that extent, of developing a downtown splash-pad park and recreation facility, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has held a hearing thereon, and as of March 6, 2023, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #1 be submitted to the registered voters of the City; and

WHEREAS, the City also proposes to enter into a General Purpose Loan Agreement (the “General Purpose Loan Agreement #2”) and together with the 2022 Loan Agreement, the Essential Purpose Loan Agreement, and the General Purpose Loan Agreement #1, the “Loan Agreements”) and to borrow money thereunder in a principal amount not to exceed \$400,000 pursuant to the provisions of Section 384.24A of the Code of Iowa for the purpose of paying the costs, to that extent, of (1) municipal library improvements, including roof replacement; (2) City Hall improvements, including window replacement; (3) acquiring servers and computer equipment for municipal use; (4) undertaking the public works wash bay project; (5) undertaking the municipal park assessment study; and (6) undertaking facilities upgrades for the municipal park shop, and in lieu of calling an election upon such proposal, has published notice of the proposed action and has

held a hearing thereon, and as of March 6, 2023, no petition had been filed with the City asking that the question of entering into the General Purpose Loan Agreement #2 be submitted to the registered voters of the City; and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, the City Council intends to combine the Loan Agreements into a single loan agreement (the “Loan Agreement”) and to issue General Obligation Corporate Purpose Bonds, Series 2023A (the “Bonds”) in evidence of its obligations thereunder; and

WHEREAS, a Preliminary Official Statement (the “P.O.S.”) has been prepared by Dorsey & Whitney LLP (the “Disclosure Counsel”) as bond and disclosure counsel to the City to facilitate the sale of the Bonds in evidence of the obligations of the City under the Loan Agreement, and it is now necessary to make provision for the approval of the P.O.S. and to authorize its use by D.A. Davidson & Co. (the “Underwriter”), as the underwriter of the issuance of the Bonds;

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

Section 1. The Loan Agreements are hereby combined into the Loan Agreement. The City Council hereby determines to enter into the Loan Agreement in the future and orders that the Bonds be issued at such time, in evidence thereof. The City Council further declares that this resolution constitutes the “additional action” required by Section 384.24A of the Code of Iowa.

Section 2. The City Administrator and Finance Officer are hereby authorized to take such action as shall be deemed necessary and appropriate, with the assistance of the Disclosure Counsel and the Underwriter to prepare the P.O.S. describing the Bonds and providing for the terms and conditions of their sale, and all action heretofore taken in this regard is hereby ratified and approved.

Section 3. The use by the Underwriter of the P.O.S. in substantially the form as has been presented to and considered by the City Council is hereby approved. The Underwriter and Disclosure Counsel are hereby authorized to prepare and use a final Official Statement for the Bonds substantially in the form of the P.O.S. but with such changes therein as are required to conform the same to the terms of the Bonds and the resolution, when adopted, providing for the sale and issuance of the Bonds, and the City Administrator and/or Finance Officer are hereby authorized and directed to execute a final Official Statement for the Bonds, if requested by the Underwriter or Disclosure Counsel. The P.O.S. as of its date is deemed final by the City within the meaning of Rule 15(c)(2)-12 of the Securities and Exchange Commission

Section 4. Further action with respect to the Bonds is hereby adjourned to the City Council meeting scheduled for March 20, 2023.

Section 5. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 6, 2023.

Mayor

Attest:

City Clerk

ATTESTATION CERTIFICATE

STATE OF IOWA
COUNTY OF JASPER
CITY OF NEWTON

SS:

I, the undersigned, City Clerk of the City of Newton, do hereby certify that as such I have in my possession or have access to the complete corporate records of the City and of its City Council and officers and that I have carefully compared the transcript hereto attached with those corporate records and that the transcript hereto attached is a true, correct and complete copy of all the corporate records relating to the public hearing and additional action on the proposal to enter into certain loan agreements, to combine loan agreements and to approve a preliminary official statement as referred to therein, and that the transcript hereto attached contains a true, correct and complete statement of all the measures adopted and proceedings, acts and things had, done and performed up to the present time with respect thereto.

WITNESS MY HAND this _____ day of _____, 2023.

City Clerk

City of Newton Council Report

**Item:**

Third Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking on various streets in northeast Newton

Summary:

Restrict street parking for safety purposes and accommodate current use.

Financial Impact:

N/A

Report Number: 2023-76**Date:**

March 6, 2023

Lead Department:

Police

Recommendation:

Approve

Background:

The City received safety concerns from citizens regarding street parking along the section of roadways described below. These complaints are a result of vehicles being parked on both sides of the street, which is too narrow to allow this parking capacity and still allow vehicles free and safe passage. A primary concern is that emergency vehicles may not be able to travel through this area on emergency calls and there is a heightened risk of motor vehicle and pedestrian accidents as a result of the current parking design.

The listed streets are 25ft feet wide and are not wide enough to safely accommodate parking on both sides. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking as detailed below:

- No Parking on the south side of the 2000-2200 block of N 3rd Ave E
- No Parking on the east side of the 200 block of E 21st St N
- No Parking on the south side of the 2000-2200 blocks of N 2nd Ave E

Surveys describing the recommended changes were sent to the adjacent property owners along the affected streets. Twenty surveys were returned with 13 residents agreeing with the recommended changes and seven opposing the recommended changes.

During the February 6, 2023 City Council meeting, the City Council reviewed the proposed ordinance and voted in favor to amend the ordinance to restrict parking as detailed below:

- No Parking on the north side of the 2000-2200 blocks of N 3rd Ave E
- No Parking on the north side of the 2000-2200 block of N 2nd Ave E
- No Parking on the east side of the 200 block of E 21st St N (same as original proposal).

Recommendation:

Staff recommends approval of this ordinance.

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

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 ON VARIOUS STREETS IN NORTHEAST NEWTON

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

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" is hereby amended by adding or deleting the following:

NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

STREETS, NORTHEAST QUADRANT

East Twenty-First Street North

"No Parking Anytime".

East side from North Second Avenue East to North Third Avenue East.

AVENUES, NORTHEAST QUADRANT

North Second Avenue East.

"No Parking Anytime".

Northside from East Eighth Street North east four hundred eighty-one (481) feet.

Southside from East Fourth Street North east to East Eighth Street North.

Southside from East Third Street North, east 75 feet.

North side from East Fifteenth Street North to East Seventeenth Street North.

North side from East Twentieth Street North to East Twenty-First Street North.

North Third Avenue East.

"No Parking Anytime".

North side from East Fourth Street North east to East Thirteenth Street North.

South side from East Twelfth Street North west 50 feet.

North side from East Twentieth Street North to East Twenty-Third Street North

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 _____, 2023, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

(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 _____, 2023 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2023.

Dated this ____ day of _____, 2023.

Katrina Davis, City Clerk

Please select agree or oppose and return to the City of Newton Police

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
I oppose the proposed parking changes ☐

Comments from Resident at

2105 N. 2nd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
I oppose the proposed parking changes ☐

Comments from Resident at

No Parking on both sides to near

2205 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
I oppose the proposed parking changes ☐

Comments from Resident at

N 3rd Ave E Two cars always park right across from each other every day. I have to take another street.

2105 N. 3rd Ave. E.

West of 21st St on N 3rd Ave E

I agree with the proposed parking changes ☒
I oppose the proposed parking changes ☐

Comments from Resident at

most people already park on south side so why not say no parking on N. Side

2104 N. 2nd Ave. E.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

I am in favor of any parking restrictions, including no parking on both sides of these streets

2108 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

2112 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

It's a bust time.

2000 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

2100 N. 3rd Ave. E.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

2011 N. 3rd Ave. E.

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

2008 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

2010 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☒
 I oppose the proposed parking changes ☐

Comments from Resident at

208 E. 21st St. N.

December 27, 2002

City of Newton
Traffic Safety Committee
101 W 4th St. S
Newton, IA. 50208

I am responding to the December 19th 2002 letter regarding proposed change in Parking Status; Please Complete the survey responding to the City of Newton's recommendation to restrict parking. Are you restricting parking as to mean that is the area parking is restricted to? Or are you restricting parking as not to park on that particular side? The grammar used creates a bit of ambiguity. I think most will conclude that restricting means not allowed to park and will presume that is what this says. Also, this is a long letter. I hope it will be read to from the beginning to the end and not just tossed aside or glanced at.

As I said I can read that in two ways. Why not say No parking that we all understand?

- 1.) No Parking allowed on the south side of 2000 -2200 block of N 3rd Ave S.
- 2.) No Parking allowed on the east side of 200 block on E 21st St N.
- 3.) No Parking allowed on the south side of 2000-2200 block of N 2nd Ave E.

This survey is probably just a courtesy and your decisions have already been made but it's sent out to make the citizens feel good about responding like they have a voice. And really? Sending out something like this during the Holiday seasons when everyone is overwhelmed is no doubt a planned strategy to hope to not get many responses and just go on your way as planned? This is a bad time of the year for most to have to add this to their Holiday agenda, travels and cleaning up after winter storms and now do this. Why could this not be done at a better time?

The response allowed in a tiny little post card form is inadequate for a proper response. Perhaps I'm in agreement on some and disapprove of another? Is that even an option? No place to even make a comment more than 3 words. It is appreciated that the card is self-addressed and postage paid. But again, a strategy to get these not only returned by December 30th, but done perhaps in haste and only allow to check off to approve or oppose.

First of all, I get it. There is a need for safety. More so for fast service for Police response, Ambulance and Fire. The latter two are wider vehicles and to slow up between vehicles or weave in and out slows the progress to give aid. I'd want the fastest response to my house or loved ones to occur. I do not think anyone would want otherwise. We have several elderlies on our street and Ambulances have been on our street several times since I've lived here in 1999. I even have had an ambulance here for me back in 2015 or so. I get it. There is a need to do something with the parking.

I'll make a couple comments first before getting into details. In some of the areas noted as well as through out the city I note people can't park correctly. At angles slightly leaving the rear of the car out or front. And they are further away from the curb than 18 inches. That is the measurement I was taught back in the day, Driver's ed that you need to be within to be legally parked. Has that changed? There is no doubt some of this going on, parking further away from the curb and I question if the NPD ever has given out a warning or to ticket for such? I see this kind of half hazard parking on the 2000 to 2100 block of N 3rd Ave E, as well as some areas of 2000 block N 2nd Ave E going West. This section of street is probably being addressed as well, and can be hard to navigate through but not subject to my particular survey I was sent. I've seen that kind of parking done down town too. I wonder if the owner of the car is even qualified to drive! Seriously. Anyway, my point is some of the issues is caused by how your citizen's park. Not just the width of the street. Secondly, in winter months your snow plow crews do not get right to the curb. Some year's I've seen theses streets narrow significantly by a foot or two on each side. No doubt parking on one side of the street would assist during this time. But would also help if the snow build up would be removed correctly. I personally get the snow blower out and remove to the curb what the city trucks did not do in front of my place as well as a few neighbors, including across the street as I do park on the street occasionally and want good spacing for vehicles to pass by without incident. My snow blower is 26" wide. And I am removing $\frac{3}{4}$ of this or about 20 inches. That's on both sides so in winter our street has a reduced width of almost 4 feet. That is not the citizen's fault. And I get that no one want's their yard torn up by blades that get to close or blades get damaged hitting the curb. It's just part of the winter that we have to deal with and make the best of. But it does make our street's even more narrow.

