

Agenda: Newton City Council

City Council Meeting

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

March 01, 2021 6:00 p.m.
Newton, Iowa 50208

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

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentation | 2. Jasper County EOC - Jim Sparks, Jasper County Coordinator, Jasper County Emergency Management |
| Citizen Participation | 3. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City polices or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 4. February 15, 2021 Regular City Council Meeting Minutes
5. Resolution Fixing the Amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-02). (Council Report 21-046)
6. Resolution Setting a Public Hearing Date to Approve the 2021-22 Operating Budget for the City of Newton. (Council Report 21-047)
7. Resolution Approving Applications for Exemption in the City-Wide Urban Revitalization Area. (Council Report 21-048)
8. Resolution awarding contract for the Demolition 2021-01 Project. (Council Report 21-049)
9. Resolution Approving Pump Repair of the Ladder Truck. (Council Report 21-050)
10. Approve Bills |

Public Hearing

11. Public Hearing on a Resolution to enter into General Obligation Loan Agreement #1 and to borrow money thereunder in a principal amount not to exceed \$700,000. (Council Report 21-051)
12. Public Hearing on a Resolution to enter into General Obligation Loan Agreement #2 and to borrow money thereunder in a principal amount not to exceed \$550,000. (Council Report 21-051)
13. Public Hearing on a Resolution to enter into an Essential Purpose Loan Agreement in a principal amount not to exceed \$2,400,000. (Council Report 21-051)
 - During the FY22 budget and CIP process, staff had presented the need for bonding in the spring of 2021 for various equipment items, projects and continued funding of current initiatives.
 - This resolution authorizes additional action on the proposals to enter into General Obligation Loan Agreements, combining Loan Agreements and authorizing the use of a preliminary official statement.
14. 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. (Council Report 21-051)
15. Public Hearing on a Resolution taking additional action on proposal to enter into a Sewer Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith. (Council Report 21-052)
 - It has been proposed to use a Sewer Revenue Bond to pay for projects and equipment that are directly related to the operation of the Sewer facility. These projects include various plant improvements, Jet/Vac truck replacement, and SW sewage pump station pumps.
 - Staff recommends approval of the attached Resolution taking additional action in regards to the 2021C Sewer Revenue Bonds and the use of the preliminary official statement.
16. Resolution taking additional action on proposal to enter into a Sewer Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith. (Council Report 21-052)
17. Public Hearing on a Resolution taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith. (Council Report 21-053)
 - It has been proposed to use a Road Use Tax Revenue bond to pay for Street projects that are needed throughout the community. This bond would be paid back solely with Road Use Tax revenues and the projects included are the reconstruction of E 3rd St S & E 2nd St S, reconstruction of W 3rd St S & W 2nd St S, and Asphalt Mill/Overlay of various streets.

- Staff recommends approval of the attached Resolution taking additional action in regards to the 2021D Road Use Tax Revenue Bonds and the use of the preliminary official statement.

18. Resolution taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith. (Council Report 21-053)

Ordinance

19. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 200 block of West Ninth Street North. (Council Report 21-041)

- The City received safety concerns regarding street parking in the 200 block of W 9th St N. The Traffic Safety Committee reviewed the situation and recommends restricting parking on the west side of W 9th St N from 1st Ave W to a point 175 feet north of the centerline of N 2nd Ave W.
- The Traffic Safety Committee also recommends restricting parking on the east side beginning 125 feet north of the centerline on N 2nd Ave W, continuing to a point 165 feet north of the centerline on N 2nd Ave W.
- 11 surveys were sent to adjacent property owners with 1 resident being in favor of the proposed changes and 1 opposed.

20. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 400-500 block of West Tenth Street North and the 900 block of North Fifth Ave West. (Council Report 21-042)

- The City received safety concerns regarding street parking in the 400-500 block of W 10th St N and the 900 block of N 5th Ave W.
- The Traffic Safety Committee reviewed the situation and recommends restricting parking in various sections. 30 surveys were sent to adjacent property owners with 9 residents being in favor of the proposed changes and 2 opposed.

21. Second Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Offenses Adopted by Code Reference" by adding a "No Right Turn on Red" designation on the south quadrant of the East Twelfth Street and First Avenue intersection. (Council Report 21-043)

- The City received safety concerns regarding vehicles turning right on 1st Ave from E 12th St when the traffic signal was red. A sight triangle analysis of the intersection was conducted and City staff found the sight line to be insufficient for vehicles to safely turn right on red.

- The Traffic Safety Committee recommends designating the south quadrant of the E 12th St and 1st Ave intersection as “No Right Turn on Red”.
22. First Consideration of an ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 94: Public Nuisances, Revisions and/or additions related to outside parking and storage of vehicles and trailers on residential property. (Council Report 21-054)
- Chapter 94: Public Nuisances of the City Code of Ordinances addresses numerous potential nuisance code violations, with this proposed ordinance change related to outside parking and storage of vehicles and trailers on residential property.
 - The City recognizes that property owners may own a business or work for a business that allows them to bring a company vehicle home, however large commercial vehicles or equipment in residential areas has detrimental and blighting impacts upon the residential quality and character of such neighborhoods.

Resolutions

23. Resolution approving the pass-through grant agreement between the City of Newton and Jasper County for the purpose of applying for a Historic Resource Development Program Grant. (Council Report 21-055)
- Jasper County is planning on repairing and restoring murals located within the historic Jasper County Courthouse and are not eligible applicants for the grant program as they are not a Certified Local Government (CLG). Newton’s Historic Preservation Commission is a CLG and is eligible to be an applicant for this grant program.
 - Jasper County will prepare the application and be responsible for the completion of the work and any required matching funds, should the grant be awarded. The City will not incur any cost or utilize city staff time for the application or project.
 - The Newton Historic Preservation Commission has recommended approval of the pass-through grant agreement.
24. Resolution approving the granting of Downtown Improvement Grant Funds for 107 1st Avenue West. (Council Report 21-056)
- The new owner of 107 1st Avenue West, Cindy Sell, has requested downtown façade grant funds to assist with the storefront windows and front door at this property.
 - At their meeting on February 17, 2021, the Downtown Grant Review Board recommended approval of a grant in an amount up to \$5,000.00 provided a 1:1 match.
25. Resolution authorizing the submittal of the USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement. (Council Report 21-057)
- To remain in compliance with Federal law and be eligible for State and Federal funding, the respective USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement must be resubmitted periodically to spell out the City’s commitment to comply with all acts and regulations related to Civil Rights and discrimination.

- Staff has prepared said documents with the assistance of the Iowa DOT and needs City Council approval prior to their submittal.

26. Resolution approving updates to the City Mission and Value Statements. (Council Report 21-058)

- It has been a number of years since the Mission, Vision, and Values Statements have been reviewed. Keeping these statements refined simplistically helps with understanding for employees.
- Suggested edits are included for the Mission and Values Statements and the Vision Statement is recommended to be addressed during the next Comprehensive Plan update.

Discussion

27. Proposed downtown splash pad project at 224 W 3rd St N – Brian Laube, Community Services Director. (Council Report 21-059)

Staff Reports

28. Police Department Update – Rob Burdess, Police Chief

Mayor/Council Comments

29.

Adjourn

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

REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 15, 2021, 6:00 P.M.
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in regular session at 6:00 P.M. on the above date in the Council Chambers at 101 West 4th Street South and via an electronic meeting (pursuant to Iowa Code section 21.8) because a meeting in person is impossible or impractical due to concerns for the health and safety of council members, staff, and the public due to COVID-19. Mayor Hansen presided. Present Council Members: Hallam, Stonner, George, Ervin, Trotter, Mullan. Absent: None.

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

Ethan Nasalroad, Johnson Aviation presented a Newton Municipal Airport - Earl Johnson Field Update.

Tanya Michener, Historic Preservation Commissioner, presented on the CLG Annual Report.

There was no citizen participation.

Moved by Trotter, seconded by George to approve consent agenda items 5-13.

5. February 01, 2021 Regular City Council Meeting Minutes

6. February 01, 2021 Budget Workshop Minutes

7. Approve Liquor Licenses for the following: Dollar General #3032, Renewal and Change of Ownership, 2617 1st Ave E, BC0029879, Class C Beer Permit (BC), Class B Wine Permit (Carryout Wine - Includes Native Wine), Sunday Sales; Casey's #2341, Renewal and Change of Ownership, LE0003013, 3104 1st Ave E, Class E Liquor License (LE), Class B Wine Permit (Carryout Wine - Includes Native Wine), Class C Beer Permit (Carryout Beer), Sunday Sales; Casey's #2417, Change of Ownership, LE0002740, 1200 W 18th St S, Class E Liquor License (LE), Class B Wine Permit (Carryout Wine - Includes Native Wine), Class C Beer Permit (Carryout Beer), Sunday Sales; Casey's #1911, Change of Ownership, LE0003308, 1018 1st Ave E, Class E Liquor License (LE), Class B Wine Permit (Carryout Wine – Includes Native Wine), Class C Beer Permit, (Carryout Beer) Sunday Sales.

8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-01). Resolution 2021-035 adopted.

9. Resolution approving an agreement with Atomic Music Group & The Nadas for the 2021 Newton Fest concert on Saturday, June 12, 2021. Resolution 2021-036 adopted.

10. Resolution approving an agreement with Damon Dotson & band on Thursday, June 10 as part of the Summer Concert Series at Maytag Bowl and the kickoff of Newton Fest 2021. Resolution 2021-037 adopted.

11. Resolution approving the 2020 Certified Local Government Annual Report for the Newton Historic Preservation Commission. Resolution 2021-038 adopted.

12. Resolution awarding the purchase of firefighter's protective equipment. Resolution 2021-039 adopted.

13. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution Proposed Maximum Property Tax Dollars for Fiscal Year July 1, 2021 – June 30, 2022. There were no written comments. Moved by Mullan, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Ervin, seconded by Stonner to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-040 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a resolution accepting purchase and redevelopment proposal for property at 921 North 4th Avenue West in Newton. There were no written comments. Moved by Mullan, seconded by Hallam, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Stonner, seconded by Ervin to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-041 adopted.

Moved by Trotter, seconded by George, to approve the third consideration of an Ordinance amending the City of Newton Code of Ordinances, Title XV, Chapter 150, Electrical Code for the City of Newton. AYES: Six. NAYS: None. Third consideration passed. Moved by Mullan, seconded by Hallam, to adopt the Ordinance. AYES: Six. NAYS: None. Ordinance 2390 was adopted.

Moved by Trotter, seconded by Mullan, to approve the first consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 200 block of West Ninth Street North. Ervin questioned the purpose of no parking on the east side of the street. Public Works Director Jody Rhone indicated that it was due to the private road to the east to relieve congestion for those turning right. It was Moved by Ervin, seconded by George to amend the Ordinance by removing the no parking on the east side. AYES: Three. NAYS: Stonner, Trotter, Mullan. The motion to amend failed. AYES: Four. NAYS: George, Ervin. First consideration passed.

Moved by Hallam, seconded by Trotter, to approve the first consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 400-500 block of West Tenth Street North and the 900 block of North Fifth Ave West. AYES: Six. NAYS: None. First consideration passed.

Moved by George, seconded by Trotter, to approve the first consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, “Traffic and Parking Offenses Adopted by Code Reference” by adding a “No Right Turn on Red” designation on the south quadrant of the East Twelfth Street and First Avenue intersection. AYES: Five. NAYS: Ervin. First consideration passed.

Moved by Trotter, seconded by Ervin to adopt a Resolution approving the purchase and up-fit services for two 2021 Ford Police Interceptor SUVs and one 2021 Ford Ranger truck for \$114,700. AYES: Six. NAYS: None. Resolution 2021-042 adopted.

Moved by Trotter, seconded by Hallam to adopt a Resolution approving the assignment of contract for 1803 1st Avenue East in accordance with the requirements of the purchase and redevelopment agreement, dated December 17, 2019, between the City of Newton and The Overland Group, LLC. AYES: Six. NAYS: None. Resolution 2021-043 adopted.

Brian Laube, Community Services Director, presented a 2020 Community Services Recap highlighting major accomplishments that were completed such as overseeing the 1st Ave resurfacing, Arbor Estates, Airport Expansion, demolishing Newton Inn. Unfortunately, Covid-19, the Derecho, and maintenance issues had a substantial impact on the revenues for the Pool.

During Mayor/Council comments Hallam announced that the Newton Alumni will have a full slate of activities planned for June with the All Class Reunion to be held at Hotel Maytag.

Moved by Trotter, seconded by Mullan at 7:06 p.m. to move to closed session To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2021. AYES: Six. NAYS: None. Motion passed. The Mayor announced a 2 minute recess.

Upon return to Open Session it was Moved by Trotter, seconded by Mullan to adjourn the meeting at 7:56 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

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. 21-02).