I'm curious if before this survey went out. Did anyone one there physically look and analyze any data and do a study themselves on these streets? Or is it all presumed. For example, if you did, you would note that from 23rd to 21st 3rd Ave E is not used heavily. It is at an angle with some curves. It is a street that mainly the residents living in this area use. Unlike 2nd N Ave E or 4th N Ave E. Once in a while some speeding kid goes by perhaps as a short cut. But really it is a slow street, meaning not much traffic and those that drive it live here and drive reasonably, unlike 23rd where they go 10 to 15 mph over the 25-mph limit. (I'd suggest a NPD officer park on the south side facing 23rd and see for yourself how they drive and give some tickets and maybe this would slow them down.) There are no sidewalks so people walk on the street as well. We have lots of walkers and dog walkers on this street. You would have noticed that the residents on the North side do not park or rarely park on the street. They are always in their driveways. There may be a rare occasion they have visitors and will park on the North side. But the North side of the street is rarely used. If your due diligence was noted you would see in this area that mainly two households park on the street and on the south side, as our houses are on the south side. That is me, as well the neighbor to the west of me. Balek and Williams residences. The majority of the time our Postal delivery person, Jim will also park on the south side of the street as it is more convenient for him vs. the North side. As does the hired lawn care people for either residents living on the North or South sides. They park on the south side. As does too pooped to scoop service. There is one lawn service that parks on the North side when doing the yard across the street. My point here is the majority of the time folks that service this area park on the south side as well as only two residents that live on the south side. Your survey card will not show any of that detail. You would get that only from doing a neighborhood canvas.

The other thing with this section of street is I have a pull behind camper. I sometimes park it in the street overnight in front of my house hitched to my truck with an extension cord out to it prepping it for a camping trip, getting the refrigerator cold. To park on the North side, well I do not think its feasible or legal to have a drop cord go across the street. And the way the curves and distance between the driveways plays a lot on how people park. There is actually less parking on the North side because there are more driveways on the North side. 7 driveways on the North side of N 3rd Ave E from 23rd to the curve that turns into 21st. There are 4 driveways on the south side of this section. This is the real reason why the majority of visitors, venders and residents park on the South side. Yet, your "survey" wants to move parking to the North side, which is really going to cause more inconvenience for everyone in this section.

Another hardship for me to consider is the angle of the street to my driveway makes it impossible for me to back my camper in my driveway without going over peoples lawns if I were to try to back in with my front of truck headed easterly. I can only do this maneuver headed westerly, and back in my driveway. You would need to come to my street and drive to see visually what I mean as this is not a 90-degree angle from street to my driveway. It is more like a 40 to 50 degree and heading west makes it easy to back in. Headed east its nearly impossible. If cars are parked on the North side it will be impossible to back in my driveway in either direction. Please feel free to contact me, 641-530-4260 and I will personally show you this issue and the 7 driveways on the North side, 4 on the south. The way it is working now no one complains. Let us all keep parking on the south side. There is a lady at the curve that drives a bigger car, a red Cadillac, Tish. She might be one that has complained as her eyesight isn't the best and seems to need 5 feet on both sides of her before she feels good about driving between cars. I have had to help guide her as she stopped and hesitated to go between. Seriously this has happened. But I do get it, the need is there to restrict parking to one side.

The other issue I have with parking only on north side is in the winter months. It is against common sense to head your vehicle into the NW prominent winter winds. You want the rear of the vehicle to shelter the engine area. Studies have shown that wind chill factors do affect the performance of starting a vehicle in cold weather. Metal isn't supposed to get any colder than the ambient temperatures. But over the years my personal experience is having more issues of starting or snow pack in the engine area when facing the wind. Any East West Street in winter the vehicles will perform better starting on cold windy days if they face the opposite wind direction. I doubt the city would like me parking on the North side but facing the opposite direction? Just like livestock will shelter their backs. And even people will do.

I have no issue on 2nd Avenue either from 2000 to 2200 block. Meaning no need. I have been able to maneuver my wider than a car camper thorough. Sure, might meet a vehicle and one yield to the other in a customary courteous fashion. I do not see the need here. Again, most vehicles are parked on the south side only. I rarely see a car parked long term, overnight on the north side. And now you're going to make these people that do park, on the south side an inconvenience them when no one hardly parks on the north side of the street. If restriction of parking, I'd again say allow parking on South side only.

I have not had any issue either on 21st Street 200 block. There have been cars parked on both sides and I can easily pull my camper between them and have plenty of space on each side of me. No, I can't race

between them and have to drive at a reasonable speed and watch my mirrors. It would be easier if parking was allowed on one side only. It does not affect me as I have never had an issue on this street.

Regarding 2000 to 2100 block of N 3rd Ave E. This is problematic. It is perhaps narrower than my street section from 2100 to 2200? But there are cars parked often on both sides especially the easterly side of this block. I have never not been able to get through, however, it can be challenging with less than a foot of space on each side and you creep through it. I have to slow anyway for the stop sign. But it is difficult. I would like to see parking on the south side of this street as well to be consistent with the request of parking on south side of street on the 2200 block for reasons already mentioned.

The other issue you can create is people thinking they have enough room on meeting and pass each other with only parking on one side. My daughter experienced a side swipe because of this same thing. Meeting a car that thought they had space while going around a parked car, with parking on one side.

I will say at least what is being considered is one side all the time and not that darn odd and even days where you park on one side one day then the other side the next. Thankyou for not doing that!

Please feel free to contact me 641-530-4260 if you want. As noted, it doesn't make sense for parking to be on the North side of the 2200 block of N 3rd Ave E when there is less parking to be had with 7 driveways on that side, and only 4 on the south side. And that already the vendors, service providers, especially with trailers that haul their lawn equipment and post office already see's these issue and parks accordingly on the south side.

Best Regards,

Jerry Balek
2201 N 3rd Ave E
Newton, Iowa
641-530-4260

2201 N. 3rd Ave. E.

E. Ball

See letter for details
Comments from Resident at

☒ ☐

I agree with the proposed parking changes
I oppose the proposed parking changes

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Parking Survey
Please complete the survey responding to the City of Newton's recommendation to restrict parking:

12-22-2022

Dear City of Newton,

I live at 2002 N. 2nd Ave E. Newton, Ia.
I do not want parking to be changed to the
north Side of the Street.

The majority of people that are my neighbors
park on the South Side of the Street now.

I would like to keep it that way.
I do not want them parking in front of my
house.

So please just make it be Southside
parking only. The majority park there already.

Sincerely

Mrs. Russell Carpenter

Parking Survey
Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at

2104 N. 3rd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☐

Comments from Resident at

Parking should be allowed on South side not North side, not fair to our side, we do not abuse the parking situation.

2010 N. 2nd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at

2009 N. 2nd Ave. E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at

2002 N. 2nd Ave. E.

We understand the concern for emergency vehicles and commercial vehicles allowing safe passage with cars parked on both sides. However, we are wondering if this is being addressed because of a complaint or are all the streets and avenues that are 25 foot wide in Newton being approached with this issue?

With the number of people who currently park in the street on our block (N.3rd Avenue E.) we feel limiting to one side will not allow us adequate parking for guests and family gatherings. We also feel that with the shortness of our avenue and the driveways being so close together this will create an even bigger problem for adequate parking and driving down our avenue.

Dick and Connie Palmer

2005 N. 3rd Avenue E.

Parking Survey

Please complete the survey responding to the City of Newton's recommendation to restrict parking:

- South side of the 2000-2200 block N. 3rd Ave. E.
- East side of the 200 block E. 21st N.
- South side of the 2000 block N. 2nd Ave. E.

Please select agree or oppose and return to the City of Newton Police Department by December, 30, 2022.

I agree with the proposed parking changes ☐
I oppose the proposed parking changes ☒

Comments from Resident at

2005 N. 3rd Ave. E.
Dick & Connie Palmer

2005 N. 3rd Ave. E.

City of Newton Council Report

**Item:**

Second Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 90, "Animals"

Summary:

Proposed changes to the animal ordinance language to allow for better control of dogs and response to animal bite incidents.

Financial Impact:

N/A

Report Number: 2023-205

Date:

March 6, 2023

Lead Department:

Police

Recommendation:

Approve

Background:

Since the Covid-19 pandemic in 2020, animal complaints and particularly reports of dog bites in Newton have been on the rise. During the Covid-19 pandemic, many people throughout the U.S. purchased dogs to pass the time and fill the gap of isolation during quarantine. Now that the pandemic is over and people have returned to work, a nationwide crisis of dog overpopulation in animal shelters, abandonment, neglect and the presence of unwanted behaviors in many of these dogs due to not being properly socialized or trained has occurred. As a result of these issues, the City has taken steps to revisit the current animal ordinance and, in partnership with the Animal Review Committee, citizen input, and a review of current best practices and case law, changes to the ordinance have been proposed. The following is a bulleted summary of the proposed changes:

- Language clean-up eliminating references to JCARL
- Allows dogs to be off leash in a dog park.
- Require signage for property owners who use underground fencing to contain dogs.
- Adds prohibitions and limitations on tethering during certain time periods.
- Add a dangerous dog designation and re-defines vicious dog.
- Requires quarantine in most dog bite cases that occur in public.
- Expands the definitions of injury to: fatal, disabling, serious and minor.
- Prohibits dogs deemed dangerous or vicious in other jurisdictions from residing in Newton.
- Prohibits dogs deemed problematic from using city-owned dog parks.
- Increase the insurance requirement for problematic and dangerous dogs to \$125,000 from \$50,000.

All dogs declared "vicious" prior to the passage of this proposed ordinance will be re-classified as "dangerous" dogs.

Recommendation:

Staff recommends approval of this ordinance.

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

Matt Muckler, City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE IX, CHAPTER 90, "ANIMALS".

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWTON DOES ORDAIN AS FOLLOWS:

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 90, "Animals" is hereby amended by adding or deleting the following:

§ 90.01 ADMINISTRATION AND ENFORCEMENT.

(A) General. The City Administrator shall be responsible for the administration of the provisions of this chapter. The City Administrator, and the City Administrator's duly-designated representatives, including, but not limited to, the Chief of Police or any member of the Police Department ~~and the County Animal Rescue League~~, shall be responsible for the enforcement of the provisions of this chapter. Those persons charged with enforcing the provisions of this chapter shall have the authority to seize and impound animals pursuant to the provisions of this chapter and shall have the authority to write and serve municipal infraction citations and enforcement/impoundment fee tickets as provided in this chapter. It shall be the duty of those persons charged with enforcing the provisions of this chapter to impound any animals found in violation of the terms of this chapter, unless the responsible party for the animal can be served a municipal infraction and the officer believes the impoundment is not warranted. References to the City Administrator herein contained shall be deemed to include the City Administrator's duly- appointed designee.