Report Number: 21-046

Date:

March 1, 2021

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.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$1,036.56

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.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 21-02)**

WHEREAS, the City of Newton has abated nuisance violations at the address(es) as found in Schedule No. 21-02: 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 21-02: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the expenses have been billed to the property owner(s) and remain unpaid.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 21-02: 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 21-02: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of March, 2021.

APPROVED this _____ day of March, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 21-02: 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
Janet Corey	833283027	602 S 5th Ave W	Newton	\$173,780	\$65.00	\$75.00	\$140.00	WEST NEWTON LOT 16 BLK D	1/7/2021
Ricky Ray Clement	827279007	1024 N 11th Ave E	Newton	\$78,270	\$90.00	\$75.00	\$165.00	DODGE'S SD E 95' LOT 1 & S 40' OF E 95' LOT 6 BLK 2 & S 150' OUTLOT C	1/11/2021
Melissa Sparks	834201010	609 N 4th Ave E	Newton	\$35,790	\$371.56	\$75.00	\$446.56	COONEY'S SD W 1/2 LOT C	1/8/2021
Roger & Rose James	827452021	607 E 7th St N	Newton	\$88,380	\$65.00	\$75.00	\$140.00	COWLE'S ADD LOTS 12-13 BLK 1	1/20/2021
Farrell Properties Inc	833428004	503 S 5th Ave W	Newton	\$99,370	\$70.00	\$75.00	\$145.00	COLLEGE ADD LOT 4 BLK 3	1/22/2021
Total							\$1,036.56		

City of Newton Council Report

Item: Resolution Setting a Public Hearing Date to Approve the 2021-22 Operating Budget for the City of Newton

Summary: The proposed City budget for 2021-22 has a levy rate of \$17.14/\$1000. This action sets March 15, 2021 as the date for the budget public hearing.

Financial Impact:

The City property tax levy rate would be set at \$17.14 /\$1000 for the 2021-22 City fiscal year.



Report Number: 21-047

Date: March 1, 2021

Lead Department:
Administration

Recommendation:
Approval

Background:

The City Council has conducted several budget workshops over the last 3 months and has reviewed the proposed 2021-22 Operating Budget for the City of Newton. The required process for adopting the annual budget calls for publication of the proposed budget and a public hearing to be held prior to its adoption. The attached Resolution calls for the public hearing to be held at the regular City Council Meeting on March 15, 2021. Adoption of the budget would also take place at that meeting, allowing for the budget to be certified to the County Auditor by the State deadline of March 31st.

In summary, the proposed 2021-22 City of Newton Budget does the following:

- Sets the City tax levy at \$17.14/1000. This levy does not change from the current year.
- In the proposed budget, the City's General Fund undesignated reserves are estimated to be 25% of budgeted expenditures, according to approved policy.
- Retains current staffing levels
- Includes cost of living increases for all Union positions according to ratified contracts
- Pay Plan is adjusted by a sliding scale COLA along with any step increases

Publication of the proposed budget in the Newton Daily News will take place the week of March 1st. After publication, the budgeted expenditures and levy cannot be increased, but may be decreased.

Recommendation:

Staff recommends approval of the Resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION SETTING A PUBLIC HEARING DATE TO
APPROVE THE 2021-22 OPERATING BUDGET FOR THE CITY
OF NEWTON**

WHEREAS, City staff has prepared the 2021-22 operating budget for the City of Newton; and

WHEREAS, to adopt the 2021-22 operating budget, it requires a Public Hearing, per the provisions of Iowa Code Section 24.9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:

That a public hearing to approve the proposed 2021-22 City of Newton Operating Budget, is hereby set for a regular City Council Meeting on March 15, 2021 at 6:00 pm at the Newton City Council Chambers, 101 West 4th Street South, Newton, Iowa, 50208 or by Zoom: (<https://us02web.zoom.us/j/83564044015>) Join zoom via phone: (call 312-626-6799 & enter ID # 83564044015).

BE IT FURTHER RESOLVED the Finance Officer is directed to have notice of said hearing published in the *Newton Daily News* at least ten days and not more than twenty days prior to the Public Hearing date. The publication shall reflect the budget proposal upon which the City Council has agreed upon at the budget workshop meeting on February 1, 2021 meeting, summarized as attached. This proposal has a City levy rate of \$17.14 per \$1000 of taxable valuation.

PASSED this 1st day of March 2021.

APPROVED this _____ day of March 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

NOTICE OF PUBLIC HEARING -- PROPOSED BUDGET

Fiscal Year July 1, 2021 - June 30, 2022

The City of: NEWTON

The City Council will conduct a public hearing on the proposed budget as follows:

Location: Council Chambers, 101 W 4th St S. or via Zoom (<https://us02web.zoom.us/j/83564044015>), Join zoom via phone: (call 312-626-6799 & enter ID # 83564044015) Meeting Date: 3/15/2021 Meeting Time: 06:00 PM

The Budget Estimate Summary of proposed receipts and expenditures is shown below. Copies of the the detailed proposed Budget may be obtained or viewed at the offices of the Mayor, City Clerk, and at the Library.				
The estimated Total tax levy rate per \$1000 valuation on regular property				17.14000
The estimated tax levy rate per \$1000 valuation on Agricultural land is				3.00374
At the public hearing, any resident or taxpayer may present objections to, or arguments in favor of, any part of the proposed budget.				
Phone Number (641) 792-2787 ext: 2003		City Clerk/Finance Officer's NAME Lisa Frasier		
		Budget FY 2022	Re-estimated FY 2021	Actual FY 2020
Revenues & Other Financing Sources				
Taxes Levied on Property	1	8,160,658	8,101,958	7,416,511
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	8,160,658	8,101,958	7,416,511
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	2,593,050	2,334,178	2,027,593
Other City Taxes	6	2,296,126	2,599,522	2,030,279
Licenses & Permits	7	317,875	308,125	247,111
Use of Money and Property	8	201,210	290,370	373,802
Intergovernmental	9	6,043,137	3,506,673	3,556,938
Charges for Fees & Service	10	12,039,867	7,330,320	11,548,429
Special Assessments	11	14,000	21,500	13,093
Miscellaneous	12	581,210	604,654	1,362,212
Other Financing Sources	13	10,115,500	8,844,900	5,678,000
Transfers In	14	4,258,162	4,379,758	5,276,060
Total Revenues and Other Sources	15	47,073,795	38,321,958	39,833,113
Expenditures & Other Financing Uses				
Public Safety	16	8,047,086	8,185,704	7,080,877
Public Works	17	5,572,041	3,615,529	3,592,616
Health and Social Services	18	0	0	0
Culture and Recreation	19	2,330,365	2,413,814	2,396,105
Community and Economic Development	20	1,417,356	1,142,026	957,170
General Government	21	1,262,597	1,408,638	1,207,102
Debt Service	22	3,962,847	7,381,840	5,871,698
Capital Projects	23	5,915,500	6,890,500	6,634,096
Total Government Activities Expenditures	24	28,507,792	31,038,051	27,739,664
Business Type / Enterprises	25	13,670,039	4,295,706	7,135,563
Total ALL Expenditures	26	42,177,831	35,333,757	34,875,227
Transfers Out	27	4,258,162	4,379,758	5,276,060
Total ALL Expenditures/Transfers Out	28	46,435,993	39,713,515	40,151,287
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out	29	637,802	-1,391,557	-318,174
Beginning Fund Balance July 1	30	18,076,075	19,467,632	19,785,806
Ending Fund Balance June 30	31	18,713,877	18,076,075	19,467,632

City of Newton Council Report

Item: Resolution Approving Applications for Exemption in the City-Wide Urban Revitalization Area



Summary:

Each year, the City considers the tax abatement applications from the prior year's completed construction activity.

Report Number: 21-048

Date: March 1, 2021

Lead Department:
Community Development

Financial Impact:

\$147,000 of permit valuation may be abated as part of this incentive program for new construction.

Recommendation:
Approval

Background:

The City of Newton has had a City-wide Tax Abatement program for over twenty-five years. The Newton City Council originally adopted the abatement program by ordinance in 1993 with the latest amendments applicable to new construction completed by Dec. 31, 2020 (Resolution No. 2019-261 and Resolution No. 2020-250).

The residential abatement program is two years of 100% abatement, followed by three years of 50% abatement, with multi-residential (3+ units) eligible for a 100% exemption for a period of five (5) years. With the implementation of the Housing Initiative's \$10,000 cash incentive in May 2014, the abatement program was discontinued for new home construction for those homes that qualified for the cash incentive, but remained in place for residential additions and renovations.

In order to actually receive tax abatement, improvements must meet a threshold of increased value for the property. For residential properties, the improvements must increase the property value by at least 10% to be eligible for abatement. For commercial and industrial properties, the threshold is at least a 15% increase. The attached Resolution lists all qualifying building improvements completed in the past year. The actual percentage increases will be finalized by the County Assessor this month.

Recommendation:

Staff recommends approval of the Resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021- _____

RESOLUTION APPROVING APPLICATION FOR EXEMPTION IN THE CITY-WIDE URBAN REVITALIZATION AREA

WHEREAS, the City Council on March 1, 1993 originally approved Ordinance No. 1743 establishing the City-Wide Urban Revitalization Area and a resolution adopting the City-Wide Revitalization Plan to promote residential, commercial and industrial improvements in the designated area; and

WHEREAS, the City Council amended the City-wide Urban Revitalization Plan on December 3, 2019 (Resolution No. 2019-261) and on November 3, 2020 (Resolution No. 2020-250), which remained effective for new construction on properties through December 31, 2020; and

WHEREAS, the City-Wide Urban Revitalization Plan provides that the City Council shall approve all applications for exemption that have been timely filed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa;

That the applications identified below for exemption allowed by the City-Wide Urban Revitalization Plan are hereby approved and the applications shall be forwarded to the County Assessor for determination of the amount of the exemption and approval:

OWNER	PROPERTY ADDRESS	TYPE OF IMPROVEMENT	PERMIT#	PERMIT VALUE
Mike & June Aubert	322 E 13 th Street N	New garage	19100487990	\$27,000
Larry D. Plumb	1110 Hwy. 14 N	New garage	20-048780	\$10,000
Robin Stephens	203 S 3 rd Avenue E	Complete remodel	20-048850	\$50,000
Ruth A. Moore	603 S 4 th Avenue W	Sunroom	19-048011	\$60,000

PASSED this 1st day of March, 2021.

APPROVED this _____ day of March, 2021.

BY _____
Michael L. Hansen, Mayor

ATTEST:

Katrina Davis
City Clerk

APPROVED AS TO FORM:

City Attorney

City of Newton Council Report

**Item:**

Resolution awarding contract for the Demolition 2021-01 Project.

Report Number: 21-049

Date:

March 1, 2021

Summary:

Award of contract to complete abatement & demolition work at 421 N 3rd Ave E, 215 E 5th St N, 315 E 4th St S & 201 W 4th St S.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$83,850.00 from the Dangerous and Dilapidated (D&D) Building Program funds.

Background:

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

The City acquired 421 N 3rd Ave E, 215 E 5th St N, 315 E 4th St S & 201 W 4th St S with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program. The Community Services Department prepared plans and specifications for the proposed Demolition 2021-01 Project that included abatement and demolition at all properties. The following bids were received and opened on February 23, 2021:

Howe Excavating – Newton, Iowa	\$83,850.00
Van Ryswyk Plbg. & Htg., Inc – Monroe, Iowa	\$86,100.00
Lanphier Excavating – Reasnor, Iowa	\$87,895.00
Baker Group – Ankeny, Iowa	\$112,693.00
J. Petticord Inc. – Bondurant, Iowa	\$125,750.00

The apparent low bidder is Howe Excavating of Newton, Iowa. City staff's cost estimate for this project was \$86,000.00. The completion date for the project is May 31, 2021. \$83,850.00 in Dangerous and Dilapidated Building Program funds will be used to pay for the abatement and demolition work at both properties.

Recommendation:

City Staff recommends that Council award the project to Howe Excavating of Newton, Iowa in the amount of \$83,850.00.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021- _____

**RESOLUTION AWARDING CONTRACT
FOR THE DEMOLITION 2021-01 PROJECT**

WHEREAS, the City of Newton acquired 421 N 3rd Ave E, 215 E 5th St N, 315 E 4th St S & 201 W 4th St S with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program; and

WHEREAS, the City of Newton Community Services Department prepared abatement and demolition plans and specifications for the Demolition 2021-01 Project, and put said project out to bid; and

WHEREAS, City staff recommends that the City of Newton award a contract to Howe Excavating of Newton, Iowa for the Demolition 2021-01 Project based on the low responsive, responsible bid received in the amount of \$83,850.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Howe Excavating of Newton, Iowa, in the amount of Eighty-Three Thousand, Eight Hundred Fifty Dollars and Zero Cents (\$83,850.00) for the Demolition 2021-01 Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Howe Excavating of Newton, Iowa for the Demolition 2021-01 Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved. The City shall utilize the Dangerous and Dilapidated Building Program funds to pay for the abatement and demolition work at both properties.