(2011 Code, § 13.0301)

(B) Contracts with an animal control facility. ~~Contracts with humane societies and the like.~~ The city may contract with ~~any incorporated society or association~~ another governmental entity, nonprofit, or private entity for the prevention of cruelty to animals, for the collection and protection of dogs and cats, for the maintenance of a shelter or pound, for unlicensed or untagged dogs and cats and for lost, strayed or homeless dogs and cats and for the destruction or other disposition of seized dogs and cats not redeemed, as provided by this chapter.

(2011 Code, § 13.0320)

(Ord. 2189, passed 4-10-2012; Ord. 2205, passed 1-28-2013)

§ 90.03 DOGS, CATS, PIGS AT LARGE.

(A) (1) Dogs and pigs properly identified as required by law shall be deemed at large if the animal is off the premises of the owner. A dog or pig shall not be deemed at large if:

(a) On the premises of its owner;

(b) Off the premises of the animal's owner and under the control of a person given charge of the dog by the owner by leash, cord, chain or other similar restraint not more than six feet in length;

(c) Confined within a motor vehicle; or

(d) Properly housed in a veterinary hospital or kennel or commercial establishment as defined by Iowa Code Ch. 162.

(e) In the designated enclosed area of a city owned dog park.

(2) Cats are allowed to be unrestrained any time within the city, except agents and agencies responsible for animal control within the city are hereby authorized to temporarily seize any cat running at large within the city for the limited purposes of ascertaining whether such cat is currently licensed and vaccinated for rabies. Upon confirmation of current license and rabies tags, such cat shall be immediately released. In the absence of a current license or rabies tag, such cat shall be impounded as provided hereinafter.

(3) A cat, properly licensed and displaying such license as required by law, shall not be deemed at large if the cat is not causing damage or interfering with property of another.

(2011 Code, § 13.0303)

(B) No owner, or person in charge, of any licensed or unlicensed dog, or any cat, or any pig, shall permit such dog or cat or pig to run at large in the city at any time as described in division (A) above.

(C) Owners utilizing an electronic underground invisible fence to contain dogs in the front yard or side yard of a corner lot of their residential property shall post a sign in such a place as to provide notice to persons entering the property or utilizing an adjacent public sidewalk or street indicating the presence and use of an invisible fence.

(2011 Code, § 13.0319)

(Ord. 2189, passed 4-10-2012; Ord. 2205, passed 1-28-2013; Ord. 2247, passed 5-4-2015; Ord. 2280, passed 1-4-2017) Penalty, see § 90.99

§ 90.15 DISPOSITION OF FEES COLLECTED.

~~—Other than license fees, all other fees collected under this chapter shall be remitted to or turned over to any society under contract with the city for use in defraying expense of animal control within the city.~~

(2011 Code, § 13.0327)

§ 90.16 QUARANTINE.

~~Except as otherwise outlined in this chapter, the~~ The Chief of Police or the Chief's designee shall cause a dog or cat to be quarantined or placed in a secure area for observation for a minimum period of ten days when any such dog or cat has bitten or caused any skin abrasion upon any person. If the animal is placed in isolation ~~by such humane society~~, the owner shall be required to pay the impounding fee and fee for food and care provided for in this chapter, and if the owner fails to pay the fees at the end of the period of isolation as directed by the Chief of Police, the animal may be humanely disposed of by a licensed veterinarian ~~the society~~. If the dog or cat that has bitten someone or caused any skin abrasion upon any person is unclaimed or the owner is unknown, then it shall be held in isolation, at the direction of the Chief of Police, by the contracted animal control facility for observation not less than ten days and then humanely disposed of by ~~said society facility~~.

(2011 Code, § 13.0328) (Ord. 2205, passed 1-28-2013)

§ 90.19 TETHERING

- (A) No owner or responsible person shall allow an animal to be tethered and with a rope, chain, or similar device that is less than ten feet (10') or more than fifty (50') in length. TETHERING means fastening an animal to a fixed object so as to limit its range of movement using a rope, chain, or similar device
- (B) No person shall allow an animal to be tethered and unattended between the hours of 10PM and 6AM. An animal is unattended if the animal is more than fifty feet (50') from the person and the animal is not in the person's line of sight.
- (C) No person shall allow an animal to be tethered using a collar made of metal or chain, excluding the buckle, or using a collar, even if made of cloth, designed to continue to tighten, such as a slip lead or noose, when pulled tightly.
- (D) No person shall allow an animal to have access to a public sidewalk or street while tethered.
- (E) No person shall allow an animal to be tethered to a utility pole, parking meter, building, structure, fence, sign, tree, bush, bench, newspaper or advertising rack or other object on public property.
- (F) No person shall allow an animal to be tethered in an unsafe location. An unsafe location includes, but is not limited to, near a fence whereby the animal could asphyxiate itself if it jumped over the fence or on a deck whereby the animal could asphyxiate itself if it jumped off of the deck.
- (G) No person shall allow an animal to be tethered in a manner that allows it to become entangled with another tethered animal.

§ 90.30 WHEN REQUIRED.

It shall be the duty of the Police Department ~~city's Humane Officer~~ or any society entity under contract with the city to cause to be collected and impounded any licensed or unlicensed dog, cat or pig which is not currently licensed and vaccinated found to be at large in the city at any time, unless the responsible party for the animal can be served a municipal infraction and the officer believes the impoundment is not warranted. When such dog or cat or pig has been apprehended and impounded, written notice shall be given to the owner of such within two days, if such owner's name and address appear on the dog's or cat's collar or can be otherwise found.

(2011 Code, § 13.0321) (Ord. 2205, passed 1-28-2013)

§ 90.31 FEES.

An impoundment fee and a fee to cover the cost of food and care during impoundment for each dog and cat impounded shall be allowed as set ~~by the society~~ by the contracted animal control facility under ~~contract~~ and approved by the City Council.

(2011 Code, § 13.0322)

§ 90.33 REDEMPTION OF LICENSED DOGS AND CATS.

The owner of an impounded licensed dog or cat may claim and redeem such dog or cat upon payment of the impounding fee, plus the fee for costs of food and care. If the dog or cat does not have a current rabies vaccination, the owner ~~shall also be obligated~~ is required to obtain such vaccination before the animal leaves the animal control facility ~~show satisfactory proof of intent to have the dog or cat vaccinated immediately, and within two working days of redeeming the dog or cat the owner thereof shall provide written documentation of such vaccination to the impounding agency. Failure of the owner to provide such documentation in a timely manner shall constitute a new and separate municipal infraction punishable as provided above.~~

(2011 Code, § 13.0324)

§ 90.34 REDEMPTION OF UNLICENSED DOGS AND CATS.

(A) The owner of an impounded unlicensed dog or cat may claim and redeem such dog or cat upon payment of an impounding fee, plus the fee for costs of food and care and purchase of proper license for such animal.

(B) If the dog or cat does not have a current rabies vaccination, the owner ~~shall also be obligated~~ is required to obtain such vaccination before the animal leaves the animal control facility. ~~show satisfactory proof of intent to have the dog or cat vaccinated immediately, and within two working days of redeeming the dog or cat the owner thereof shall provide written documentation of such vaccination to the impounding agency.~~

~~(C) Failure of the owner to provide such documentation in timely manner shall constitute a new and separate municipal infraction punishable as provided above.~~

(2011 Code, § 13.0325)

§ 90.35 DISPOSITION OF UNREDEEMED DOGS AND CATS.

At the expiration of the period of impoundment provided in this subchapter, an unredeemed dog or cat may, at the discretion of the Chief of Police or the Chief's designee or any ~~society~~ animal control facility under contract with the city as provided herein, be humanely destroyed or otherwise disposed of in accordance with the law.

(2011 Code, § 13.0326)

VICIOUS, DANGEROUS AND PROBLEMATIC DOGS

§ 90.50 RESTRAINING VICIOUS PROBLEMATIC AND DANGEROUS DOGS.

Notwithstanding any other provisions of this chapter, no person owning possessing, harboring or having the care of a vicious, dangerous or problematic dog, as defined in this subchapter, shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is securely leashed and muzzled.

(2011 Code, § 13.0329) Penalty, see § 90.99

§ 90.51 DEFINITIONS.

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

AT LARGE. Dogs found off premises of the owner or keeper. A vicious dangerous dog or a problematic dog shall not be deemed AT LARGE if the dog is:

- (1) Muzzled, attached to a leash of sufficient strength and six feet in length to control the dog where such leash is held by its owners or keeper at all time;
- (2) Contained within an enclosed motor vehicle or crate; or
- (3) Housed in a licensed veterinarian's clinic or kennel.

DANGEROUS DOG. Any dog that has been declared or found to pose a risk to public safety by the animal control authority, law enforcement agency or court for conduct consistent with the following:

- (1) Has on any single occasion caused injury to a person that is less severe than a fatal or disabling injury;
- (2) Has killed a domestic animal or pet or has inflicted injury upon a domestic animal or pet such that the domestic animal or pet later dies or is euthanized due to the attack;
- (3) Has previously been designated as a "problematic dog" by this or any other jurisdiction, and engages in behavior that poses a threat to public safety as described herein on two or more occasions;

(4) Has previously been designated a “dangerous” dog by this jurisdiction or its substantial equivalent by any other jurisdiction; and

(5) Has engaged in or has been trained to engage in exhibitions of fighting.

DISABLING INJURY. Any injury which does any of the following: (1) creates a substantial risk of death, (2) causes serious permanent disfigurement or (3) causes protracted loss or impairment of the function of any bodily member or organ.

FATAL INJURY. Any injury that results in the death of a person or animal.

MINOR INJURY. Any superficial injury that does not rise to the level of bodily injury, which may include, but is not limited to, abrasions, scratches, lacerations, and punctures that may cause minor bleeding or bruising, but doesn’t require sutures, staples or stitches.

OWNER. A person who has a right of property or custody of a dog. For purposes of this definition, a right of property or custody of a dog exists if a person knowingly permits a dog to remain on or continuously return to any premises occupied by that person for two weeks or more at a time.

PROBLEMATIC DOG. A dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(1) Causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) Without provocation, chases vehicles or threatens, attacks, aggressively barks, growls, or interferes with persons or other domestic animals while the latter are on public or private property, irrespective of whether the dog is on private or public property;

(3) Founded incidents of Running at large, as defined herein, and or impounded by the animal control authority, or owners having been cited by the Police Department ~~or the organization authorized to enforce the problematic or vicious dog law~~ two three times for running at large within any 12-month period;

(4) Acts in a highly aggressive manner within a fenced yard/enclosure and/or is tethered and appears to the animal enforcement or other law enforcement officer to be able to jump over or escape.

(5) Has a known propensity, tendency or disposition to attack persons or domestic animals, unprovoked, causing injury or less than serious injury, or to otherwise threaten the safety of humans or domestic animals.

PROPER ENCLOSURE. An enclosure that is sufficiently constructed and maintained to effectively prevent a dog subject to this subchapter from escaping. Such enclosure requires the following minimum requirements:

(1) Problematic and ~~vicious dangerous~~ dogs to be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this subchapter. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure;

(2) All pens or other structures designed, constructed or used to confine problematic and ~~vicious dangerous~~ dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than ~~two feet~~ one foot so as to prevent digging under the walls by the confined problematic or ~~vicious dangerous~~ dog;

(3) In addition to a securely enclosed and locked pen or kennel, a problematic dog may be securely confined by a substantial wood, vinyl or composite privacy fence of no less than six feet tall with a secure bottom that would prevent digging. Such fence should be constructed in a manner that would prevent the animal from escape and access to persons or other animals.

~~(34)~~ Compliance with all pertinent zoning ordinances and other ordinances; and

~~(45)~~ No problematic or ~~vicious dangerous~~ dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

QUARANTINE. The strict isolation imposed to prevent the spread of disease.

RABIES. An acute viral disease of the central nervous system that is transmitted through the saliva from a bite or abrasion from an infected animal.

RESPONSIBLE PERSON. A person at least 18 years old who is able to keep the dog under control at all times.

REVIEW COMMITTEE. A three-member board appointed by the City Council consisting of a member of the public, an animal professional and a city employee for the purpose of making a determination of whether a dog is a problematic, dangerous or vicious dog.

SERIOUS INJURY. ~~Any injury causing heavy bleeding, permanent nerve damage, damage beneath the skin or stitches. Any injury that does not rise to the level of fatal or disabling injury and is more severe than a minor injury.~~ Serious injury includes, but is not limited to, minor broken or fractured bones, abrasions, lacerations or punctures causing exposure to deeper tissue/muscle and moderate to heavy bleeding requiring sutures, staples or stitches.

VICIOUS DOG. Any dog that has been declared or found to pose an unacceptable risk to public safety by the animal control authority, law enforcement agency or court for conduct consistent with the following:

- (1) Has on any single occasion caused the death or the serious disabling injury to a person or ~~domestic animal~~;
- (2) ~~One more than one occasion,~~ Has has killed a domestic animal or pet or inflicted injury upon a domestic animal or pet such that the domestic animal or pet later dies or is euthanized due to the attack;
- (3) Has previously been designated as a “dangerous dog” by this or any other jurisdiction, and engages in behavior that poses a threat to public safety as described herein on two or more occasions;
- (4) Has previously been designated as “vicious dog” by this jurisdiction or its substantial equivalent by any other jurisdiction; and

(Ord. 2239, passed 11-4-2014; Ord. 2280, passed 1-4-2017; Ord. 2360, passed 5-20-2019)

§ 90.52 DETERMINATION OF PROBLEMATIC AND DANGEROUS DOGS.

(A) After an investigation, the Police Chief or his or her designee is authorized to make a determination whether a dog is problematic based on the factors listed in § 90.51 of this chapter and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status.

(B) Following attempted notice to the owner if the Police Chief or his or her designee has probable cause to believe that a dog is a problematic or dangerous dog and may pose a threat to public safety, the Police Department may, by owner consent or warrant, impound the dog pending disposition of the case or until the dog owner has fulfilled the requirements hereof. The owner of the dog will be liable for the costs of impounding and keeping the dog.

(C) The owner may request a hearing before a review committee by sending a written notice to the City Clerk within ~~45~~ 10 days after the date of notice from the city of the determination of a problematic dog. Upon receipt of a request for hearing, the review committee shall schedule a hearing concerning the determination of a problematic or dangerous dog to be held within 30 days after receipt by the city of the request for hearing. The determination regarding a problematic or dangerous dog shall be stayed pending the results of the hearing.

(D) If the owner timely requests a hearing before the review committee pursuant to § 90.52(C), such hearing shall follow the following procedures:

- (1) A hearing officer appointed by the review committee shall impartially preside over the hearing.
- (2) Each case before the hearing officer shall be presented by the Police Chief or his or her designee who will have the burden of presenting evidence that the dog is a problematic or dangerous dog and should be classified as such. If the evidence indicates that the dog is problematic or dangerous, the burden is on the owner to present evidence that the dog is not problematic or dangerous. At the hearing, the Chief of Police or his or her designee may call witnesses, cross examine witnesses, present evidence, and examine evidence.
- (3) All testimony shall be under oath and shall be recorded. The hearing officer shall hear testimony from the animal control officer, the owner of the dog, and any witnesses for either side. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (4) At the conclusion of the hearing, the hearing officer shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order classifying a dog as problematic or dangerous, or an order stating that there's insufficient cause to declare the dog as problematic or dangerous. A decision by the review committee overturning the determination shall not affect the city's right to later declare a dog to be a problematic dog or dangerous, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.
- (5) Nothing in this section shall prohibit a hearing officer from taking a case under advisement or continuing a hearing in the interest of justice.

(6) If any dog previously determined to be a problematic or dangerous dog has not exhibited any of the behaviors specified in § 90.51 of this chapter within 12 months since the date of the problematic or dangerous dog determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section. Annual reviews shall be completed by the Police Chief upon application of the owner, which application shall be made to the City Clerk. The Police Chief may rescind the problematic dog designation, may rescind or amend specific requirements set forth in the designation, or may take no action.

(E) If an owner applies for an annual review to the Police Chief and the owner is aggrieved by the Police Chief's decision, the owner may make application to the review committee to have the problematic or dangerous dog designation or any requirements contained therein rescinded or amended. The owner shall make such application by providing a written request for hearing to the City Clerk. The application must be submitted within 15 days from the date of the Police Chief's decision to continue the problematic dog determination, must set forth the full name of the applicant and the subject dog, and must contain a certification that no further violations of this chapter have occurred in the 12-month period immediately preceding such application. Within 20 days of receipt of the Application, the City Clerk shall set the matter for hearing before the review committee, which hearing shall occur no later than 45 days after the date the application was filed with the City Clerk.

In rendering its decision, the review committee may consider, among other items, the severity of the incident that resulted in the designation, the need to protect the public from further incidents, the likelihood of future incidents based on the history of the owner and/or the subject dog. For dangerous dogs, the review committee shall require the owner to provide proof of successful completion of a behavioral modification program administered by a certified dog trainer, dog behavior consultant, veterinary behaviorist or equivalent training from a nationally recognized certifying body before rendering a decision.

At the conclusion of the hearing, the review committee may rescind the problematic or dangerous dog designation, may rescind or amend specific requirements set forth in the designation, or may take no action. The original problematic dog determination shall remain in effect pending the results of the hearing. In the event the review committee declines to rescind or amend the problematic or dangerous dog designation or any requirements contained therein, the owner may not request another hearing before the review committee for another 12 months from the date of the review committee's decision, unless the review committee in rendering its decision shall specifically provide for a subsequent review within a shorter period of time.

§ 90.53 DETERMINATION OF VICIOUS DOGS.

(A) After an investigation, the Police Chief or his or her designee is authorized to determine whether a dog is vicious based on the factors listed in § 90.51 of this chapter, and shall notify the owner of the dog in writing by certified mail or hand delivery with signature of that status.

(B) (1) Following attempted notice to the owner, if the Police Chief or his or her designee has probable cause to believe that a dog is a vicious dog and may pose a threat to public safety, the Police Department may obtain a search warrant pursuant to this jurisdiction's rules of civil procedure and impound the dog pending disposition of the case ~~or until the dog owner has fulfilled the requirements of § 90.55 of this chapter.~~

(2) The owner of the dog will be liable for the costs of impounding and keeping the dog.

(C) (1) The owner may request a hearing before a review committee by sending a written notice to the City Clerk within 45.5 days after the date of notice from the city of the determination of a vicious dog. Upon receipt of a request for hearing, the review committee shall schedule a hearing concerning the determination of a vicious dog to be held within 30 days after receipt by the city of the request for hearing. The determination regarding a vicious dog shall be stayed pending the results of the hearing.

(2) If the owner timely requests a hearing before the review committee pursuant to § 90.53(C)(1), such hearing shall follow the following procedures:

(a) A hearing officer appointed by the review committee shall impartially preside over the hearing.

(b) Each case before the hearing officer shall be presented by the Police Chief or his or her designee who will have the burden of presenting evidence that the dog is a vicious dog and should be classified as such. If the evidence indicates that the dog is vicious, the burden is on the owner to present evidence that the dog is not vicious. At the hearing, the Chief of Police or his or her designee may call witnesses, cross examine witnesses, present evidence, and examine evidence.

(c) All testimony shall be under oath and shall be recorded. The hearing officer shall hear testimony from the animal control officer, the owner of the dog, and any witnesses for either side. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(d) At the conclusion of the hearing, the hearing officer shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order classifying a dog as vicious, or an order stating that there's insufficient cause to declare the dog as vicious. A decision by the review committee overturning the determination shall not affect the city's right to later declare a dog to be a vicious dog, or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.

(e) Nothing in this section shall prohibit a hearing officer from taking a case under advisement or continuing a hearing in the interest of justice.

~~—(3) In the event that the vicious dog determination has been in place for 12 months or more, and provided there have been no further violations of the provisions of this chapter during such time, the owner may make application to the review committee to have the vicious dog designation or any requirements contained therein rescinded or amended. The owner shall make such application by providing a written request for hearing to the City Clerk. This request must state the full name of the applicant, the subject dog, and must contain a certification that no further violations of this chapter have occurred in the 12-month period immediately preceding such application. Within 20 days of receipt of the application, the City Clerk shall set the matter for hearing before the review committee, which hearing shall occur no later than 45 days after the date the application was filed with the City Clerk. In rendering its decision, the review committee may consider, among other items, the severity of the incident that resulted in the designation, the need to protect the public from further incidents, and the likelihood of future incidents based on the history of the owner and/or the subject dog. At the conclusion of the hearing, the review committee may rescind the vicious dog designation, may rescind or amend specific requirements set forth in the designation, or may take no action. The original vicious dog determination shall remain in effect pending the results of the hearing. In the event the review committee declines to rescind or amend the vicious dog designation or any requirements contained therein, the owner may not request another hearing before the review committee for another 12 months from the date of the review committee's decision, unless the review committee in rendering its decision shall specifically provide for a subsequent review within a shorter period of time.~~

(Ord. 2239, passed 11-4-2014; Ord. 2280, passed 1-4-2017)

§ 90.54 EXCEPTIONS; CONSEQUENCES OF DETERMINATIONS.