PASSED this _____ day of March, 2021.

APPROVED this _____ day of March, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving Pump Repair of the Ladder Truck

Summary: Resolution approves the payment to Emergency Apparatus Maintenance for completion of needed pump repairs on the ladder truck

Financial Impact: \$24,441.83 to be paid from the Fire Department budget.

Report Number: 21-050

Date: March 1, 2021

Lead Department: Fire

Recommendation:
Approval of Resolution

BACKGROUND

During annual maintenance completed in 2020, Emergency Apparatus Maintenance (EAM) found the pump packing on the ladder truck was no longer able to be adjusted to specifications and needed replacement. The service work was scheduled to be completed in January of 2021. When the pump was pulled apart for repair, the pump shaft was found to be heavily corroded and needed to be replaced. EAM recommended the replacing other pump parts which basically rebuilt the pump. The work was completed in early February.

The original estimate to replace the pump packings was \$5,400. The final bill for the replacement of the pump packings and rebuilding the pump is \$24,441.83.

RECOMMENDATION

Staff recommends approving the repair cost paid to Emergency Apparatus Maintenance, Inc. of Lino Lakes, Minnesota for a total of \$24,441.83. The funds are to be paid from the Fire Department budget.

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

Matt Muckler
City Administrator

Attachments

RESOLUTION NO 2021 - _____

RESOLUTION APPROVING PUMP REPAIR OF THE LADDER TRUCK

WHEREAS, the Newton Fire Department provides fire protection and ambulance service to the City of Newton and the Newton Rural Benefitted Fire District, and

WHEREAS, the City of Newton has a ladder truck that has been taken out of service for pump repairs, and

WHEREAS, the original estimate from Emergency Apparatus Maintenance, Inc. of Lino Lakes, Minnesota for the work was \$5,400 and during the repair additional work including the rebuilding of the pump was needed and the repairs to the truck will cost \$24,441.83, and

WHEREAS, the repairs will allow the fire department bring the ladder back into compliance, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa the repair of the pump on the ladder truck and payment to Emergency Apparatus Maintenance, Inc. of Lino Lakes, Minnesota in the amount of \$24,441.83 is approved and the funds are to be paid from the Fire Department budget.

PASSED this _____ day of March 2021.

APPROVED this _____ day of March 2021.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina Davis, City Clerk

Vendor	Department	Description	Amount
Airgas USA LLC	Fire	Service	\$ 192.06
Alliant Energy/IPL	All	Utilities	\$ 481.14
Amazon Capital Services	All	Supplies	\$ 908.69
Armstrong, Rebecca	Fire	Reimbursement	\$ 397.00
Black Hills Energy	Cemetery	Utilities	\$ 171.18
Bound Tree Medical LLC	Fire	Supplies	\$ 953.71
Breman and Sons Tree Service	Community Beautification	Service	\$ 2,040.00
Brick Gentry P.C.	Legal Services	Service	\$ 9,490.00
C. H. McGuiness Co Inc	Water Pollution Control	Service	\$ 1,749.26
Cappy's Tire & Auto Service	Golf	Service	\$ 161.96
Cardinal Tracking Inc	Police	Service	\$ 169.95
Cardinal Trophies	Fire	Supplies	\$ 87.50
Cintas	All	Service	\$ 480.38
CMI Inc	Police	Supplies	\$ 359.00
Continental Research	Water Pollution Control	Supplies	\$ 203.15
D&W Tree Service	Parks	Service	\$ 13,243.00
Dell Marketing L.P.	Administration	Supplies	\$ 601.72
Digium Cloud Services LLC	Library	Utilities	\$ 401.00
DMACC - Ankeny Campus	PW Building	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 58,487.00
Emergency Apparatus Maintenance Inc	Fire	Service	\$ 24,975.40
EMSAR	Fire	Service	\$ 429.70
Fair Manufacturing	Snow Removal	Supplies	\$ 1,541.01
Fastenal	Snow Removal	Supplies	\$ 405.19
Forbes Office Solutions	All	Supplies	\$ 119.71
Galls LLC	Fire/Police	Supplies	\$ 280.98
Gregg Young Auto Center	Police	Service	\$ 1,483.47
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 3,615.82
gWorks	Traffic Control	Service	\$ 428.40
Hanson, Lance	Water Pollution Control	Reimbursement	\$ 50.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,483.50
Henderson Products Inc	Snow Removal	Supplies	\$ 149.57
Image Trend Inc	Fire	Service	\$ 1,604.00
IMFOA	Admin/Executive/Finance	Training	\$ 625.00
International Assoc of Electrical Inspec	Building	Dues	\$ 120.00
Interstate All Battery Center	Fire	Supplies	\$ 81.80
Iowa Dept of Natural Resources	Landfill	Permit	\$ 700.00
Iowa Emergency Vehicle Installs	Police	Service	\$ 395.00
Iowa Haz Mat Task Force	Fire	Supplies	\$ 100.00
Iowa State University Registration	Planning & Zoning	Service	\$ 245.00
Jacobs Electric Motor	Fire	Service	\$ 297.94
Jasper County Recorder	Cardinal Ridge TIF	Service	\$ 108.00
Johnson Aviation	Airport	Service	\$ 3,015.29
Keystone Labs	Water Pollution Control	Service	\$ 3,537.58
Kiesler's Police Supply	Police	Supplies	\$ 989.00
Kinetic Edge Physical Therapy	All	Service	\$ 482.00
Liberty Tire Services LLC	Landfill	Service	\$ 125.00
Lundquist, Bradley	Fire	Reimbursement	\$ 163.00

Lyman, Rick	Parks	Service	\$ 340.00
Magnum Automotive	Fire/Police	Service	\$ 1,142.67
McCall Monument	Cemetery	Supplies	\$ 750.00
MG Laundry Corporation	City Center/Fire	Service	\$ 106.30
Mid Country Machinery	Landfill	Supplies	\$ 2,849.15
Moo's BBQ	Police	Service	\$ 92.97
MTI Distributing Inc	Parks	Supplies	\$ 222.54
Municipal Collections of America Inc	Fire	Service	\$ 53.57
NAPA Auto Parts	All	Supplies	\$ 2,351.49
News Printing Company	All	Service	\$ 254.05
Newton Clinic	Fire	Service	\$ 210.00
O'Halloran International	Landfill	Supplies	\$ 469.95
O'Reilly Auto Parts	Parks	Supplies	\$ 330.29
Potter, Margery	Fire	Reimbursement	\$ 53.90
Preferred Pest Control Inc	Fire	Service	\$ 300.00
Quill Corporation	All	Supplies	\$ 240.62
Riggs Printing Inc	Fire/Police/N Central TIF	Service	\$ 329.00
Rockmount	City Garage	Supplies	\$ 508.29
Sandry Fire Supply LLC	Fire	Supplies	\$ 205.75
Secretary of State	Landfill	Service	\$ 30.00
Smith Quality Rental	Fire	Supplies	\$ 48.00
Spahn & Rose Lumber Co	Street	Supplies	\$ 40.68
Sprayer Specialties Inc	Snow Removal	Supplies	\$ 53.10
Springer Professional Home Services	Golf	Service	\$ 41.00
Stacy's Sweetstuff	Executive	Service	\$ 216.00
Stop Stick Ltd	Police	Supplies	\$ 927.00
The Police and Sheriffs Press	Police	Service	\$ 17.55
Theisen's	All	Supplies	\$ 382.22
Theisen's Marshalltown	Street/WPC	Supplies	\$ 146.97
Tompkins Industries Inc	Snow Removal	Supplies	\$ 220.91
Traf-O-Teria System	Police	Supplies	\$ 199.24
Truck Equipment	Landfill	Equipment	\$ 7,026.00
True Value Hardware	All	Supplies	\$ 308.67
Two Rivers Cooperative	Airport	Supplies	\$ 674.12
Utility Equipment Co	Water Pollution Control	Supplies	\$ 852.32
Wal-Mart	All	Supplies	\$ 426.16
Water Department	Fire/Parks	Service	\$ 125.56
Wellik, Jarrod	Fire	Reimbursement	\$ 200.00
Ziegler Inc	Snow Removal	Supplies	\$ 843.30
Total			\$ 163,614.15

Pre-Authorized Payments

Alliant Energy	All	Utilities	\$ 43,582.89
AT & T Mobility	Landfill/NPD	Utilities	\$ 891.05
Black Hills Energy	All	Utilities	\$ 4,021.61
Ground Breaker Homes LLC	Private Incentives	Incentives	\$ 50,000.00
Karl Peters Construction	Maytag Pool	Service	\$ 892.00
Mediacom	Administration/Golf	Utilities	\$ 458.24
Verizon Wireless	Disaster Services	Utilities	\$ 35.01
Water Department	All	Utilities	\$ 161.76
Windstream	All	Utilities	\$ 1,409.61
Total			\$ 101,452.17

ACH Payments from Great Southern Bank

Advantage Credit Union	All	Insurance	\$ 16,665.00
Bank Iowa	All	Insurance	\$ 7,755.00
Great Southern Bank	All	Insurance	\$ 330.00
Kabel	All	Insurance	\$ 50.00
Delta Dental	All	Insurance	\$ 20,365.48
Mutual Of Omaha	All	Insurance	\$ 8,377.70
State Of Iowa	Golf/Park/WPC	Sales Tax	\$ 3,500.00
Wellmark BC/BS	All	Insurance	\$ 179,673.35
Total			\$ 236,716.53

City of Newton Council Report



Item: 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

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

Financial Impact: Next step in approval of the 2021A & 2021B General Obligation Bonds and authorizing use of Preliminary Official Statement

Report Number: 21-051

Date: March 1, 2021

Lead Department:
Administration

Recommendation:
Approval

Background: During the FY22 budget and CIP process, staff had presented the need for bonding in the spring of 2021 for various equipment items, projects and continued funding of current initiatives. The 3 loan agreements below include funding for the following proposed items:

Loan Agreement #1, not to exceed \$700,000

- | | |
|----------------------------------|------------|
| • Vehicle Community Development | \$ 22,000 |
| • Comprehensive Plan Update | \$ 50,000 |
| • Fire Station Floor Resurfacing | \$ 30,000 |
| • Fire/City Hall Parking Lot | \$ 350,000 |
| • Fire Station Alert Systems | \$ 30,000 |
| • Golf Cart Path Improvements | \$ 7,500 |
| • Park ¾ Ton Pick Up | \$ 37,000 |
| • Park ¾ Ton Pick Up | \$ 30,000 |
| • Park 6' Mower | \$ 35,000 |
| • Park Tractor | \$ 35,000 |

Loan Agreement #2, not to exceed \$550,000

- | | |
|-------------------------------------|------------|
| • PW Building Improvements (Hwy 14) | \$ 100,000 |
| • Gas Plant (TIF) | \$ 370,000 |

Loan Agreement #3, not to exceed \$2,400,000

- | | |
|-----------------------------------|------------|
| • Continue D&D Program | \$ 400,000 |
| • Sidewalk Connections | \$ 25,000 |
| • Police Misc. Equipment | \$ 75,000 |
| • Police Vehicles | \$ 115,000 |
| • Fire Extrication Tools | \$ 30,000 |
| • Fire Power Load & Power Cot | \$ 90,000 |
| • Medic 1 Replacement | \$ 285,000 |
| • Engine 2 Replacement | \$ 650,000 |
| • Soccer Field Fence Improvements | \$ 15,000 |

- Baseball Field Skin & Resurface \$ 25,000
- Tree & Stump Removal (Parks) \$ 50,000
- Maytag Park Sidewalk Improvements \$ 14,000
- Streetscape Lighting NW Parking Lot (TIF) \$ 30,000
- Streetscape LED Light Upgrades/Painting (TIF) \$ 30,000
- W 3rd St N HMA Overlay (TIF) \$ 110,000

The City Council hereby combines the General Purpose Loan Agreement #1, General Purpose Loan Agreement #2 and the Essential Purpose Loan Agreement into a common loan agreement and further splits its authority to enter into that common loan agreement amongst the Loan Agreements.

The City Council hereby determines to enter into the Series 2021A Loan Agreement in the future for the funding of all of the Projects set forth in the preamble hereof, except for the D&D Program, and to issue the Series 2021A Bonds 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.

The City Council hereby determines to enter into the Series 2021B Loan Agreement in the future for the funding of the D&D Program and to issue the Series 2021B Bonds 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.

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.

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, and the Underwriter is 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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.

Recommendation:

Staff recommends approval of the attached Resolution taking additional action in regards to the 2021 General Obligation bonds and the use of the preliminary official statement.



Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

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, heretofore proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #1”) and to borrow money thereunder in a principal amount not to exceed \$700,000 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) acquiring a vehicle for use by the community development department; (2) developing an updated comprehensive plan for community infrastructure and growth; (3) making structural and systems improvements for municipal fire safety facilities; (4) constructing parking improvements for City Hall and Fire Safety facilities; (5) constructing cart path improvements at the municipal golf course; and (6) acquiring utility and maintenance vehicles and equipment for use by the municipal parks and recreation department (the “General Purpose Projects #1”), 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 1, 2021, 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 proposed to enter into a General Obligation Loan Agreement (the “General Purpose Loan Agreement #2”) and to borrow money thereunder in a principal amount not to exceed \$550,000 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 improvements to a municipal public works facility; and (2) undertaking site improvements at the former municipal manufactured gas plant (the “General Purpose Projects #2”), 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 1, 2021, 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, the City also proposed to enter into a General Obligation Loan Agreement (the “Essential Purpose Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$2,400,000 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, sanitary sewer system, water utility system, storm water drainage and sidewalk improvements; (2) acquiring and installing streetscape, street lighting, signage and signalization improvements; (3) acquiring vehicles and equipment for the municipal police department; (4) acquiring emergency vehicles and equipment for the municipal fire department; (5) undertaking improvements to existing municipal parks, including sidewalk, fencing, ball field and landscaping/tree removal (the “Essential Purpose Projects” and together with the General Purpose Projects #1 and the General Purpose Projects #2, the “Projects”); and (6) acquiring, demolishing and/or restoring dangerous and dilapidated properties (the “D&D Program”), and has published notice of the proposed action and has held a hearing thereon on March 1, 2021; and

WHEREAS, pursuant to Section 384.28 of the Code of Iowa, the City Council intends to combine the General Purpose Loan Agreement #1, General Purpose Loan Agreement #2 and the

Essential Purpose Loan Agreement into two loan agreements (the “Loan Agreements”), the Tax Exempt Series 2021A Loan Agreement (the “Series 2021A Loan Agreement”) and the Taxable Series 2021B Loan Agreement (the “Series 2021B Loan Agreement”); 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 General Obligation Corporate Purpose Bonds, Series 2021A (the “Series 2021A Bonds”) and Taxable General Obligation Corporate Purpose Bonds, Series 2021B (the “Series 2021B Bonds,” and together with the Series 2021A Bonds, the “Bonds”) in evidence of the obligation of the City under the Loan Agreements, 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 City Council hereby combines the General Purpose Loan Agreement #1, General Purpose Loan Agreement #2 and the Essential Purpose Loan Agreement into a common loan agreement and further splits its authority to enter into that common loan agreement amongst the Loan Agreements.

Section 2. The City Council hereby determines to enter into the Series 2021A Loan Agreement in the future for the funding of all of the Projects set forth in the preamble hereof, except for the D&D Program, and to issue the Series 2021A Bonds 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 3. The City Council hereby determines to enter into the Series 2021B Loan Agreement in the future for the funding of the D&D Program and to issue the Series 2021B Bonds 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 4. 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 5. 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, and the Underwriter is 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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 6. Further action with respect to the Bonds is hereby adjourned to the City Council meeting scheduled for March 15, 2021.

Section 7. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. This resolution shall be in full force and effect immediately upon its adoption and approval, as provided by law.

Passed and approved March 1, 2021.

Mayor

Attest:

City Clerk

City of Newton Council Report



Item: Resolution taking additional action on proposal to enter into a Sewer Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith

Report Number: 21-052

Summary: Resolution taking additional action on proposal to enter into a Sewer Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith

Date: March 1, 2021

Lead Department:
Administration

Financial Impact: This Sewer Revenue Loan Agreement not to exceed \$5,900,000 is to be paid solely with future Sewer Fund Revenues

Recommendation:
Approval

Background: It has been proposed to use a Sewer Revenue Bond to pay for projects and equipment that are directly related to the operation of the Sewer facility. These projects include various plant improvements, Jet/Vac truck replacement, and SW sewage pump station pumps.

The City Council hereby determines to enter into the Loan Agreement in the future and to issue the Bonds 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.

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 P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the City Council is hereby approved, and the Disclosure Counsel is hereby authorized to prepare, and the Underwriter is hereby authorized to 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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.

Recommendation:

Staff recommends approval of the attached Resolution taking additional action in regards to the 2021C Sewer Revenue Bonds and the use of the preliminary official statement.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

Resolution taking additional action on proposal to enter into a Sewer Revenue Loan Agreement 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, did heretofore establish a Municipal Sanitary Sewer Utility System (the “Utility”) in and for the City which has continuously supplied sanitary sewer service in and to the City and its inhabitants since its establishment; and

WHEREAS, the management and control of the Utility are vested in the City Council (the “Council”) and no board of trustees exists for this purpose; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its Sewer Revenue Capital Loan Notes, Series 2002, dated May 3, 2002 (the “Series 2002 Notes”), a portion of which remains outstanding; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its Sewer Revenue Capital Loan Notes, Series 2007, dated April 5, 2007 (the “Series 2007 Notes”), a portion of which remains outstanding; and

WHEREAS, pursuant to a prior resolution of the Council, the City has heretofore issued its Sewer Revenue Capital Loan Notes, Series 2010, dated January 13, 2010 (the “Series 2010 Notes”), a portion of which remains outstanding; and

WHEREAS, pursuant to the resolutions (the “Outstanding Note Resolutions”) authorizing the issuance of the Series 2002 Notes, the Series 2007 Notes and the Series 2010 Notes (collectively, the “Outstanding Notes”), the City reserved the right to issue additional obligations payable from the net revenues of the Utility and ranking on a parity with the Outstanding Notes under the terms and conditions set forth in the Outstanding Note Resolutions; and

WHEREAS, the City now heretofore proposed to enter into a loan agreement (the “Loan Agreement”) and to borrow money thereunder in a principal amount not to exceed \$5,900,000, pursuant to the provisions of Section 384.24A of the Code of Iowa, for the purpose of paying the cost, to that extent, of undertaking improvements to, and acquiring equipment for, the Utility (the “Project”), and has published notice of the proposed action and has held a hearing thereon on March 1, 2021; 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 Sewer Revenue Bonds, Series 2021C (the “Bonds”) in evidence of the obligation 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., Des Moines, Iowa (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 City Council hereby determines to enter into the Loan Agreement in the future and to issue the Bonds 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. relating to the Bonds in substantially the form as has been presented to and considered by the City Council is hereby approved, and the Disclosure Counsel is hereby authorized to prepare, and the Underwriter is hereby authorized to 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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 15, 2021.

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 1, 2021.

Mayor

Attest:

City Clerk

City of Newton Council Report



Item: Resolution taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith

Summary: Resolution taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith

Financial Impact: This Road Use Tax Revenue Loan Agreement not to exceed \$2,355,000 is to be paid solely with future Road Use Tax Revenues

Report Number: 21-053

Date: March 1, 2021

Lead Department:
Administration

Recommendation:
Approval

Background: It has been proposed to use a Road Use Tax Revenue bond to pay for Street projects that are needed throughout the community. This bond would be paid back solely with Road Use Tax revenues and the projects included are the reconstruction of E 3rd St S & E 2nd St S, reconstruction of W 3rd St S & W 2nd St S, and Asphalt Mill/Overlay of various streets.

The City Council hereby determines to enter into the Loan Agreement in the future and to issue the Bonds 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.

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 P.O.S. relating to the Bonds in substantially the form as has been presented to and considered by the City Council is hereby approved, and the Disclosure Counsel is hereby authorized to prepare, and the Underwriter is hereby authorized to 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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.

Recommendation:

Staff recommends approval of the attached Resolution taking additional action in regards to the 2021D RUT Revenue Bonds and the use of the preliminary official statement.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

Resolution taking additional action on proposal to enter into a Road Use Tax Revenue Loan Agreement and authorizing the use of a preliminary official statement in connection therewith

WHEREAS, pursuant to the provisions of Section 384.24A of the Code of Iowa, the City of Newton (the "City"), in Jasper County, State of Iowa, heretofore proposed to enter into a Road Use Tax Revenue Loan Agreement (the "Loan Agreement") payable solely and only from future road use tax revenues and to borrow money thereunder in a principal amount not to exceed \$2,355,000 for the purpose of paying the costs, to that extent, of constructing street improvements (the "Project"), and has published notice of the proposed action and has held a hearing thereon on March 1, 2021; 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 Road Use Tax Revenue Bonds, Series 2021D (the "Bonds") in evidence of the obligation 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., Des Moines, Iowa (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 City Council hereby determines to enter into the Loan Agreement in the future and to issue the Bonds 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. relating to the Bonds in substantially the form as has been presented to and considered by the City Council is hereby approved, and the Disclosure Counsel is hereby authorized to prepare, and the Underwriter is hereby authorized to 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 is hereby authorized and directed to execute a final Official Statement for the Bonds, if requested. 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 15, 2021.

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 1, 2021.

Mayor

Attest:

City Clerk

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 200 block of West Ninth Street North.

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

Financial Impact: None

Report Number: 21-041

Date: February 15, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

The City received safety concerns from citizens regarding street parking along the section of roadway described below. These complaints are a result of vehicles being parked on both sides of streets that are 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 200 block of W 9th St N is 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on west side from 1st Ave W to a point 175 feet north of the centerline of N 2nd Ave W. The Committee also recommends restricting parking on the east side beginning 125 feet north of the centerline on N 2nd Ave W, continuing to a point 165 feet north of the centerline on N 2nd Ave W.

Eleven (11) surveys describing the recommended changes were sent to the adjacent property owners along W 9th St N. Two (2) surveys were returned with one (1) resident agreeing with the recommended changes and one (1) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking on the east and west sides of W 9th St N.

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 200 BLOCK OF WEST NINTH STREET NORTH.

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, NORTHWEST QUADRANT

West Ninth Street North.

"No Parking Anytime".

West side from First Avenue West to ~~North Second Avenue West~~ a point 175 feet north of the centerline of North Second Avenue West.

Eastside, from North Fifth Avenue West to North Seventh Avenue West.

East side beginning 125 feet north of the centerline of North Second Avenue West, continuing to a point 165 feet north of the centerline of North Second Avenue West

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 _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(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 _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk



W 9th St N

N 2nd Ave W

Parking Survey on W 9th St N

Mailed to:

818 N 2nd Ave W

821 N 2nd Ave W

210 W 9th St N

820 1st Ave W

115 W 9th St N

123 W 9th St N

127 W 9th St N

201 W 9th St N

209 W 9th St N

211 W 9th St N

212 W 9th St N-

Parking Survey—W 9th St N

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of W 9th N in the 200 blk and 25 feet from the north border on the east side in the 200 blk and return to the City of Newton Police Department by January, 25, 2021.

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

210 W 9th St N

Parking Survey—W 9th ST N

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of W 9th N in the 200 blk and 25 feet from the north border on the east side in the 200 blk and return to the City of Newton Police Department by January, 25, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

Really needs to be NO parking on street
@ all. Both sides the road cannot be
plowed or graded due to 210 W 9th St
N. Parking several vehicles on street.

212 W 9th St N

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 400-500 block of West Tenth Street North and the 900 block of North Fifth Ave West.

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

Financial Impact: None

Report Number: 21-042

Date: February 15, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

The City received safety concerns from citizens regarding street parking along the section of roadway described below. These complaints are a result of vehicles being parked on both sides of streets that are 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 400-500 block of W 10th St N and the center island area at the intersection of W 10th St N and N 5th Ave W is 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking in the following areas:

W 10th ST N / N 5th Ave W

- West side of W 10th St N from N 4th Ave W to N 7th Ave W
- South and east side, beginning 110 feet north of the centerline of N 4th Ave W continuing 200 feet north and east along the east side of W 10th St N and the south side of N 5th Ave W
- North and west side, beginning at a point 70 feet east of the centerline of W 10th St N and 15 feet north of the centerline of N 5th Ave W, continuing 110 feet north and west along the north side of N 5th Ave W and the east side of W 10th St N
- Intersection island – 140 feet around the entire perimeter of the center island located at the centerline of W 10th St N and N 5th Ave W

Thirty (30) surveys describing the recommended changes were sent to the adjacent property owners along W 10th St N and N 5th Ave W. Eleven (11) surveys were returned with nine (9) residents agreeing with the recommended changes and one (2) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking in the 400-500 blk. of W 10th St N and the 900 blk. N 5th Ave W.

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

Matt Muckler
City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 400-500 BLOCK OF WEST TENTH STREET NORTH AND THE 900 BLOCK OF NORTH FIFTH AVENUE WEST.

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, NORTHWEST QUADRANT

West Tenth Street North.

"No Parking Anytime".

West side from First Avenue West north to North ~~Fourth~~ Seventh Avenue West.

East Side, from First Avenue West North one hundred forty (140) feet.