(A) No dog shall be declared a vicious dog ~~or a dangerous or~~ problematic dog if the dog threatened, injured, or damaged a person or domestic animal because it was provoked by that person or animal. For purposes of this section, any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted: (1) the person or animal who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; (2) the animal was protecting a person, itself, its young, or another domestic animal from an attack by a human being or another animal; or (3) the person who was attacked or injured was committing a crime on the property or was attempting to commit a crime or violating or attempting to violate a statute or ordinance which protects person or property of the animals responsible party or (4) the animal was being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(B) (1) If the Police Chief or his or her designee determines that a dog is a problematic dog under § 90.52 of this chapter, the owner shall comply with the provisions of § 90.55 of this chapter and any other special security or care requirements which are reasonable.

(2) ~~In most cases,~~ The Police Chief or his or her designee may shall cause a dog to be quarantined for observation for a minimum period of no less than ten days when any such dog has bitten a domesticated animal or caused a skin abrasion upon any person.

If said dog has a current rabies certificate and is a familial household member to the victim, then such quarantine may be at the discretion of the person or persons in charge of animal enforcement and the quarantine may occur on the owner's premises in a manner ordered and as directed. If the owner fails to confine the dog as directed, then it shall be apprehended and held for the remainder of the ten-day quarantine at a veterinarian's office.

If said dog has not been vaccinated against the rabies virus or the rabies vaccination has since expired then said dog will be quarantined at a veterinarian's office for no less the ten days. If a dog is placed in quarantine outside of the home, the owner shall be required to pay the impounding fees.

If the owner fails to pay the fees at the end of the period of isolation as directed by the animal enforcement authority, the animal will be turned over to the local animal shelter for assessment of adoptability. If said animal is deemed unadoptable it will be humanely euthanized. If a dog has bitten a domesticated animal or a person or caused a skin abrasion upon a person and is unclaimed or the owner is unknown, then it shall be held for a quarantine time of no less than ten days and then may be humanely euthanized.

(3) If the Police Chief or his or her designee determines that a dog is a ~~vicious~~ dangerous dog under § ~~90.53~~ 90.52 of this chapter, the owner shall comply with the provisions of § 90.55 of this chapter and any other special security or care requirements which are reasonable.

(4) The Police Chief or his or her designee may require immediate impoundment of the dog if the owner is unable or unwilling to comply with the requirements of § 90.55 of this chapter until the owner of the dog has satisfied all the requirements of the certificate of registration. The requirements must be met within 30 days. If, after 30 days, the owner has not satisfied all the requirements of the certificate of registration, the dog may be humanely euthanized on the thirty-first day. The owner of the problematic/₁ ~~vicious or dangerous~~ dog shall be liable to the animal control facility ~~organization~~ designated to hold said dog for all costs incurred while housing whether or not the dog is reclaimed by the owner.

(5) If the Police Chief or his or her designee determines that a dog is a vicious dog under § 90.53 of this chapter, If the occurrence results in the death of a person, the dog shall be euthanized at the owner's expense. Vicious and dangerous dogs, or dogs that have previously been designated as "vicious dog" or "dangerous dog" by another jurisdiction or its substantial equivalent are prohibited from residing within the city limits of Newton.

(Ord. 2239, passed 11-4-2014; Ord. 2280, passed 1-4-2017)

§ 90.55 REGISTRATION AND HANDLING REQUIREMENTS.

(A) The Police Department shall issue a certificate of registration to the owner of a problematic dog if the owner establishes to the satisfaction of the Police Chief, or his or her designee that:

(1) The owner of the problematic dog is 18 years of age or older;

(2) The owner of the problematic dog shall present a certificate of insurance issued by an insurance company licensed to do business in the state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of ~~\$50,000~~ \$125,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this division (A)(2). If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is problematic; however, if after 30 days a certificate of insurance or a policy has not been submitted, the dog shall be deemed unlicensed and subject to immediate impoundment or humane euthanasia at the owner's expense;

(3) A valid license has been issued for the problematic dog at the owner's expense pursuant to jurisdiction;

(4) The problematic dog has a current rabies vaccination at the owner's expense;

(5) The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said problematic or ~~vicious~~ dangerous dog, as described in § 90.51 of this chapter;

(6) The problematic dog has been spayed or neutered at the owner's expense;

(7) The problematic dog has been implanted with a microchip containing owner identification information at the owner's expense. The microchip information must be registered with the law enforcement, the animal authority, the animal control authority or his or her designee of the jurisdiction; and

(8) The problematic dog has been photographed for identification purposes.

(B) The Police Department shall issue a certificate of registration to the owner of a vicious dog if the owner, in addition to satisfying the requirements for registration of a problematic dog pursuant to division (A) above, establishes to the satisfaction of the Police Chief or his or her designee that:

(1) The owner will maintain the ~~vicious~~ dangerous dog exclusively on the owner's property, except for medical treatment or examination; and

(2) The owner of the ~~vicious~~ dangerous dog has posted on the premises a clearly visible "Beware of Dog" warning sign indicating there is a ~~vicious~~ dangerous dog on the property. The sign shall be very prominently visible from the public roadway or 50 feet, whichever is less.

(C) The Police Chief or his or her designee may order the immediate impoundment of a ~~vicious~~ dangerous or problematic dog.

~~—(D) If any dog previously determined to be a problematic dog has not exhibited any of the behaviors specified in § 90.51 of this chapter within 12 months since the date of the problematic dog~~

determination, then that dog is eligible for a review of the determination with the potential for lifting the requirements of this section. Annual reviews shall be completed by the Police Chief upon application of the owner, which application shall be made to the City Clerk. The Police Chief may rescind the problematic dog designation, may rescind or amend specific requirements set forth in the designation, or may take no action.

~~—(E) If an owner applies for an annual review to the Police Chief and the owner is aggrieved by the Police Chief's decision, the owner may make application to the review committee to have the problematic dog designation or any requirements contained therein rescinded or amended. The owner shall make such application by providing a written request for hearing to the City Clerk. The application must be submitted within 15 days from the date of the Police Chief's decision to continue the problematic dog determination, must set forth the full name of the applicant and the subject dog, and must contain a certification that no further violations of this chapter have occurred in the 12-month period immediately preceding such application. Within 20 days of receipt of the Application, the City Clerk shall set the matter for hearing before the review committee, which hearing shall occur no later than 45 days after the date the application was filed with the City Clerk. In rendering its decision, the review committee may consider, among other items, the severity of the incident that resulted in the designation, the need to protect the public from further incidents, the likelihood of future incidents based on the history of the owner and/or the subject dog. At the conclusion of the hearing, the review committee may rescind the problematic dog designation, may rescind or amend specific requirements set forth in the designation, or may take no action. The original problematic dog determination shall remain in effect pending the results of the hearing. In the event the review committee declines to rescind or amend the problematic dog designation or any requirements contained therein, the owner may not request another hearing before the review committee for another 12 months from the date of the review committee's decision, unless the review committee in rendering its decision shall specifically provide for a subsequent review within a shorter period of time.~~

~~(Ord. 2239, passed 11-4-2014; Ord. 2280, passed 1-4-2017)~~

§ 90.56 OWNER RESPONSIBILITY.

It shall be unlawful to:

(A) Keep a dog determined to be vicious dangerous or problematic without a valid certificate of registration issued under § 90.55 of this chapter;

(B) Permit a problematic dog to be outside a proper enclosure unless the problematic dog is under the control of a responsible person, as defined in § 90.51 of this chapter, muzzled, and restrained by a substantial lead not exceeding six feet in length. The use of retractable leads is prohibited. The muzzle shall be made in a manner that will not cause injury to the dog or obscure its vision or interfere with its respiration, but shall prevent it from biting any human being or animal. The use of a muzzle is not required on the owner's property. Problematic dogs are prohibited from being in city owned parks or dog parks;

(C) Fail to maintain a vicious dangerous dog exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the vicious dangerous dog shall be crated or under the control of a responsible person, as defined in § 90.51 of this chapter, muzzled and restrained with a substantial lead not exceeding six feet in length. The muzzle shall be made in a manner that will not cause injury to the dog or obscure its vision or interfere with its respiration, but shall prevent it from biting any human being or animal;

(D) Keep a vicious dangerous or problematic dog chained or otherwise tethered to any object or structure, including, but not limited to, trees, posts, stakes, fences, buildings or other structures;

(E) Fail to notify immediately the Police Department in person or by telephone upon escape if a vicious dangerous or problematic dog is on the loose, is unconfined, has attacked a domestic animal or has attacked a human being;

(F) Fail to notify within seven days the Police Department with the name, address and telephone number of the new owner of the vicious dangerous or problematic dog if the dog has been sold or has been given away to an owner inside or outside the jurisdiction; and, if requested by the Police Chief or his or her designee, the owner must execute an affidavit under oath setting forth the complete name, address and telephone number of the person to whom the dog has been transferred;

(G) Fail to notify, within seven days, the Police Department of a change of address or telephone number by the owner of the vicious dangerous or problematic dog;

(H) Fail to notify within seven days the Police Department if the vicious dangerous or problematic dog has died; and

(I) Fail to surrender a vicious, dangerous or problematic dog to law enforcement, the animal control authority or his or her designee for safe confinement pending a disposition of the case when there is a

reason to believe that the vicious, dangerous or problematic dog poses an imminent threat to public safety.

(J) The animal owner's property and the animal are subject to periodic inspection by the Police Department to ensure compliance with this subchapter.

(Ord. 2239, passed 11-4-2014; Ord. 2280, passed 1-4-2017) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Penalties for violations of this chapter are as follows.

(1) Fee/impoundment ticket. In the event that an animal is observed at large, but cannot be captured for impoundment, or in the event its owner refuses to relinquish possession of such animal for impoundment, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in attempting to impound the animal and enforce the provisions of this chapter.

(2) Misdemeanor. In the event the owner of an animal has been served a ticket for the payment of the enforcement/impoundment fee and fails to pay the required amount due to the city within 30 days of the date of issuance, such failure shall constitute a misdemeanor punishable by a fine of at least \$65 but not to exceed \$625.

(3) Municipal infraction. In the event an owner violates any provision of this chapter, said owner shall be subject to penalties provided in § 10.99(B)(2) of this code of ordinances.

(2011 Code, § 13.0310)

(B) Failure to comply with an order of the City Council issued pursuant to § 90.04(C) of this chapter shall constitute a misdemeanor and shall be punishable by a mandatory minimum fine of at least \$200, but not more than \$625.

(2011 Code, § 13.0308)

(C) (1) (a) An owner of a vicious, dangerous or problematic dog who violates any provisions of §§ 90.55 or 90.56 of this chapter shall be guilty of a simple misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$625.

(b) Civil fines, penalties and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act.

(2) (a) A REPEAT OFFENDER is a person who:

1. Has been convicted of violating §§ 90.50 through 90.57 of this chapter on three separate occasions within a 24-month period; and

2. Owns, harbors or keeps one or more dogs.

(b) A repeat offender shall be penalized in one or all of the following ways:

1. Civil fines up to the maximum provided by law;

2. Surrender of all of the owner's dogs to animal control authorities; and

3. An order to refrain from owning, keeping or harboring those dogs or any dog or dogs for a period of three years.

(c) Dogs surrendered or impounded pursuant to §§ 90.50 through 90.57 of this chapter shall be adopted out if possible.

(d) Disposal of a dog or dogs by any method specified herein does not relieve the repeat offender of liability for violations and any accrued charges.

(e) The provisions hereof shall be in addition to any other civil, criminal or administrative laws, regulations or causes of action against the owner of the dog or any other person, firm, corporation or governmental entity or employee.

(Ord. 2205, passed 1-28-2013; Ord. 2239, passed 11-4-2014; Ord. 2320, passed 1-3-2018)

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 _____, 2023, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

(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 _____, 2023 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2023.
Dated this ____ day of _____, 2023.

City of Newton Council Report

**Item:**

Resolution adopting the 2023 Newton City Council Rules of Procedure

Summary:

Resolution to approve changes to the 2018 Procedural Rules of the Newton City Council discussed by City Council at the November 28, 2022 City Council Workshop

Financial Impact:

No Financial Impact

Report Number: 2023-94

Date:

March 6, 2023

Lead Department:

Administration

Recommendation:**Background:**

The Newton City Council held a City Council Workshop on August 29, 2022. This Work Session was facilitated by Pat Callahan, Callahan Municipal Consultants, LLC. One exercise completed during the work session was a priority ranking of ideas and suggestions for potential policies, procedures or action items. The Council ranked updating the Council Meeting Rules and Procedures as their top priority.

Since that time, the City Council was provided with the Summary of the City of Newton Special City Council Workshop on September 1, 2022, October 18, 2022, and November 17, 2022. The Council was provided with all of the other documents listed in the *Attachments* section below on October 18, 2022, October 28, 2022 and November 17, 2022.

The Newton City Council held another Workshop on November 28, 2022 to specifically look at the potential to update the 2018 Procedural Rules of the Newton City Council. At that workshop, the Council provided the City Attorney with direction on specific changes that they would like to see made to the 2018 Procedural Rules of the Newton City Council. Council members were encouraged to identify 1) which rules, if any, they would like to amend and provide specific language, 2) which rules, if any, they would like to delete from the current Rules of Procedure, and 3) which rules, if any, they would like to add to the current Rules of Procedure and provide specific language.

Patrick Burk from the City Attorney's office attended the November 28, 2022 City Council Workshop. The following changes include revisions that were proposed by Council Members during the Workshop and revisions recommended by City staff and the City Attorney's Office:

- Rule 6: Allow for the rescheduling of Regular Council Meetings due to special events as determined by a majority of the City Council.
- Rule 8: Specify that entire Council Meetings may be conducted electronically and that individual Council Members can attend electronically as long as they can be heard by the public during all discussion and votes.
- Rule 16: Change override of Mayor's veto from three-fourths to two-thirds or at least 4 Council Members.
- Rule 22: In case of Mayor's rejection of an agenda item, three Council members can place an item on the agenda. Once added, only the requesting Council member(s) or a majority of the City Council may remove it.
- Rule 23: Formatting change by City Attorney.

- Rule 33: An amendment clarifies that citizen comments will be allowed during citizen participation and during public hearings, but not during any other portion of Council Meetings.
- Rule 34: An amendment to this rule clarifies that citizen input during meetings will be taken into consideration, but that elected officials and city staff will not enter into discussion, debate or answer questions of a citizen during citizen input.
- Rule 35: In addition to three minutes during the Citizens Participation portion of a meeting, an amendment to the rule clarifies that citizens may also have an additional three minutes on each public hearing that appears on the agenda.
- Rule 36: This rule entitled “Remarks of Citizens to be Germane” was deleted.
- Rules after 35 are renumbered.
- Rule 40: Formatting change by City Attorney.
- Rule 47: Formatting change by City Attorney.
- Rule 51: Corrects reference to Rule 25.
- Rule 55: Council members shall notify the City Administrator, City Clerk or the presiding officer about any consent item they wish to have considered separately from the consent agenda and those items can be pulled from the Consent Agenda by any Council Member if requested prior to the vote on the Consent Agenda.
- Rule 58: Grammatical change by City Attorney.

Discussion: The City Attorney has reviewed the proposed changes by the City Council. It is now at the discretion of the Council to consider the proposed rule changes and adoption of the 2023 Newton City Council Rules of Procedure.

Recommendation:

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

RESOLUTION ADOPTING THE 2023 NEWTON CITY COUNCIL RULES OF PROCEDURE

WHEREAS, Title III, Chapter 30, section 30.053 of the Newton City Code of Ordinances declares that the Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection; and

WHEREAS, the City Council adopted Robert’s Rules of Order as the rules of procedure in 1997, and

WHEREAS, in 2018 City Council developed the Newton City Council Rules and Procedures in order to make the process easy to understand and follow, to clarify the procedures, and to run efficient meetings, and

WHEREAS, City Council held a Workshop on November 28, 2022 to specifically look at the potential to update the 2018 Procedural Rules.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the 2023 Procedural Rules of the Newton City Council are hereby adopted as the rules of procedure for City Council meetings effective immediately.

PASSED this _____ day of March, 2023.

APPROVED this _____ day of March, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



~~2018 PROCEDURAL RULES OF THE NEWTON~~ ~~CITY COUNCIL~~ 2023 NEWTON CITY COUNCIL RULES OF PROCEDURE

Part I. General Provisions

Rule 1. Scope of Rules. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection. (City Code Chapter 30.053) These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 3. Three-fourths requirement. Any reference to a three-fourths vote of the City Council means three-fourths of the City Council as a whole, or at least five votes.

Rule 4. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the City Attorney and/or the City Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a three-fourths vote of the Council.

Rule 5. Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of Newton.

Part II. Council Meetings

Rule 6. Regular Meetings. The regular meetings of the Council shall be on the first and third Mondays of each month at a time designated by the Council in the Council chambers at City Hall. If such day shall fall on a legal holiday or a special event determined by a majority of the City Council, the meeting shall be held the next succeeding day at the same time unless a different day or time is determined by the Council. (City Code Chapter 30.050)

Rule 7. Special Meetings. (A) Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the Council submitted to the Clerk. (B) (1) Notice of a special

2023 Procedural Rules of the Newton City Council

Adopted by Resolution _____, ~~March 6, 2023 February 6, 2023 January 3, 2023 December 19,~~
~~2022~~

meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the Council. (2) A record of the service of notice shall be maintained by the Clerk. (City Code Chapter 30.052)

Rule 8. Quorum. A majority of all Council members is a quorum. The entire Council may conduct a meeting by electronic means under circumstances where such a meeting in person is impossible or impractical. In the alternative, individual members of the Council may participate electronically in a meeting as long as they can be heard by the public during all discussion and votes. (City Code Chapter 30.053)

Rule 9. Compelling Attendance. Any four members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent member to attend at once. (City Code Chapter 30.054)

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Rule 11. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by state law. (City Code Chapter 30.056)

Rule 12. Minutes. (A) Minutes shall be kept of all meetings showing the date, time and place, the members present and the action taken at each meeting. (B) The minutes shall show the results of each vote taken and the vote of each member present shall be made public. (City Code Chapter 30.057)

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Part III. Agenda

Rule 17. Preparation of Agenda. Prior to each regular Council meeting the City Clerk shall publish an Agenda which contains all items the Council anticipates acting upon at the meeting. The Council may adopt the agenda as presented, or may amend the agenda as provided by these rules and may adopt the agenda as amended.

Rule 18. Consent Agenda. In preparing an Agenda the City Clerk shall separately designate items as "Consent Agenda" which may be acted upon by the Council under Rule 55. The "Consent Agenda" shall consist of routine non-controversial items approved as part of the consent agenda policy which in the City Administrator's determination can be appropriately considered in bulk at the Council meeting.

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Rule 19. Agenda Requests and Deadline. The Mayor, any member of the Council and the City Administrator may have an item included upon the Agenda by requesting the City Clerk to include the item by noon on the Tuesday preceding the Council meeting.

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Rule 21. Sponsor Required. The City Clerk shall not place upon the Agenda any matter for reconsideration unless sponsored by a Council member who voted on the originally prevailing side or who was absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule 22. Withdrawal of Items. ~~Only the Mayor may withdraw an item prior to the Council meeting. If the Mayor believes an agenda item submitted to the City Clerk per Rule 19 is unreasonable or detrimental, the Mayor will inform the requesting Council Member that the support of two additional Council Members is required.~~

~~The request for the second and third Council Members' support must be communicated no later than noon on Wednesday before the scheduled meeting; otherwise, the item will not be added to the agenda. Once a requested item is added to the agenda, only the requesting Council Member(s) or a majority of the City Council may remove it.~~

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- 1) Call to order
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- 3) Roll Call
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The following is the order of business of the City Council at its work sessions:

- 1) Call to order
- 2) Roll call
- 3) Work Session Agenda Items
- ~~4) Adjournment~~

2023 Procedural Rules of the Newton City Council

Adopted by Resolution _____, ~~March 6, 2023 February 6, 2023 January 3, 2023 December 19, 2022~~

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Rule 24. Presiding Officer. The Mayor, or in the Mayor's absence or incapacity, the Mayor Pro Tem, shall be the presiding officer at all Council meetings. If both the Mayor and Mayor Pro Tem are absent the most senior Council member present shall preside. In the event two or more members equally possess the greatest seniority then the eldest person among them shall preside. The presiding officer is also known as the chair.

Rule 25. Control of Discussion. The presiding officer shall control discussion of the Council on each Agenda item to assure full participation in accordance of these rules.

Rule 26. Discussion. A Council member shall speak only after being recognized by the presiding officer. A Council member recognized for a specific purpose shall limit remarks to that purpose. A Council member, after being recognized shall not be interrupted except by the presiding officer to enforce these rules, or by another Council member raising a point of order.

Rule 27. Members May Speak – How Often. No member shall speak more than once on the same question until all other members desiring to speak have spoken.

Rule 28. Presiding Officer's Right to Enter into Discussion. The Mayor (or other presiding officer) may enter into any discussion.

Rule 29. Remarks to be Germane. Comments must be directed to the subject under consideration. The presiding officer shall rule on the germaneness of comments. Members making personal, impertinent, or slanderous remarks may be barred, at the presiding officer's discretion, from further comment on the item under consideration.

Rule 30. No side conversations between members. Members shall not have side conversations with each other during any Council Meeting. Should a member of Council wish to share information with other members, that member should seek the recognition of the chair.

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Rule 34. Manner of Addressing Council. A person desiring to address the Council must first be recognized by the presiding officer Mayor. After being recognized by the presiding officer Mayor, speakers shall proceed to the podium, use the microphone, state his or her name, address, and group affiliation (if any), speak clearly and address his or her comments to the presiding officer. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions, debate a citizen, or speak during the Citizen Participation portion of the meeting.