South and East side, beginning 110 feet north of the centerline of North Forth Avenue West, continuing 200 feet north and east along the east side of West Tenth Street North and the south side of North Fifth Avenue West

North and West Side, beginning at a point 70 feet east of the centerline of West Tenth Street North and 15 feet north of the centerline of North Fifth Avenue West, continuing 110 feet north and west along the north side of North Fifth Avenue West and the east side of West Tenth Street North

Intersection Island – 140 feet around the entire perimeter of the center island located at the centerline of West Tenth Street North and North Fifth Avenue West

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 _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(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 _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☐

Comments from Resident at

What About Cul de SAC? Never got a map—CAN we park in Cul de SAC

545 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

~~RESTRICT parking on EAST side of~~
~~W 10th St N~~
531 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

543 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

I have Lived here for 19 years, why is it a Problem now,

535 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

There was NO map enclosed with your letter
Comments from Resident at _____

901 N 5th Ave W

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at
Yes, Because they block my garage door + I can't get in or out

910 N 5th Ave W

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at _____

542 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at _____

903 N 5th Ave W

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

Neighborhood Done for A long time

904 N 7th Ave W

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

906 N 7th Ave W

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

538 W 10th St N

Parking Survey—W 10th St N and N 5th Ave W

Please complete the survey responding to the City of Newton's recommendation to restrict parking in the 400-600 blk on the west side of W 10th St , the north and south curves in the 900 blk of N 5th Ave W, and around the intersection island and return to the City of Newton Police Department by February 5th 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

916 N 4th Ave W

Parking Survey Results for 400-600blk W 10th St N and 900blk N 5th Ave W

1004 N 4th Ave W

538 W 10th St N: returned

916 N 4th Ave W

536 W 10th ST N

906 N 7th Ave W: returned

530 W 10th St N

904 N 7th Ave W: returned

905 N 7th Ave W

901 N 5th Ave W: returned

903 N 5th Ave W: returned

902 N 5th Ave W

906 N 5th Ave W

910 N 5th Ave W: returned

405 W 10th St N

407 W 10th St N

409 W 10th St N

531 W 10th St N: returned

533 W 10th St N

535 W 10th St N: returned

537 W 10th S N

539 W 10th St N

541 W 10th St N

543 W 10th St N: returned

545 W 10th St N: returned

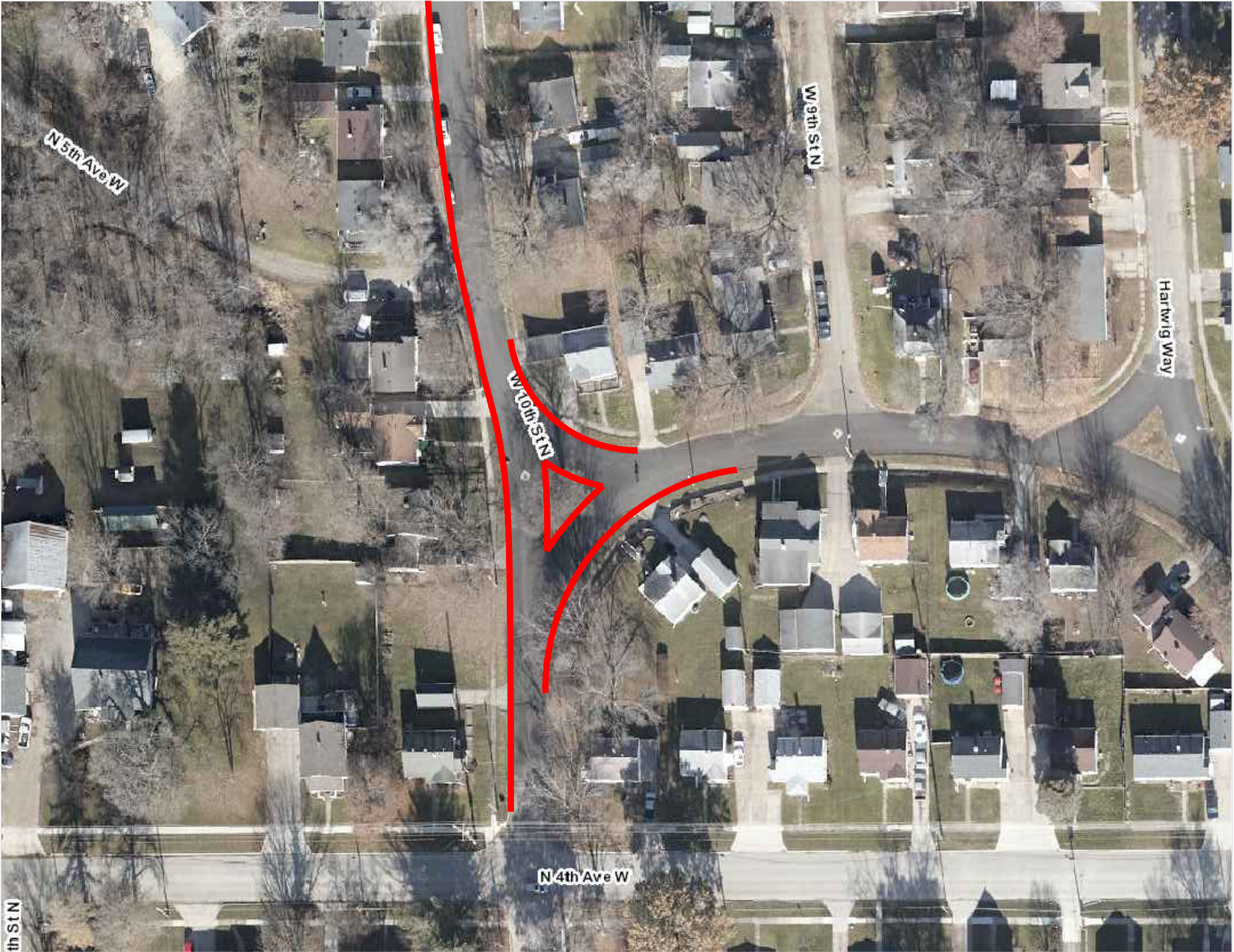
547 W 10th St N

549 W 10th St N: vacant residence

544 W 10th St N

542 W 10th St N: returned

540 W 10th St N



City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Offenses Adopted by Code Reference" by adding a "No Right Turn on Red" designation on the south quadrant of the East Twelfth Street and First Avenue intersection.

Summary: Add a "No Right Turn on Red" designation to improve safety at the intersection.

Financial Impact: Minimal

Report Number: 21-043

Date: February 15, 2021

Lead Department: Police Department

Recommendation:
Approve

Background:

The City received citizen complaints regarding the traffic flow at the intersection of E 12th St and 1st Ave. This area is a busy 4-way multi-lane intersection and citizens have reported safety concerns as it relates to vehicles turning right (east), when the traffic signal is a solid red, onto 1st Ave from E 12th St S due to limited visibility from the west. Although traffic accident reports for the past 3 years do not show accidents being caused by this issue, citizens report witnessing several "near misses".

The Traffic Safety Committee conducted a sight triangle analysis of the intersection and recommends designating the south quadrant of the E 12th St and 1st Ave intersection as "No Right Turn on Red" for vehicles desiring to turn right (east) onto 1st Ave from E 12th St S. The sight triangle at that intersection was determined to be insufficient for vehicles on E 12th St S desiring to turn right (east) onto 1st Ave to safely view conflicting vehicles/objects approaching from the west on 1st Ave E while the traffic signal was red, thus increasing the opportunity for collisions or other traffic disruptions.

If approved, signage designating this specific quadrant of the intersection "No Right Turn on Red" would be installed.

Recommendation:

City Staff recommends approval of the Ordinance designating the south quadrant of the E 12th St and 1st Ave intersection as "No Right Turn on Red" for vehicles desiring to turn right (east) onto 1st Ave from E 12th St S when the traffic signal is a solid red.

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 VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING OFFENSES ADOPTED BY REFERENCE" BY ADDING A "NO RIGHT TURN ON RED" DESIGNATION ON THE SOUTH QUADRANT OF THE EAST TWELFTH STREET AND FIRST AVENUE INTERSECTION.

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 Offenses Adopted by Reference" is hereby amended by adding or ~~deleting~~ the following:

SPECIAL TURNS

SPECIAL TURNS REQUIRED: Every driver of a vehicle shall turn in accordance with the following:

East Twelfth Street South. Vehicles traveling northbound on East Twelfth Street South shall not turn right at a solid red stop light at the following intersections.

First Avenue East

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 _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

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 _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

City of Newton Council Report



Item:

An ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 94: Public Nuisances, Revisions and/or additions related to outside parking and storage of vehicles and trailers on residential property.

Report Number: 21-054

Date:

March 15, 2021

Summary:

The proposed code revisions include changes and additions to applicable code sections addressing outside parking and storage of vehicles and trailers on residential property.

Lead Department:

Police Department

Recommendation:

Approve

Financial Impact:

none

Background:

Chapter 94: Public Nuisances of the City Code of Ordinances addresses numerous potential nuisance code violations. This proposed ordinance change is related to outside parking and storage of vehicles and trailers on residential property. The revisions noted below are recommended by the City Attorney and City staff following a review of said Chapter 94.

Said proposed revisions include:

- Deleting the definition of a fifth-wheel trailer, and refining the definition of a trailer.
- Defining prohibited vehicles which shall not be parked or stored in residential areas:
 - o Dump trucks, construction equipment, semi-trailers, semi-tractors, semi-tractor-trailer combinations, and any other similar vehicles/units;
 - o Unlicensed commercial vehicles;
 - o Trailers used for over-the-road hauling (designed to be pulled by a semi-tractor) of liquids, gases, livestock, fuel, refrigerated foods, materials, vehicles, construction equipment, or other products or materials;
 - o Trailers used primarily for storage.
- Spelling out the purpose of this code section as to regulate outdoor parking and/or storage within the City. The City recognizes that property owners may own or store personal vehicles, recreational vehicles and certain trailers for their personal use. The City also recognizes that property owners may own a business or work for a business that allows them to bring a company vehicle home, however large commercial vehicles or equipment in residential areas has detrimental and blighting impacts upon the residential quality and character of such neighborhoods. Such vehicles:
 - o Obstruct views on streets and private property;

- o Create cluttered and otherwise unsightly areas;
- o Prevent full use of residential streets for residential parking;
- o Impair the free flow of traffic on residential streets;
- o Decrease adjoining landowners and occupants enjoyment of their property and neighborhood; and/or
- o Otherwise adversely affects property values and neighborhood patterns.

Recommendation:

Staff recommends approval of the ordinance.

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

Matt Muckler
City Administrator

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF
NEWTON, IOWA, 2016, TITLE IX, CHAPTER 94: PUBLIC NUISANCES,
REVISIONS AND/OR ADDITIONS RELATED TO OUTSIDE PARKING
AND STORAGE OF VEHICLES AND TRAILERS ON RESIDENTIAL
PROPERTY.**

SECTION 1. Purpose. Revisions to applicable code sections addressing roll-off dumpsters, outdoor furniture, shipping and storage containers, trailer and commercial vehicle parking, serving of nuisance violations, emergency abatements, and installment payment amounts are all proposed.

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

SECTION 1. Title IX, Chapter 94 is hereby amended by adding or ~~deleting~~ the following:

§ 94.03 OUTSIDE PARKING AND STORAGE.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-WEATHER SURFACE.

(a) An asphalt, Portland cement concrete, turf blocks or brick pavers of sufficient thickness to adequately support motor vehicles. Gravel is a permitted all-weather surface if it is at least three inches thick, free of all weeds for the entirety of the surface and contained on the owner's property in such a manner that it does not spread across any property line.

(b) No more than 50% of the front yard setback(s) on a property may be covered with an all-weather surface. This provision, however, shall not prevent the construction of hard surface paving to access the garage(s) for multiple attached dwellings, provided the design is approved through the site plan review process. Driveways exceeding 50% of the front yard setback(s) of any lot prior to the adoption of this chapter are exempt provided no additional surface area is added.

(c) No more than 60% of the total lot area on a residential property may be covered with an all-weather surface and/or building footprint. This limitation shall not apply to residential developments that have been constructed in accordance with an approved site plan. Residential properties exceeding 60% of the total maximum lot coverage requirement prior to the adoption of this regulation shall be allowed to remain, but no additional coverage is permitted.

~~***FIFTH-WHEEL TRAVEL TRAILER.*** A type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed 40 feet.~~

FRONT YARD AREA. Defined in § 94.01 of this chapter.

MOTORHOME. A motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling.

MOTOR VEHICLE. Any motor vehicle as defined in Iowa Code § 321.1, including the following:

- (a) Motorized bicycle;
- (b) Motorcycle; and
- (c) All-terrain vehicles.

OUTSIDE. Defined in § 94.01 of this chapter.

PROHIBITED VEHICLES. The following vehicles shall not be permitted to be stored or parked in a residential zone or residentially zoned district:

- (a) Dump trucks, construction equipment, semi-trailers, semi-tractors, semi-tractor-trailer combinations, and any other similar vehicles/units;
- (b) Unlicensed commercial vehicles;
- (c) Trailers used for over-the-road hauling (designed to be pulled by a semi-tractor) of liquids, gases, livestock, fuel, refrigerated foods, materials, vehicles, construction equipment, or other products or materials;

(d) Trailers used primarily for storage.

SIDE YARD CORNER LOTS. Defined in § 94.01 of this chapter.

TRAILER. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that only tongue weights rests upon the towing vehicle. ~~TRAILERS not included in this definition shall include:~~

~~—— (a) Those normally used for over the road hauling (designed to be pulled by a semi-tractor) of liquids, gases, livestock, fuel, refrigerated foods, materials, vehicles, construction equipment, or other products or materials.~~

~~—— (b) Trailers being used primarily for the storage.~~

TRAVEL TRAILER. A vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet six inches in width and its overall length shall not exceed 40 feet in width and its overall length shall not exceed 40 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and may not be used unless in authorized campgrounds.

(B) Purpose. The purpose of this article is to regulate outdoor parking and/or storage within the City. The City recognizes that property owners may own or store personal vehicles, recreational vehicles and certain trailers for their personal use. The City also recognizes that property owners may own a business or work for a business that allows them to bring a company vehicle home, however large commercial vehicles or equipment in residential areas has detrimental and blighting impacts upon the residential quality and character of such neighborhoods. Such vehicles:

- (1) Obstruct views on streets and private property;
- (2) Create cluttered and otherwise unsightly areas;
- (3) Prevent full use of residential streets for residential parking;
- (4) Impair the free flow of traffic on residential streets;
- (5) Decrease adjoining landowners and occupants enjoyment of their property and neighborhood; and/or
- (6) Otherwise adversely affects property values and neighborhood patterns.

(C) Declaration of nuisance. The outside parking and storage on property used for residential purposes and/or residentially zoned property of (i) Prohibited Vehicles, and (ii) vehicles, watercraft, trailers, materials, supplies or equipment not customarily used for residential purposes, or ~~(iii) any motor vehicle which requires a commercial driver's license (CDL) to operate on public roadways, in violation of the requirements set forth below~~ is declared to be a public nuisance, because it:

- ~~(1) Obstructs views on streets and private property;~~
- ~~(2) Creates cluttered and otherwise unsightly areas;~~
- ~~(3) Prevents full use of residential streets for residential parking;~~
- ~~(4) Decreases adjoining landowners and occupants enjoyment of their property and neighborhood; and/or~~
- ~~(5) Otherwise adversely affects property values and neighborhood patterns.~~

(D) (E) Unlawful parking and storage.

(1) No person may place, store or allow the placement or storage of ice fish houses, skateboard ramps or other similar non-permanent structures outside continuously for longer than 24 hours in the front yard area or side yard corner lots on property used for residential purposes and/or on residentially zoned property.

(2) No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on property used for residential purposes and/or on residentially zoned property unless it complies with the following requirements.

(a) Vehicles which are parked or stored must be on an all-weather surface.

(b) The owner of a vehicle parked in the front yard or side yard of a corner lot that is not on an all-weather surface shall be prima facie liable for the violation. The violation is enforceable with a parking ticket, with rates as set by resolution of the City Council.

- (c) Parking or storing of watercraft, ~~T~~trailers, Travel Trailers or ~~M~~motorhomes upon privately-owned property is prohibited unless parked upon an all-weather surface in accordance with division (A) of this section.
- (d) Storing of watercraft, ~~M~~motorhomes, ~~T~~trailers, or Travel Trailers is prohibited in the public right-of-way. Storage shall be evidenced by the observance of the watercraft, Motorhome, Trailer, or Travel Ttrailer parked on any public right-of-way on any three days within a seven-day period.
- (e) Storing and keeping of junk watercraft, Trailers, Travel Ttrailers or ~~M~~motorhomes is prohibited. Junk units exhibit one or more of the following conditions: broken or loose parts, flat tire(s), unsecured or damaged tarps, units filled with junk/garbage, inoperable, habitat to vermin, covered with natural growths, not registered/licensed, or otherwise unsafe for road travel.

- (E) ~~(D)~~ *Exceptions.* The prohibitions of this section shall not apply to the following:
- (1) Any motor truck, pickup truck or similar vehicle being used by a public utility, moving company or similar company, which is actually being used to serve a residence not belonging to or occupied by the operator of the vehicle;
 - (2) Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pickup or delivery is not excepted;
 - (3) Lawful non-conforming and permitted uses; or
 - (4) Agriculturally used properties greater than five acres in size or agriculturally zoned properties.

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 Date. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

APPROVED this ____ day of _____, 2021.

PASSED this ____ day of _____, 2021.

(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 _____, 20____, and was published in the *Newton Daily News*, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 20____.

Signed: _____
Katrina Davis, City Clerk

City of Newton Council Report

Item: A resolution approving the pass-through grant agreement between the City of Newton and Jasper County for the purpose of applying for a Historic Resource Development Program Grant.

Summary: As a Certified Local Government, only the Newton HPC is eligible to apply for HRDP Grant Funds. The City of Newton will serve as the applicant, passing the grant funds on to Jasper County.

Financial Impact: None.



Report Number: 21-055

Date: March 1, 2021

Lead Department: Community Development Department

Recommendation:
Approve

Summary: Jasper County is planning on repairing and restoring murals located within the historic Jasper County Courthouse.

Jasper County is not an eligible applicant for the program as they are not a Certified Local Government (CLG). Newton's Historic Preservation Commission is a CLG and is eligible to be an applicant for this specific grant program.

While the Newton Historic Preservation Commission will serve as the applicant, it will function only as a pass-through body for the grant funding. Jasper County is committed to preparing the grant application, preparing or providing all of the necessary plans, documentation, and grant fund matching requirements, should it be awarded. The agreement, prepared by County Attorney Nicholson, stipulates that the County will be accountable for all of the responsibilities of the grant. City staff time will not be utilized on this project.

Recommendation: Staff recommends the approval.

Matt Muckler
City Administrator

Attachments

RESOLUTION NO. 2021– _____

**RESOLUTION APPROVING THE PASS-THROUGH GRANT
AGREEMENT BETWEEN THE CITY OF NEWTON AND JASPER
COUNTY FOR THE PURPOSE OF APPLYING FOR A HISTORIC
RESOURCE DEVELOPMENT PROGRAM GRANT**

WHEREAS, the City of Newton established the Historic Preservation Commission to pursue the preservation and improvement of historic structures, and the Jasper County Courthouse is a historic structure located within the City of Newton city limits, and

WHEREAS, Jasper County plans to rehabilitate murals in the Jasper County Courthouse and is seeking grant funds to assist with the project, and

WHEREAS, the City of Newton is a Certified Local Government and an eligible applicant for the Historic Resource Development Program Grant, and

WHEREAS, the Newton Historic Preservation Commission approved a motion which recommended that the Newton Historic Preservation Commission serve as the applicant for a Historic Resource Development Program Grant on behalf of Jasper County, and

WHEREAS, an agreement between the City of Newton and Jasper County has been prepared to define the roles of the City of Newton and Jasper County for the project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that the Newton Historic Preservation Commission has been authorized to submit an application as prepared by Jasper County for a Historic Resource Development Program Grant for the Jasper County Courthouse murals, and

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa that the Mayor is hereby authorized to sign the "Pass-through Grant Agreement" between the City of Newton and Jasper County.

PASSED this _____ day of March 2021

APPROVED this _____ day of March 2021

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

PASS-THROUGH GRANT AGREEMENT
BETWEEN THE CITY OF NEWTON, IOWA
AND
JASPER COUNTY, IOWA

THIS AGREEMENT is made and entered into by and between the City of Newton, Iowa (the "City of Newton") and Jasper County Iowa ("Jasper County") each, acting by and through its duly authorized officers.

WHEREAS Jasper County is engaged in a project to make repairs to the historic Jasper County Courthouse (the "Project") located on the city square within the City of Newton, Iowa.

WHEREAS the City of Newton has agreed to submit an application for a Historic Resource Development Program Grant (HRDP) for the 2021 fiscal year as the Certified Local Government through the Newton Historic Preservation Commission for the Project.

WHEREAS Jasper County will prepare the grant application at its own expense and will cover all expense of the City of Newton for the HRDP grant application.

WHEREAS the total Project costs are estimated to be between \$225,000 – \$250,000; and

WHEREAS Jasper County is committed to providing any and all required matching funds or volunteer hours for the Project.

WHEREAS Jasper County is committed to providing funding for any and all costs of the project not covered by the HRDP grant. Jasper County is aware that the HRDP grant, if awarded, would cover no more than 50% of the project. Jasper County would be responsible for all other costs of the Project.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

Section 1. The City of Newton shall submit the HRDP grant application as prepared by Jasper County.

Section 2. Following any HRDP grant approval, the City of Newton shall receive HRDP grant proceeds and transfer any grant awarded to Jasper County for use in completing the Project.

Section 3. Jasper County shall perform and complete in a satisfactory and proper manner the Project in accordance with this agreement with any requirements established under the HRDP grant.

Section 4. Jasper County may engage contractors to perform work related to the Project. However, Jasper County retains primary responsibility to perform the Project and the use of such contractors does not relieve Jasper County from any of its obligations under this agreement or under the terms of the HRDP grant.

Section 6. The City of Newton does not guarantee that any HRDP grant application will be awarded and will only pass through those amounts actually awarded and paid under the HRDP grant.

Section 7. Jasper County agrees to defend, indemnify and hold the City of Newton harmless from and against any and all claims of any kind arising out of or related to this pass through grant agreement including but not limited to any claims seeking repayment of any funds granted under a HRDP grant, other payment that may be required under the HRDP grant or any other claim of default or noncompliance with the HRDP grant.

Section 8. This Agreement is not assignable without the prior written consent of the City of Newton.

Section 9. Jasper County shall maintain all books, documents, papers, accounting records, reports and other evidence pertaining to costs incurred for the Project or required by the HRDP grant.

Section 10. Jasper County agrees to indemnify, defend and hold the City of Newton harmless from any action or liability arising out of the design or construction of the Project.

Section 11. The City of Newton shall notify Jasper County of any notice, claim or declaration that the City of Newton is not in compliance with the HRDP grant. Jasper County shall have the right on behalf of the City of Newton, to defend any such claimed default or compliance issue in any manner allowed by the HRDP grant.

Section 12. The City of Newton shall notify Jasper County in writing of any default under this Agreement. Jasper County shall have thirty (30) days to cure any default under this agreement. However, and notwithstanding the above, in the event that the City of Newton receives notice of not being in compliance with the HRDP grant, Jasper County shall have an amount of time to cure the compliance issue equal to the time to cure as set out in the HRDP grant.

IN WITNESS WHEREOF, the parties have hereunto set their hands by proper persons duly authorized, the date written below. This Agreement takes effect upon execution by both parties on the latest date written below.

City of Newton, Iowa

Jasper County, Iowa

By: _____ Date: _____
Mayor Mike Hansen

By: Brandon Talsma Date: 12-15-2020
Chairman Brandon Talsma

Attest: _____
Katrina Davis, City Clerk

Attest: Dennis Parrott
Jasper County Auditor, Dennis Parrott

City of Newton Council Report

Item: Resolution approving the granting of Downtown Improvement Grant Funds for 107 1st Avenue West.

Summary: The Downtown Improvement Grant Program provides assistance for small rehabilitation or renovation projects in the Downtown. Cindy Sell, Farmhouse Creations, plans to improve the façade with new windows and a new front door at 107 1st Avenue West.

Financial Impact: \$5,000.00, 1:1 Match is required.



Report Number: 21-056

Date: March 1, 2021

Lead Department: Community Development

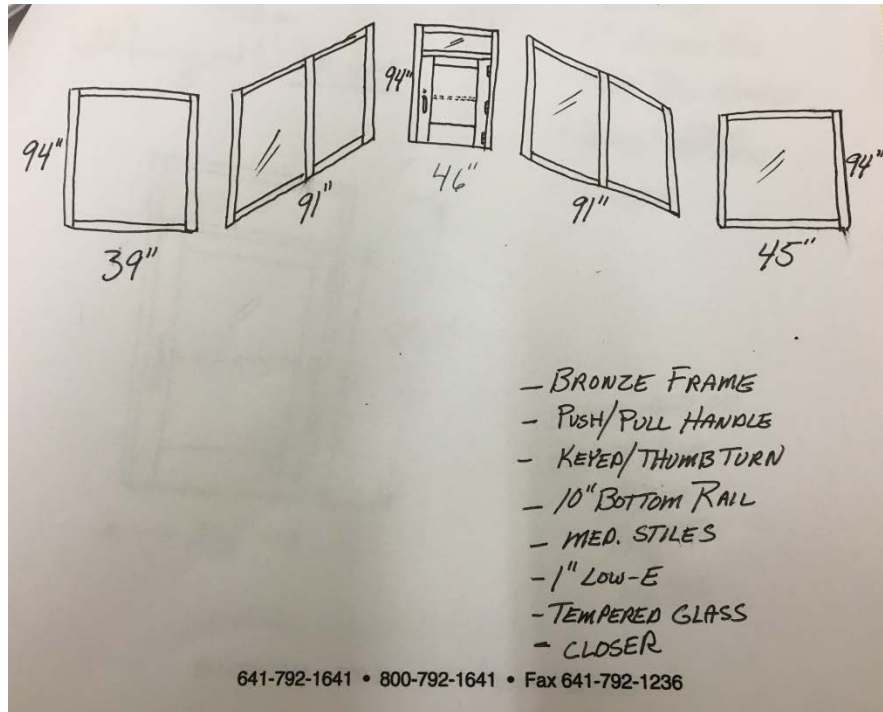
Recommendation:
Approve



Property Photo (Source: Jasper County Assessor)

Applicant: Mike and Cindy Sell, Farmhouse Creations

Proposal: The applicant is proposing to replace the storefront windows and storefront door. In addition to this façade work, interior improvements, which are not eligible for grant funding, such as carpet and revealing the original tin ceiling are being done.