Rule 35. Time Limit on Citizen's Remarks. Citizens shall be limited to three minutes speaking time ~~per item during Citizen Participation.~~ Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A three-fourths vote of the Council may extend the time limitations of this rule. Citizens are also allowed an additional three minutes speaking time during any public hearing that may appear on the agenda.

~~Rule 36. Remarks of Citizens to be Germane. Citizen comments must be directed to the subject under consideration and must be related to City policies or the provision of City services. If the presiding officer finds it appropriate, he or she may refer items not on the agenda to further study by City staff or to a City board or commission. Citizens making irrelevant remarks or who use profanity may be barred by the presiding officer from further comment before the Council during the meeting. The presiding officer shall rule on the germaneness of citizen comments.~~

Part VI. Council Action

~~Rule 37-36.~~ Call to Order. The Mayor or Mayor Pro Tem shall call the meeting to order at the appointed hour. In the absence of the Mayor and the Mayor Pro Tem the City Administrator shall call the meeting to order and a temporary presiding officer shall then be selected under Rule 24. The selected temporary presiding officer shall serve as successor Mayor Pro Tem for the meeting for purposes of being authorized to sign all measures passed and contracts approved at the meeting.

~~Rule 38-37.~~ Roll Call. Before proceeding with the business of the Council, the City Clerk or the Deputy City Clerk shall call the roll call of members present, and enter those named in the minutes. The presiding officer shall determine the presence of a quorum as required by law and these rules.

~~Rule 39-38.~~ Simple motion. Motions are the most typical action of the Council. Motions are used for routine actions, such as approval of minutes, and are effective immediately upon the vote of the Council. A simple majority of the council members present need to vote affirmatively to pass a motion. While the Mayor can veto an ordinance, resolution or an amendment to either an ordinance or resolution, there is no provision for a mayor to veto a simple motion.

~~Rule 40-39.~~ Resolutions. Resolutions are statements of policy and have effect beyond that immediate moment as defined in Iowa Code Section 362.2(21). A majority of all council members means two-thirds of the City Council as a whole, or at least four votes.

~~Rule 41-40.~~ Motion Required. All action requiring a vote shall be moved by a member of the Council.

~~Rule 42-41.~~ Motions. Allowable motions include the following: 1) Motion to approve, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the chair, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to approve: I move the adoption of item 6b.

Motion to amend: I move to amend by inserting the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment, i.e., the addition of the words “and grade.” Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 9:00 p.m. Or, I move to recess for ten minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the chair: I appeal from the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and states the question, “Shall the decision of the chair be sustained?”

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the resolution relating to the annual banquet. I voted for [or against] the resolution.

Motion for the previous question: I move the previous question.

Rule ~~4342~~. Motions – Requiring a second. No motion shall be debated until another member has seconded the motion. After a motion has been made, another member who wishes it to be considered says, “I second the motion,” and may do so without obtaining the floor.

Rule ~~4443~~. Must be read or stated before debate. After a motion is made and seconded, it shall be stated by the presiding officer before being debated.

Rule ~~4544~~. Points of Order. Members of Council, who notice a breach of these rules, may raise a point of order to insist upon their enforcement. (If the presiding officer notices a breach, he or she corrects the matter immediately; but if he or she fails to do so, any member can make the appropriate point of order.) Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule ~~4645~~. Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, “Shall the chair be sustained?” shall be immediately put and determined before the Council proceeds to other business.

Rule ~~4746~~. Previous Question. Any member may move the previous question. The motion shall be restated by the presiding officer in this form: “Shall the question under immediate consideration be now put?” It shall only prevail when supported by three-fourths of the Council and until decided shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Council votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the Council; but the Council shall proceed as if the motion had not been made.

Rule ~~4847~~. Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules and 4) motion to recess.
2023 Procedural Rules of the Newton City Council
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Rule-4948. Indefinite postponement. When a simple motion or resolution is postponed indefinitely, that item shall not be acted on again in the same calendar year except when supported by three-fourths of the Council. When an ordinance is postponed indefinitely, rules 59-63 apply.

Rule-5049. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule-5150. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule-25, a call for the vote shall not close discussion if any member of the Council still wishes to be heard.

Rule-5251. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule-5352. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule-5453. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote shall be recorded by the City Administrator.

Rule-5554. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall notify the City Administrator, the City Clerk, or the presiding officer for a particular meeting -about any matter on the "Consent Agenda" upon which he or she wishes to consider independently from the consent agenda. At the time of consideration of the "Consent Agenda" the presiding officer shall announce the items upon which Council members will consider independently. A consent agenda item may be pulled from the Consent Agenda during a Council Meeting if requested prior to the vote on the Consent Agenda by any Council member. The City Clerk or Deputy City Clerk, on all matters contained in the "Consent Agenda," shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 15 shall not apply.

Rule-5655. Action to Multiple Items. With the consent of three-fourths of the Council, Rule 49 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Clerk or Deputy City Clerk noting specific yes or no votes of each Council member on each item.

Rule-5756. Recording Names of Moving Members. The City Clerk or the Deputy City Clerk shall record the name of the Council Member making and seconding each motion.

Rule-5857. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may not act upon such ~~matters,matters~~; rather direct such matter be included upon a later Agenda.

Part VII. Ordinances

Rule-5958. Three Meetings. A proposed ordinance or amendment must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. (City Code Chapter 30.075)

Rule-6059. Time for Consideration. No more than three months shall elapse between the time of introduction and final passage of an ordinance or amendment. If final approval is not secured within the time allowed herein, the ordinance shall be deemed to have failed. (City Code Chapter 30.076)

Rule-6160. Failure on First Consideration. If a proposed ordinance is not approved on its first consideration, it shall be deemed to have failed and may not be considered for second consideration or final passage. (City Code Chapter 30.077)

Rule-6261. Failure on Second Consideration. If a proposed ordinance is not approved on its second consideration it may be brought up for third consideration only if a request is made by a Council member to place the matter on the agenda for the next meeting. Such request must be made and entered of record at the same meeting at which the second consideration was given. (City Code Chapter 30.078)

Rule-6362. Changes during Consideration. A minor change or technical correction which does not significantly change or alter the application or impact of a proposed ordinance may be made during its passage. (City Code Chapter 30.079)

Part VIII. Miscellaneous

Rule-6463. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule-6564. Waiver of Ordinance Readings. A Council member may move the final passage of an ordinance, with waiver of first or second consideration of the ordinance or waiver or both, by simply stating, "I move to waive the second (and/or third) consideration of the ordinance."

Rule-6665. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member, the City Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule-6766. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a vote of three-fourths of the Council.

Rule-6867. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council.

Rule-6968. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney, City Administrator or any City employee.



2023 NEWTON CITY COUNCIL RULES OF PROCEDURE

Part I. General Provisions

Rule 1. Scope of Rules. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection. (City Code Chapter 30.053) These rules shall govern the conduct of the Council and shall be interpreted to ensure fair and open deliberations and decision making.

Rule 2. Technical Parliamentary Forms Abolished. Except as specifically provided in these rules, the Council shall not use any formal points of parliamentary order, personal privilege, parliamentary inquiry or other technical forms. Only motions specified within these rules are allowed.

Rule 3. Three-fourths requirement. Any reference to a three-fourths vote of the City Council means three-fourths of the City Council as a whole, or at least five votes.

Rule 4. Matters Not Covered. Any matter or order or procedure not covered by these rules shall be referred to the presiding officer, who shall decide the matter with or without the assistance and advice of the City Attorney and/or the City Administrator in conformity with the purpose of these rules in a fair and expeditious manner. The decision of the presiding officer may be reversed by a three-fourths vote of the Council.

Rule 5. Interpretation. These rules are intended to supplement and shall be interpreted to conform to the statutes of the State of Iowa and the ordinances of the City of Newton.

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Rule 38. Simple motion. Motions are the most typical action of the Council. Motions are used for routine actions, such as approval of minutes, and are effective immediately upon the vote of the Council. A simple majority of the council members present need to vote affirmatively to pass a motion. While the Mayor can veto an ordinance, resolution or an amendment to either an ordinance or resolution, there is no provision for a mayor to veto a simple motion.

Rule 39. Resolutions. Resolutions are statements of policy and have effect beyond that immediate moment as defined in Iowa Code Section 362.2(21). A majority of all council members means two-thirds of the City Council as a whole, or at least four votes.

Rule 40. Motion Required. All action requiring a vote shall be moved by a member of the Council.

Rule 41. Motions. Allowable motions include the following: 1) Motion to approve, 2) motion to amend, 3) motion to adjourn, 4) motion to recess, 5) motion to postpone to a certain time, 6) motion to postpone indefinitely, 7) motion to appeal the rule of the chair, 8) motion to suspend the rules, 9) motion to reconsider and 10) motion for the previous question. Form and example:

Motion to approve: I move the adoption of item 6b.

Motion to amend: I move to amend by inserting the words “and grade” after “purchase.” Discussion and a vote would then take place on the amendment, i.e., the addition of the words “and grade.” Whether the amendment is or is not adopted, a subsequent vote would be taken on the underlying item.

Motion to adjourn: I move to adjourn.

Motion to recess: I move that the meeting recess until 9:00 p.m. Or, I move to recess for ten minutes.

Motion to postpone to a certain time: I move to postpone the motion to the next meeting.

Motion to postpone indefinitely: I move that the item be postponed indefinitely.

Motion to appeal the rule of the chair: I appeal from the decision of the chair. If seconded, the chair shall clearly state the exact question at issue, the reason for his or her decision and states the question, “Shall the decision of the chair be sustained?”

Motion to suspend the rules: I move that the rules be suspended which interfere with ... [stating the object of the suspension].

Motion to reconsider: I move to reconsider the vote on the resolution relating to the annual banquet. I voted for [or against] the resolution.

Motion for the previous question: I move the previous question.

Rule 42. Motions – Requiring a second. No motion shall be debated until another member has seconded the motion. After a motion has been made, another member who wishes it to be considered says, “I second the motion,” and may do so without obtaining the floor.

Rule 43. Must be read or stated before debate. After a motion is made and seconded, it shall be stated by the presiding officer before being debated.

Rule 44. Points of Order. Members of Council, who notice a breach of these rules, may raise a point of order to insist upon their enforcement. (If the presiding officer notices a breach, he or she corrects the matter immediately; but if he or she fails to do so, any member can make the appropriate point of order.) Points of order are ruled upon by the presiding officer. Points of order are not debatable.

Rule 45. Appeal from a Ruling of the Presiding Officer. Should there be an appeal from any ruling of the presiding officer, the question, “Shall the chair be sustained?” shall be immediately put and determined before the Council proceeds to other business.

Rule 46. Previous Question. Any member may move the previous question. The motion shall be restated by the presiding officer in this form: “Shall the question under immediate consideration be now put?” It shall only prevail when supported by three-fourths of the Council and until decided shall preclude debate. If the motion is sustained, the proponent of the matter under consideration shall have one minute in which to make a closing statement before the Council votes on the question. A failure to sustain the motion shall not take the matter under consideration from further consideration of the Council; but the Council shall proceed as if the motion had not been made.