Proposal for Window and Door replacement, front façade.

Downtown Grant Review Board: At their meeting on February 17th, the Downtown Grant Review Board unanimously recommended the approval of the project providing for a total grant not exceeding \$5,000.00, provided the 1:1 match is met.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021– _____

Resolution approving the granting of Downtown Improvement Grant Funds for 107 1st Avenue West

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

WHEREAS, funds bonded in 2019 were set aside for the purpose of downtown improvements serve as the funding source for the grant program; and

WHEREAS, Cindy Sell submitted an application requesting funds for 107 1st Avenue West from the Downtown Improvement Program; and

WHEREAS, The Downtown Grant Review Board reviewed the application on February 17, 2021 and unanimously approved a motion recommending funds be granted to Cindy Sell for 107 1st Avenue East in an amount up to \$5,000.00, provided a 1:1 match is met;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Downtown Improvement Grant Funds be provided to Cindy Sell for 107 1st Avenue West storefront windows and front entry door project.

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

ASSESSED this _____ day of March 2021.

APPROVED this _____ day of March 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



**Downtown Façade Grant Program Agreement
Between City of Newton and Cindy Sell**

This Agreement made and entered into this ____ day of _____ 2020 by and between the City of Newton, Iowa, hereinafter called “City” and Cindy Sell, owner, 107 1st Avenue West, Newton, Iowa, hereinafter called “Applicant.”

WHEREAS, the Applicant submitted an application to receive Downtown Micro Grant for property located at 107 1st Avenue West; and

WHEREAS, the Downtown Grant Review Board unanimously approved the application as follows: black framing for new storefront windows and front entry door be provided; and

NOW, THEREFORE BE IT UNDERSTOOD AND AGREED:

- 1.) The Applicant will receive **up to \$5,000.00** in grant funds for the storefront windows and door project at 107 1st Avenue West provided the framing color is dark to align with the Downtown Design Guidelines.
- 2.) The project shall be completed before March 1, 2022. The applicant may request an extension.
- 3.) The City of Newton will provide the grant funding as a reimbursement of completed and paid work.
 - a. Copies of all receipts for each project area shall be submitted to the City of Newton, Community Development Department, 403 West 4th Street North, Suite 501, Iowa 50208 for administrative verification of expenditures and applicant match.
- 4.) The applicant will provide a 1:1 match to the grant funds the project.
- 5.) The City will make timely reimbursement payment of grant funds upon completion of the project and verification of project expenses.

Applicant/Owner:

Cindy Sell

Date

For City of Newton:

Michael L. Hansen, Mayor

Date

City of Newton Council Report

**Item:**

Resolution authorizing the submittal of the USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement.

Report Number: 21-057

Date:

March 1, 2021

Summary:

To remain in compliance with Federal law and be eligible for State and Federal funding, the respective Title VI/Non-Discrimination Assurances and Agreement documents must be resubmitted periodically to spell out the City's commitment to comply with all acts and regulations related to Civil Rights and discrimination.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Loss of future funding grants if not submitted.

Background:

On December 3, 2012 City Council approved Resolution 2012-139 authorizing the establishment of a Title VI Non-Discrimination Program, along with the submittal of the required United States Dept. of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances document and Iowa Dept. of Transportation (Iowa DOT) Title VI Non-Discrimination Agreement. Following this initial action annual Title VI accomplishment reports have been prepared by the City's Title VI coordinator, with this title currently being held by Community Services Director Brian Laube since November of 2017. Subsequent council action on January 12, 2015 approved Resolution 2015-003, which authorized the submittal of an updated USDOT Standard Title VI/Non-Discrimination Assurances document.

As part of a recent Title VI Compliance Review meeting conducted by the Iowa DOT, it was noted that the City of Newton's USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement need to be updated and resubmitted. The Community Services Department has prepared said documents with the assistance of the Iowa DOT, and needs City Council approval prior to their submittal.

Recommendation:

City Staff recommends approval of the Resolution authorizing the submittal of the USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021- _____

RESOLUTION AUTHORIZING THE SUBMITTAL OF THE USDOT STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES DOCUMENT AND IOWA DOT TITLE VI NON-DISCRIMINATION AGREEMENT.

WHEREAS, on December 3, 2012 City Council approved Resolution 2012-139 authorizing the establishment of a Title VI Non-Discrimination Program, along with the submittal of the required United States Dept. of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances document and Iowa Dept. of Transportation (Iowa DOT) Title VI Non-Discrimination Agreement; and

WHEREAS, subsequent council action on January 12, 2015 approved Resolution 2015-003, which authorized the submittal of an updated USDOT Standard Title VI/Non-Discrimination Assurances document; and

WHEREAS, as part of a recent Title VI Compliance Review meeting conducted by the Iowa DOT, it was noted that the City of Newton's USDOT Standard Title VI/Non-Discrimination Assurances document and Iowa DOT Title VI Non-Discrimination Agreement need to be updated and resubmitted again; and

WHEREAS, to remain in compliance with Federal law and be eligible for State and Federal funding, the respective Title VI/Non-Discrimination Assurances and Agreement documents must be resubmitted periodically to spell out the City's commitment to comply with all acts and regulations related to Civil Rights and discrimination; and

WHEREAS, the Community Services Department has prepared said documents with the assistance of the Iowa DOT, and needs City Council approval prior to their submittal.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the United States Dept. of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances document and Iowa Dept. of Transportation (Iowa DOT) Title VI Non-Discrimination Agreement both be signed by the Mayor and submitted to the Iowa DOT.

PASSED this _____ day of March, 2021.

APPROVED this _____ day of March, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The City of Newton, Iowa (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the **FHWA**.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal Highway Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **Federal Highway Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The City of Newton, Iowa _____, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal

financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, City of Newton, Iowa also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FHWA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

City of Newton, Iowa gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal Highway Program**. This ASSURANCE is binding on **Iowa**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Highway Program**. The person (s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Newton, Iowa

(Name of Recipient)

by

(Signature of Authorized Official)

DATED

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **Federal Highway Administration** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **Federal Highway Administration**, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **Federal Highway Administration** may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Highway Administration** may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the Department of Transportation as authorized by law and upon the condition that the City of Newton, Iowa will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Iowa, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Newton, Iowa all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto City of Newton, Iowa and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Newton, Iowa, its successors and assigns.

The City of Newton, Iowa, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the City of Newton, Iowa will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the City of Newton, Iowa pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Newton, Iowa will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the City of Newton, Iowa will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the City of Newton, Iowa and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by City of Newton, Iowa pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, “as a covenant running with the land”) that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, City of Newton, Iowa will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Newton, Iowa will there upon revert to and vest in and become the absolute property of City of Newton, Iowa and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

Title VI Non-Discrimination Agreement
Iowa Department of Transportation
and
CITY of NEWTON, IOWA

Agency Information

Name and title of administrative head:

Name: Micheal L. Hansen Title: Mayor, City of Newton, IA

Address: 101 W 4th St S

City: Newton State: IA ZIP Code: 50208 County: Jasper

Phone/FAX: 641-792-2787 Email: mikeh@newtongov.org

Name and title of designated Title VI coordinator:

Name: Brian Laube Title: Community Services Director

Address: 403 W 4th St N - Suite 501

City: Newton State: IA ZIP Code: 50208 County: Jasper

Phone/FAX: 641-792-6622, ext 2302 Email: brianl@newtongov.org

*If the Title VI coordinator changes, please contact the Iowa DOT Title VI specialist.

Title VI Program

I. Organization and staffing

Pursuant to 23 C.F.R. § 200, **CITY of NEWTON, IOWA** has appointed a Title VI coordinator identified above, who is responsible for implementing and monitoring the local public agency's (LPA's) Title VI program per this agreement, and is the representative for issues and actions pertaining to this agreement. The LPA will provide the Iowa Department of Transportation with a copy of the LPA's organizational chart that illustrates the level and placement of the Title VI coordinator.

The LPA will notify the Iowa DOT in writing of any changes to the LPA's organization chart, Title VI coordinator or Title VI coordinator contact information.

II. Assurances required

Pursuant to 49 C.F.R. § 21.7, every application for federal financial assistance or continuing federal financial assistance must provide a statement of assurance and give reasonable guarantee that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to 49 C.F.R. § 21 (Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964). Fully executed standard DOT Assurances (including Appendices A, B and C) are attached to this agreement.

III. Implementation procedures

This agreement shall serve as the LPA's Title VI plan pursuant to 23 C.F.R. § 200 and 49 C.F.R. § 21. For the purpose of this agreement, "federal assistance" shall include all of the following.

- Grants and loans of federal funds.
- The grant or donation of federal property and/or interest in property.
- The detail of federal personnel.
- The sale and lease of, and permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration that is reduced for the purpose of assisting the LPA, or in recognition of the public interest to be served by such sale or lease to the LPA.
- Any federal agreement, arrangement or other contract that has as one of its purposes the provision of assistance.

The LPA shall:

1. Issue a policy statement, signed by the head of the LPA, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the LPA's organization and to the public. Such information shall be published where appropriate in languages other than English.
2. Take affirmative action to correct any deficiencies found by the Iowa DOT, Federal Highway Administration or U.S. Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, to implement Title VI compliance in accordance with this agreement. The head of the LPA shall be held responsible for implementing Title VI requirements.
3. Designate a Title VI coordinator who has a responsible position in the organization and easy access to the head of the LPA. The coordinator shall be responsible for implementing and monitoring Title VI activities and preparing required reports.
4. Develop and implement a public involvement plan that includes low-income and minority community outreach and ensures those persons who are limited-English proficient (LEP) can access services.
5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigations. Identify each complainant by race, color, national origin or gender, the nature of the complaint, date the complaint was filed, date the investigation was completed, disposition, date of disposition, and other pertinent information. A copy of the complaint, together with a copy of the LPA's report of investigation, shall be forwarded to the Iowa DOT's civil rights coordinator within 60 days of the date the complaint was received by the LPA.
6. Collect statistical data (race, color, national origin, age, gender, disability, LEP and income of populations in service area) of participants in, and beneficiaries of, the programs and activities conducted by the LPA.
7. Conduct Title VI self-assessment of the LPA's program areas and activities, and of second-tier sub-recipients, contractor/consultant program areas and activities. Where applicable, revise policies, procedures and directives to include Title VI requirements. Ensure that programs, policies, and other activities do not have disproportionate adverse effects on minority and low-income populations.
8. Conduct training programs on Title VI and related statutes.
9. Prepare a yearly report of Title VI accomplishments and changes to the program covering the prior year, and identify goals and objectives for the coming year.
 - o **Annual work plan:** Outline Title VI monitoring and review activities planned for the coming year; and indicate a target date for completion.
 - o **Accomplishment report:** List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special internal and external reviews conducted by the Title VI coordinator. List any major problem(s) identified and corrective action(s) taken. Include a summary and status report on any Title VI complaints filed with the LPA. Include a listing of complaints received against second-tier sub-recipients, if any, as well as a summary of complaints and actions taken.
10. Include Title VI compliant language in all contracts to second-tier sub-recipients.

IV. Discrimination complaint procedures – allegations of discrimination in federally assisted programs or activities

The LPA adopts the following discrimination complaint procedures for complaints relating to federally assisted transportation-related programs or activities.

1. **Filing a discrimination complaint:** Any person who believes that he or she, or any class of individuals, or in connection with any disadvantaged business enterprise, has been or is being subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.; and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, has the right to file a complaint.

Any individual wishing to file a discrimination complaint must be given the option to file the complaint with the LPA, or directly with the Iowa DOT, FHWA, USDOT and U.S. Department of Justice. Complaints may be filed with all agencies simultaneously.

No individual or agency shall refuse service, discharge or retaliate in any manner against any persons because that individual has filed a discrimination complaint, instituted any proceeding related to a discrimination complaint, testified, or is about to testify, in any proceeding or investigation related to a discrimination complaint, or has provided information or assisted in an investigation.

2. **Complaint filing time-frame:** A discrimination complaint must be filed within 180 calendar days of one of the following.
 - (a) The alleged act of discrimination.
 - (b) Date when the person(s) became aware of the alleged discrimination
 - (c) Date on which the conduct was discontinued, if there has been a continuing course of conduct.

The LPA or their designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. **Contents of a complaint:** A discrimination complaint must be written. The document must contain the following information.
 - a) The complainant's name and address, or other means by which the complainant may be contacted.
 - b) Identification of individual(s) or organization(s) responsible for the alleged discrimination.
 - c) A description of the complainant's allegations, which must include enough detail to determine if the LPA has jurisdiction over the complaint and if the complaint was filed timely.
 - d) Specific prohibited bases of alleged discrimination (i.e., race, color, gender, etc.)
 - e) Apparent merit of the complaint.
 - f) The complainant's signature or signature of his/her authorized representative.

In the event that a person makes a verbal complaint of discrimination to an officer or employee of the LPA, the complainant shall be interviewed by the LPA's Title VI coordinator. If necessary, the Title VI coordinator will assist the complainant in reducing the complaint to writing and then submit the written version of the complaint to the person for signature.

4. **Complaints against the LPA:** Any complaints received against the LPA should immediately be forwarded to the Iowa DOT for investigation. The LPA shall not investigate any complaint in which it has been named in the complaint. The contact information for the Iowa DOT's Title VI program is:

Iowa Department of Transportation
Office of Employee Services – Civil Rights
800 Lincoln Way
Ames, Iowa 50010
515-239-1422
515-817-6502 (fax)
dot.civilrights@iowadot.us

5. **Notice of Receipt:** All complaints shall be referred to the LPA's Title VI coordinator for review and action. Within 10 days of receipt of the discrimination complaint, the coordinator shall issue an initial written Notice of Receipt that:
- a) Acknowledges receipt of the discrimination complaint.
 - b) Advises the complainant of his/her right to seek representation by an attorney or other individual of his or her choice in the discrimination complaint process.
 - c) Contains a list of each issue raised in the discrimination complaint.
 - d) Advises the complainant of the timeframes for processing the discrimination complaint and providing a determination.
 - e) Advises the complainant of other avenues of redress of their complaint, including the Iowa DOT, FHWA, USDOT and USDOJ.
6. **Notification of the Iowa DOT of a complaint:** The LPA shall advise the Iowa DOT within 10 business days of receipt of the complaint. Generally, the following information will be included in every notification to the Iowa DOT.
- a) Name, address and phone number of the complainant.
 - b) Name(s) and address(es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin, gender).
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the LPA.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or federal) where the complaint has been filed.
 - h) An explanation of the actions the LPA has taken or proposed to resolve the issue identified in the complaint.
7. **Processing a complaint and time-frame:** The total time allowed for processing the discrimination complaint is 90 calendar days from the date the complaint was filed. There is no extension available at this level. This time-frame includes 60 calendar days at the LPA level and 30 days for review at the state level, if needed.

If the complainant elects to file a complaint with both the LPA and Iowa DOT, the complainant shall be informed that the LPA has 90 calendar days to process the discrimination complaint and the Iowa DOT shall not investigate the complaint until the 90 calendar-day period has expired.

Immediately after issuance of the Notice of Receipt to the complainant (step four), the LPA's Title VI coordinator shall either begin the fact-finding or investigation of the discrimination complaint, or arrange to have an investigation conducted.

Based on the information obtained during that investigation, the coordinator shall render a recommendation for action in a Report of Findings to the head of the LPA.

8. **Alternative dispute resolution/mediation process:** The complainant must be given an invitation to participate in mediation to resolve the complaint by informal means. The LPA's Title VI coordinator shall include an invitation to mediation with the Notice of Receipt, offering the opportunity to use the alternative dispute resolution/mediation process.

If the complaint selects mediation, it allows disputes to be resolved in a less adversarial manner. With mediation, a neutral party assists two opposing parties in a dispute come to an agreement to resolve their issue. The mediator does not function as a judge or arbiter, but simply helps the parties resolve the dispute themselves.

Upon receiving a request to mediate, the LPA's Title VI coordinator shall identify or designate a mediator who must be a neutral and impartial third party. The mediator must be a person acceptable to all parties and who will assist the parties in resolving their disputes.

If the complainant chooses to participate in mediation, she or he or the designee must respond in writing within 10 calendar days of the date of the invitation. This written acceptance must be dated and signed by the complainant and must also include the relief sought.

After mediation is arranged, a written confirmation identifying the date, time and location of the mediation conference shall be sent to both parties. If possible, the mediation process should be completed within 30 calendar days of receipt of the discrimination complaint. This will assist in keeping within the 90 calendar-day time-frame of the written Notice of Final Action if the mediation is not successful.

If resolution is reached under mediation, the agreement shall be in writing. A copy of the signed agreement shall be sent to the Iowa DOT's Title VI program coordinator. If an agreement is reached, but a party to it believes his/her agreement has been breached, the non-breaching party may file another complaint. If the parties do not reach resolution under mediation, the LPA's Title VI coordinator shall continue with the investigation.

9. **Notice of Final Action:** A written Notice of Final Action shall be provided to the complainant within 60 days of the date the discrimination complaint was filed. It shall contain:
- a) A statement regarding the disposition of each issue identified in the discrimination complaint and reason for the determination.
 - b) A copy of the mediation agreement, if the discrimination complaint was resolved by mediation.
 - c) A notice that the complainant has the right to file a complaint with the Iowa DOT, FHWA, USDOT or USDOJ within 30 calendar days after the Notice of Final Action, if she or he is dissatisfied with the final action on the discrimination complaint.

The LPA's Title VI coordinator shall provide the Iowa DOT's Title VI program coordinator with a copy of this decision, as well as a summary of findings upon completion of the investigation. Should deficiencies be noted in the implementation of these discrimination complaint procedures by the LPA, the Iowa DOT's Title VI program coordinator will work in conjunction with the LPA's Title VI coordinator to review the information and/or provide technical assistance in the discrimination complaint process, mediation process, and/or investigation.

10. **Corrective action:** If discrimination is found through the process of a complaint investigation, the respondent shall be requested to voluntarily comply with corrective action(s) or a conciliation agreement to correct the discrimination.
11. **Confidentiality:** LPA and Iowa DOT Title VI program coordinators are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the discrimination complaint.
- a) The fact that the discrimination complaint has been filed.
 - b) The identity of the complainant(s).
 - c) The identity of individual respondents to the allegations.
 - d) The identity of any person(s) who furnished information relative to, or assisting in, a complaint investigation.
12. **Record keeping:** The LPA's Title VI coordinator shall maintain a log of complaints filed that alleged discrimination. The log must include:
- a) The name and address of the complainant.
 - b) Basis of discrimination complaint.
 - c) Description of complaint.
 - d) Date filed.
 - e) Disposition and date.
 - f) Any other pertinent information.

All records regarding discrimination complaints and actions taken on discrimination complaints must be maintained for a period of not less than three years from the final date of resolution of the complaint.

V. Sanctions

In the event the LPA fails or refuses to comply with the terms of this agreement, the Iowa DOT may take any or all of the following actions.

- a) Cancel, terminate or suspend this agreement in whole or in part.
- b) Refrain from extending any further assistance to the LPA under the program from which the failure or refusal occurred, until satisfactory assurance of future compliance has been received from the LPA.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the LPA.
- d) Refer the case to the USDOJ for appropriate legal proceedings.

IOWA DEPARTMENT OF TRANSPORTATION

CITY of NEWTON, IOWA

Signature

Tonnette Harris, Director, IA Civil Rights Bureau

Printed Name and Title

Date

Signature

Michael L. Hansen, Mayor, City of Newton IA

Printed Name and Title

Date

Title VI Non-discrimination Policy Statement

The _____ CITY of NEWTON, IOWA _____, hereinafter referred to as the LPA, hereby assures that no person shall on the grounds of race, color, national origin, gender, age or disability, as provided by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. The LPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, regardless of whether those programs and activities are federally funded.

It is the policy of the LPA to comply with Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655; 1973 Federal Aid Highway Act, 23 U.S.C. § 324; Title IX of the Education Amendments of 1972, Pub. L. No. 92-318, 86 Stat. 235; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 *et seq*; Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28; Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*; Title VIII of the Civil Rights Act 1968, 42 U.S.C. §§ 3601-3631; Exec. Order No. 12898, 59 Fed. Reg. 7629 (1994) (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations); and Exec. Order No. 13166, 65 Fed. Reg. 50121 (2000) (Improving Access to Services for Persons with Limited English Proficiency).

The Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of federal-aid recipients, subrecipients and contractors/consultants, regardless of whether such programs and activities are federally assisted.

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, the LPA hereby gives assurance that no qualified disabled person shall, solely by reason of disability, be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

The LPA also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies and activities on minority and low-income populations. In addition, the LPA will take reasonable steps to provide meaningful access to services for persons with LEP. The LPA will, where necessary and appropriate, revise, update and incorporate nondiscrimination requirements into appropriate manuals, directives and regulations.

In the event the LPA distributes federal-aid funds to a second-tier subrecipient, the LPA will include Title VI language in all written agreements.

The LPA's _____ Brian Laube, Community Services Director _____, is responsible for initiating and monitoring Title VI activities, preparing reports and performing other responsibilities, as required by 23 C.F.R. § 200 and 49 C.F.R. § 21.

Signature

Michael L. Hansen, Mayor, City of Newton, IA

Printed Name and Title

Date

City of Newton Council Report

Item: Resolution approving updates to the City Mission and Value Statements

Summary: This resolution proposes to simplify the City Mission and Values Statements.

Financial Impact: None



Report Number: 21-058

Date: March 1, 2021

Lead Department:
Fire Department

Recommendation:
Approve

Background:

Recently the City of Newton Executive Team has discussed updates to simplify the City Mission and Values statements. The other piece of the City guidance is the City Vision Statement. This statement was constructed through citizen engagement during the development of the City of Newton Comprehensive Plan. When the Comprehensive Plan document is updated, a request will be made to review the existing Vision Statement and make recommendations for any proposed changes. The Executive Team proposes the following changes to the statements:

VISION STATEMENT

Newton Shines Brightly:

Newton is a progressive, family friendly community, a shining star of Central Iowa, and a place to call home.

Proposed:

No changes. To be reviewed during the next Comprehensive Plan.

MISSION STATEMENT

Original:

~~The Mission of the City of Newton is to be the best provider of excellent services through a professional, innovative team dedicated to high quality performance and fiscal responsibility.~~

Proposed:

We provide excellent services dedicated to fiscal responsibility.

VALUE STATEMENT

Original:

~~We provide leadership and support to create and maintain a thriving community through these values:~~

- ~~➤ We act with honesty and integrity;~~
- ~~➤ We demonstrate compassion and empathy;~~
- ~~➤ We are accountable and dependable; and~~
- ~~➤ We serve through collaboration and teamwork.~~

~~We serve with Pride!~~ Respect

~~This Is Our Commitment to Those We Serve.~~

Proposed:

We act with integrity, empathy, accountability, teamwork, and respect.

RECOMMENDATION

City Staff recommends Council approve the changes to the City Mission and Value Statements and request the Vision Statement be reviewed when the next Comprehensive Plan is completed.



Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION APPROVING UPDATES TO THE
CITY MISSION AND VALUE STATEMENTS**

WHEREAS, The City of Newton has prepared a Mission and Value Statement that defines the City's Mission and the Values to be used by staff to provide services to it's citizens; and

WHEREAS, it has been a number of years since the statements were developed and providing updated statements that reflect the expectations and are easy to remember; and

WHEREAS, the following updated Mission and Value Statements will be adopted; and

WHEREAS, the Mission Statement will be **"We provide excellent services dedicated to fiscal responsibility"**; and

WHEREAS, the Value Statement will be **"We act with integrity, empathy, accountability, teamwork, and respect"**;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, to adopt the changes to the City Mission and City Value Statements.

PASSED this _____ day of March 2021.

APPROVED this _____ day of March 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

VISION STATEMENT

Newton Shines Brightly:

Newton is a progressive, family friendly community, a shining star of Central Iowa, and a place to call home.

Proposed:

No changes. To be updated during next Comprehensive Plan update.

MISSION STATEMENT

Original:

~~The Mission of the City of Newton is to be the best provider of excellent services through a professional, innovative team dedicated to high quality performance and fiscal responsibility.~~

Proposed:

We provide excellent services dedicated to fiscal responsibility.

VALUE STATEMENT

Original:

~~We provide leadership and support to create and maintain a thriving community through these values:~~

- ~~➤ We act with honesty and integrity;~~
- ~~➤ We demonstrate compassion and empathy;~~
- ~~➤ We are accountable and dependable; and~~
- ~~➤ We serve through collaboration and teamwork.~~

~~We serve with Pride! Respect~~

~~This Is Our Commitment to Those We Serve.~~

Proposed:

We act with integrity, empathy, accountability, teamwork, and respect.