Rule 47. Not debatable. The following motions shall be decided without debate: 1) motion to adjourn, 2) motion for the previous question, 3) motion to suspend the rules and 4) motion to recess.

Rule 48. Indefinite postponement. When a simple motion or resolution is postponed indefinitely, that item shall not be acted on again in the same calendar year except when supported by three-fourths of the Council. When an ordinance is postponed indefinitely, rules 59-63 apply.

Rule 49. Presiding Officer's Right to Speak Last. The presiding officer has the right to close debate and speak last on any item.

Rule 50. Closing Debate. Discussion shall be closed on any item by the presiding officer with the concurrence of a majority of the Council. Except as provided by Rule 25, a call for the vote shall not close discussion if any member of the Council still wishes to be heard.

Rule 51. Motion to Reconsider. A motion to reconsider must be made by a Council member who was on the prevailing side in the original action or by a Council Member absent at the time of the original action, provided said Council member made the motion at the next Council Meeting that Council member attended.

Rule 52. Call for Vote. At the conclusion of debate the presiding officer shall call for a vote, provided however, a majority of the Council may require a vote at any time.

Rule 53. Separate Consideration. Except as otherwise required by these rules each Agenda item shall be voted upon separately and each separate vote shall be recorded by the City Administrator.

Rule 54. Action on Consent Agenda. Except as herein provided the "Consent Agenda" shall be considered in bulk and voted upon in single motion. Each Council Member shall notify the City Administrator, the City Clerk, or the presiding officer for a particular meeting about any matter on the "Consent Agenda" upon which he or she wishes to consider independently from the consent agenda. At the time of consideration of the "Consent Agenda" the presiding officer shall announce the items upon which Council members will consider independently. A consent agenda item may be pulled from the Consent Agenda during a Council Meeting if requested prior to the vote on the Consent Agenda by any Council member. The City Clerk or Deputy City Clerk, on all matters contained in the "Consent Agenda," shall record the yes and no votes on each item separately as if each item had been moved and voted upon separately. Rule 15 shall not apply.

Rule 55. Action to Multiple Items. With the consent of three-fourths of the Council, Rule 49 hereof notwithstanding, the Council may consider for voting purposes more than one item, but in such event the vote upon each item will be separately recorded by the City Clerk or Deputy City Clerk noting specific yes or no votes of each Council member on each item.

Rule 56. Recording Names of Moving Members. The City Clerk or the Deputy City Clerk shall record the name of the Council Member making and seconding each motion.

Rule 57. Consideration of Matters Not on Agenda. Except as to matter which by law require the publication of notice before consideration by the Council any member of the Council may, at the close of the regular Agenda, bring a matter not on the Agenda to the Council's attention. Council may not act upon such matters; rather direct such matter be included upon a later Agenda.

Part VII. Ordinances

Rule 58. Three Meetings. A proposed ordinance or amendment must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. (City Code Chapter 30.075)

Rule 59. Time for Consideration. No more than three months shall elapse between the time of introduction and final passage of an ordinance or amendment. If final approval is not secured within the time allowed herein, the ordinance shall be deemed to have failed. (City Code Chapter 30.076)

Rule 60. Failure on First Consideration. If a proposed ordinance is not approved on its first consideration, it shall be deemed to have failed and may not be considered for second consideration or final passage. (City Code Chapter 30.077)

Rule 61. Failure on Second Consideration. If a proposed ordinance is not approved on its second consideration it may be brought up for third consideration only if a request is made by a Council member to place the matter on the agenda for the next meeting. Such request must be made and entered of record at the same meeting at which the second consideration was given. (City Code Chapter 30.078)

Rule 62. Changes during Consideration. A minor change or technical correction which does not significantly change or alter the application or impact of a proposed ordinance may be made during its passage. (City Code Chapter 30.079)

Part VIII. Miscellaneous

Rule 63. Motions. At any appropriate place on the Agenda any member of the Council may make a motion for the Council to act upon any matter if the motion is germane to the matter under consideration.

Rule 64. Waiver of Ordinance Readings. A Council member may move the final passage of an ordinance, with waiver of first or second consideration of the ordinance or waiver or both, by simply stating, "I move to waive the second (and/or third) consideration of the ordinance."

Rule 65. Name of Sponsor on Roll Call. Any time these rules require an action to be sponsored by a Council member, the City Clerk shall note the name of the sponsoring Council member on the face of the roll call for said item.

Rule 66. Suspension of Rules. These rules or any part hereof, may be suspended for a specific purpose by a vote of three-fourths of the Council.

Rule 67. Hearings. Any other rule to the contrary notwithstanding, unless required by statute or necessary to conform to proceedings required for a special purpose, a hearing shall commence when declared open by the presiding officer and shall close when closed by the presiding officer or by other formal action of the Council.

Rule 68. Informal Requests. A member of the Council, before or during the consideration of any matter, or in the course of a hearing, may request and receive information, explanations or the opinions of the City Attorney, City Administrator or any City employee.

Public Participation Guidelines for City Council Meetings

This is the time of the meeting that a citizen may address the Council. After being recognized by the presiding officer, each person will be given three (3) minutes to speak. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions, debate a citizen, or speak during the *Citizen Participation* portion of the meeting.

Part V. Citizen Participation

Rule 33. Citizen's Right to Address Council. The City of Newton is supportive of citizen participation at City Council meetings. In order to ensure that citizen participation occurs in an orderly fashion, the guidelines below must be utilized by persons wishing to speak at the Council meeting. By following these guidelines, persons can be assured that their viewpoint, concerns and comments are brought to the attention of the Council members prior to their decision-making process. Citizen comments will be allowed during the *Citizen Participation* portion of the meeting and during public hearings. Citizen comments are not allowed during any other portion of City Council meetings.

Rule 34. Manner of Addressing Council. A person desiring to address the Council must first be recognized by the presiding officer. After being recognized by the presiding officer, speakers shall proceed to the podium, use the microphone, state his or her name, address, and group affiliation (if any), speak clearly and address his or her comments to the presiding officer. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions, debate a citizen, or speak during the *Citizen Participation* portion of the meeting.

Rule 35. Time Limit on Citizen's Remarks. Citizens shall be limited to three minutes speaking time during Citizen Participation. Total citizen input on any subject under Council consideration can be limited to a fixed period by the presiding officer. A three-fourths vote of the Council may extend the time limitations of this rule. Citizens are also allowed an additional three minutes speaking time during any public hearing that may appear on the agenda.

2023 Procedural Rules of the Newton City Council

Adopted by Resolution 2023-xxx, March 6, 2023

City of Newton Council Report

**Item:**

Resolution approving the purchase of a landfill trash compactor for the Newton Sanitary Landfill

Summary:

Replace existing trash compactor at the Newton Sanitary Landfill

Financial Impact:

\$922,061.55 (\$869,561.55 after equipment sale) from available landfill funds

Report Number: 2023-257**Date:**

March 6, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

As part of its daily operation, the Newton Sanitary Landfill compacts trash daily with an 80,000-pound trash compactor which has reached the end of its expected life and is no longer under warranty.

Staff prepared specifications for a new 80,000-pound trash compactor with a warranty period of 7 years or 8,000 engine hours, whichever occurs first. The following bids, utilizing Sourcewell pricing, were received:

Dealer:	Brand and Model:	Bid Amount:
Mid Country Machinery Bondurant, IA	BoMag 773RB-5	\$870,933
Humdinger Equipment Lubbock, TX	TANA E380	\$950,089

Mid Country Machinery has also offered \$52,500.00 to purchase the existing 2015 compactor, offsetting the purchase price of \$870,933. Staff will place the existing compactor in an online auction through Public Surplus with a reserve of \$52,500.00, allowing the City to get the best possible price of no less than \$52,500.00.

From the received bids, the cost, less trade, will be \$818,433.00 or less, depending on the sale of the existing machine. In conjunction with this purchase, Mid Country Machinery will also work with RDO Integrated Controls to remove the current GPS equipment from the existing trash compactor, move the unit to another piece of landfill equipment, and install a wiring harness, updated software, and updated equipment in the new trash compactor. The GPS equipment and software cost is \$51,128.55, based on the current Minnesota state bid, which allowed the landfill to receive a larger discount than Sourcewell pricing.

The total cost for the new machine and GPS controls, minus the sale of the existing compactor, will be \$869,561.55. The 2023-2024 landfill budget includes \$900,000 for this purchase.

The purchase of a trash compactor was presented to the 28-E Landfill board during the annual budget workshop meeting on January 31, 2023. All board members present were in favor of purchasing a replacement trash compactor.

Recommendation:

City staff recommends approval of the resolution authorizing the purchase of a BoMag 773RB-5 trash compactor from Mid Country Machinery of Bondurant, Iowa, for the total bid amount of

\$922,061.55, \$870,933 for the machine and \$51,128.55 for the installation of GPS equipment. City staff recommends placing the 2015 trash compactor on Public Surplus with a reserve value of \$52,500.

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. 2023-_____

**RESOLUTION APPROVING PURCHASE OF A LANDFILL TRASH COMPACTOR
FOR THE NEWTON SANITARY LANDFILL**

WHEREAS, the existing 2015 compactor at the Newton Sanitary Landfill was identified as being needed to be replaced in the 2023-2024 capital equipment plan; and

WHEREAS, staff prepared specifications for a new 80,000-pound trash compactor with a warranty period of 7 years or 8,000 engine hours, whichever occurs first and sought quotes utilizing Sourcewell; and

WHEREAS, based on the desired specifications, the low bid received was from Mid Country Machinery of Bondurant, Iowa in an amount of \$870,933.00 for a BoMag 773RB-5 trash compactor; and

WHEREAS, the existing 2015 compactor will be sold to Mid Country Machinery of Bondurant, Iowa for \$52,500.00 if a greater amount is not received from the Public Surplus on-line auction site; and

WHEREAS, staff recommends utilizing RDO Integrated Controls to remove the current GPS equipment from the existing trash compactor, move the unit to another piece of landfill equipment, and install a wiring harness, updated software, and updated equipment in the new trash compactor for a total cost of \$51,128.55. This purchase is utilizing Minnesota State Bid where the landfill will receive a larger percentage discount versus using Sourcewell pricing; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to purchase a new BoMag 773RB-5 trash compactor from Mid County Machinery of Bondurant, Iowa in the amount of \$870,933.00 and installing the existing GPS equipment in the new unit utilizing RDO Integrated Equipment in the amount of \$51,128.55. Total cost paid to Mid Country Equipment is \$922,061.55. The compactor will be paid utilizing available Newton Sanitary Landfill funds.

THEREFORE, BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to sell the existing compactor on the Public Surplus online auction with a reserve amount of \$52,500.00. If the reserve is not met, the compactor will be sold to Mid Country Machinery of Bondurant, Iowa for \$52,500.00.

PASSED this ____ day of March 2023.

APPROVED this ____ day of March 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk