



Newton City Council Agenda

May 15, 2023 - 6:00 PM

View the City Council Meeting:

In Person

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

Television

Mediacom Channel
12/85/121.12

Online

newtongov.org/cablecast

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Proclamation

2. EMS Week Proclamation
3. National Public Works Week - May 21 - 27, 2023
4. Kids to Parks Day Proclamation

Presentation

5. MercyOne Newton Update - Chad Kelley, MercyOne Newton Chief Operating Officer

Citizen Participation

6. This is the time of the meeting that a citizen may address the Council. After being recognized by the presiding officer, each person will be given three (3) minutes to speak. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions or debate a citizen during the *Citizen Participation* portion of the meeting.

Consent Agenda

7. May 01, 2023 Regular City Council Meeting Minutes
8. May 01, 2023 Workshop Minutes
9. Approve Liquor Licenses for the following: GIT-N-GO Convenience Store #14, 801 1ST AVE W, Class B Retail Alcohol License; Fore Seasons special event-wedding at DMACC, 600 North 2nd Avenue West, Class C Retail Alcohol License
10. Approve 2023-2024 Cigarette/Tobacco/Nicotine/Vapor License for: Casey's #1911, 1018 1st Ave E; Casey's #2341, 3104 1st Ave E; Casey's #2417, 1200 W 18th St S; Casey's #3954, 4343 S 15th Ave E; Fareway, 120 N 3rd Ave E; HyVee Iowa Speedway #1, 3333 Rusty Wallace Dr; HyVee Iowa Speedway #2, 3333 Rusty Wallace Dr; Newton Market, 321 1st Ave W; Tobacco, Vape & Ecig, 1126 1st Ave E

11. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 23-04)
12. Resolution authorizing the purchase of pre-season salt for snow and ice control
13. Resolution approving 10-year Technical Services Master Agreement with Fox/Strand Engineering for the City of Newton's Waterworks needs
14. Resolution accepting completion of the 2023 Overhead Door Installation Project
15. Resolution approving Amendment No. 2 to the Airport Taxiway Project Consulting Services Agreement
16. Resolution accepting completion of the Sunset Dog Park Project - Phase 1
17. Resolution setting a public hearing for the sale of City-owned property at 524 South 4th Avenue East in Newton, Jasper County, Iowa
18. Resolution setting a public hearing for the sale of City-owned property at 309 South 8th Avenue West in Newton, Jasper County, Iowa
19. Approve Bills

Public Hearing

20. Public Hearing on a Resolution approving the preliminary plat of Arbor Estates Second Addition in the City of Newton, Jasper County, Iowa
 - Arbor Estsates Second Addition is a 23- lot subdivision located in Northeast Newton.
 - At their meeting on May 2, 2023, the Planning and Zoning Commission recommended approval of the preliminary plat.
21. Resolution approving the preliminary plat of Arbor Estates Second Addition in the City of Newton, Jasper County, Iowa
22. Public Hearing on an Ordinance vacating and disposing of the west 6 feet of the north-to-south street right-of-way of East 6th Street North located in the 1000 block, City of Newton, Jasper County, Iowa.
 - The proposal is to vacate the west 6 feet of the East 6th Street North street right-of-way and attach it to the two abutting properties on the west side.
 - At their meeting on May 2, 2023, the Planning and Zoning Commission recommended approval of the vacation.
23. An ordinance vacating and disposing of the west 6 feet of the north-to-south street right-of-way of East 6th Street North located in the 1000 block, City of Newton, Jasper County, Iowa.

Ordinance

24. Third Consideration of an Ordinance Amending the City of Newton Code of Ordinances Chapter 32, Section 32.003 Membership to expand eligibility for persons to serve on the Historic Preservation Commission to include owners of historic properties in the City of Newton

- At their meeting on April 3, 2023 the Historic Preservation Commission approved a motion recommending City Council expand eligibility for commissioner membership to include persons who own a historic building inside the Newton city limits.

25. First Consideration of an Ordinance Creating Chapter 97 "RAGBRAI Regulations/Permits", Within Title IX of the Code of Ordinances of the City of Newton, Iowa, establishing regulations and a permit structure for RAGBRAI's visit to Newton - July 27, 2023

- An ordinance establishing temporary regulations and a permit structure for RAGBRAI 2023. It is substantially identical to the last RAGBRAI ordinance from 2018.
- The ordinance will automatically repeal after the event.

Resolution

26. Resolution approving a D&D 2.0 Demolition Grant for 806 East 9th Street North in Newton, Jasper County, Iowa

- The Council has established a private demolition grant through the D&D 2.0 Program
- Greg Jurgensen, owner of 806 East 9th Street North, has requested grant funds to assist with the demolition of the dilapidated home at the property.

27. Resolution Adjusting the Fee Schedule for the Newton Fire Department Ambulance Service

- Each year the Newton Fire Department adjusts rates charged for ambulance service.

28. Resolution approving the RAGBRAI route through the City of Newton

- City staff was notified that RAGBRAI had chosen the City of Newton as the day five meeting town. This will bring tens of thousands of cyclists to the City of Newton along with their support vehicles between 6:00 AM and 3:00 PM on July 27th.
- The entry point to the City will be Hwy F-48 W/1st Ave W, and the exit point will be Hwy-6/1st Ave E. Using these two points and the planned events areas, City staff began working on selecting route options throughout the city.
- City staff would now like the council to vote on either Route A (N 4th Ave E) or Route B (1st Ave E) so that work on planning for and preparing the route can begin.

29. Resolution granting an easement to Interstate Power & Light Co. at 110 1st St S & 112 W 3rd St S.

- Interstate Power & Light Co., operating as Alliant Energy, is working on the design for phase two of the downtown H-structure removal project. This preliminary work includes securing easements to complete the project.
 - Alliant has determined that two easements are needed in the city-owned parking lots at 110 1st St S & 112 W 3rd St S. A 3' by 3' and a 10' by 20' easement along the north side of 110 1st St S and two 10' by 10' easements along the north side of 112 W 3rd St S.
30. Resolution approving Task Order 23-01 with Fox/Strand Engineering for professional services for the construction of a new Jordan Well.
- The 2023 Facility Plan Report identified the need to construct a new Jordan Aquifer Well.
 - The project will be bid in three separate construction contracts. It is recommended to approve Fox/Strand Engineering of Ames, Iowa for professional services.
31. Resolution approving Task Order 23-02 with Fox/Strand Engineering for professional services for the upgrade of the water plant and distribution system electrical controls and telemetry.
- Water treatment and distribution systems, electrical controls and telemetry are outdated and are no longer supported.
 - It is recommended to approve with Fox/Strand Engineering of Ames, Iowa for professional services for the upgrades of the water plant and distribution systems, electrical controls and telemetry.
32. Resolution approving a new lease agreement for the Community Hangar with Midwest Custom Ag Aviation, Inc. at the Newton Municipal Airport
- The current lease agreement for the Community Hangar between the City of Newton and Midwest Custom Ag Aviation, Inc. (MCAA) is set to expire on May 31, 2025.
 - MCAA's parent company, Helena Agri-Enterprises, LLC of Collierville, Tennessee has proposed investing over \$400,000 in improvements to the leased facilities and surrounding pavement, all at no cost to the City or the airport.
 - In return for said large investment to the airfield, the tenant is seeking a new 10-year lease to ensure that their investment can be utilized over a longer period of time.
33. Resolution approving the Community Marketing Manager to make reservations for the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program not to exceed \$24,000.

- In alignment with Iowa's branding and awareness campaign for the out-of-state visitor, the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program will provide exciting opportunities for both traditional and new marketing tactics that the City of Newton can take advantage of with tourism marketing funds made available in the City's FY24 budget.
- This is a great way to feature Newton, Iowa in the story the Iowa Tourism Office is telling to travelers through targeted advertising and marketing.
- The Community Marketing Manager would like to be authorized to make reservations that do not exceed \$24,000 (which is 22% of the advertising and marketing funds allocated in the FY24 budget).

34. Resolution approving the creation of two temporary Firefighter/EMT/Paramedic positions in the Fire Department

- The Fire Department continues to see injuries and turnover to Fire Departments in the Des Moines metro area.
- Filling temporary positions will maintain operations and not reduce revenues.
- The request is to create two positions and fill one now. The other will be held until needed.

35. Resolution Placing Staff on the Pay Matrix in the Administration, Utilities, and Fire Departments

- The Waterworks has 5 employees that are not covered under a union contract. These 5 employees need to be placed on the pay matrix as of July 1, 2023. This action places the employees on the City's pay matrix and allows for 3 to be added over the mid point, which is step 7, because of length of employment.
- With the creation of the Utilities Department and the desire to merge the wage scales between Waterworks and the City of Newton, this creates the need to adjust the Water Pollution Control Assistant Superintendent from a range 8, step 8 to Range 8 step 10 beginning on July 1, 2023.
- The newly created Fire Prevention Specialist position has been renamed the Fire Marshal position to better align with job duties in order to attract candidates that are highly qualified. In addition, it is recommended to allow the Fire Chief to offer a qualified candidate a salary above the mid-range (step 7) in range 9.

Staff Report

36. Marketing Update - Danielle Rogers, Marketing Manager

Mayor/Council Comments

Adjourn

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

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PROCLAMATION

MAY 21 - 27, 2023 - EMERGENCY MEDICAL SERVICES (EMS) WEEK

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the dedicated EMTs and Paramedics of Newton Fire Department provide exemplary emergency medical care and ambulance transportation to the citizens of the City of Newton and Jasper County, Iowa; and

WHEREAS, the Newton Fire Department is ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency medical technicians, paramedics, firefighters, emergency physicians, emergency nurses, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, THE CITY COUNCIL OF NEWTON, IOWA, HEREBY PROCLAIMS:

The week of May 21 - 27, 2023, as:

“EMERGENCY MEDICAL SERVICES (EMS) WEEK”
With the theme, “EMS: Where Emergency Care Begins”

And encourages all City of Newton residents to recognize the practitioners and observe this week with appropriate programs, ceremonies, and activities.

DONE AND PROCLAIMED this 15th day of May 2023, in the City of Newton, Iowa



Michael L. Hansen
Mayor

PROCLAMATION

National Public Works Week

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Newton, Iowa; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Newton, Iowa to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

NOW, THEREFORE, I, Michael Hansen, Mayor, do hereby designate the week May 21–27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Dated this 15th day of May 2023.

Michael L. Hansen
Mayor



PROCLAMATION

KIDS TO PARKS DAY PROCLAMATION

WHEREAS, May 20, 2023, is the thirteenth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat potential childhood health issues; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

WHEREAS, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors; and

WHEREAS, all kids are encouraged to attend and participate in local Kids to Parks Day activities at Agnes Patterson Park on Saturday, May 20th from 10 am to 2 pm.

NOW, THEREFORE, I, Michael L. Hansen, Mayor of the City of Newton, Iowa do hereby proclaim Saturday, May 20, 2023 as

Dated this 15th day of May 2023.

Michael L. Hansen
Mayor



NEWTON CITY COUNCIL MEETING MINUTES
MAY 1, 2023, 6:00 PM

Pledge

Pledge of Allegiance

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

Call to Order

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

Proclamation

Mayor Hansen proclaimed the following:

2. National Preservation Month - May
3. Building Safety Month - May
4. Professional Municipal Clerks Week - April 30 - May 6, 2023
5. National Police Week - May 14-20 & National Peace Officer Memorial Day - May 15

Presentation

6. Discover Hope Update - Robbie Robinson, Executive Director
Robinson, presented an update, including information on the 3 new satellite locations in Pella, Knoxville, and Fairfield. He informed the council about plans for transition housing.

Citizen Participation

7. This is the time of the meeting that a citizen may address the Council. After being recognized by the presiding officer, each person will be given three (3) minutes to speak. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions or debate a citizen during the *Citizen Participation* portion of the meeting. Michael Merritt, a former Newton resident, provided information regarding a situation he was involved in when he was a resident.

Consent Agenda

Moved by Dalton, seconded by Hallam to approve consent agenda items 8-29. AYES: Six. NAYS: None. Consent Agenda was adopted.

8. April 17, 2023 Regular City Council Meeting Minutes
9. Approve Liquor Licenses for: Newton/Des Moines East KOA, 1601 E 36th St S, Class B Retail Alcohol License; Gezellig Brewing Company, LLC, 403 West 4th Street North, Class C Retail Alcohol License; Casey's General Store #2417- LE0002740, 1200 W 18th St S, Class E Retail Alcohol License renewal and ownership change; Hy-Vee Fast and Fresh- LE0003889, 1421 1st Avenue East, Class E Retail Alcohol License; Walgreens #05942- LE0002171, 1204 1st Ave East, Class E Retail Alcohol License
10. Approve 2023-2024 Cigarette/Tobacco/Nicotine/Vapor License for: Hy-Vee Food Store, 1501 1st Ave E; Hy-Vee Gas, 1421 1st Ave E; Kwik Star #1001, 1910 1st Ave E; Newton Convenience LLC, 702 1st Ave E; Newton Gas LLC, 403 1st Ave E
11. Certify Firefighter Candidate List
12. Certify Fire Prevention Specialist Candidate List
13. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 23-04)
Resolution 2023-095 adopted.
14. Resolution to enter into an agreement with the Iowa Department of Transportation for the 1st Ave E (Hwy 6) Traffic Signal Upgrades - Project Number CS-TSF-5482(623)—85-50
Resolution 2023-096 adopted.
15. Resolution accepting completion of the 2022 Streetscape Improvement Project
Resolution 2023-097 adopted.
16. Resolution approving the purchase of one (1) full-size SUV for the Public Works Department
Resolution 2023-098 adopted.
17. Resolution authorizing the purchase of a utility vehicle for the Newton Sanitary Landfill
Resolution 2023-099 adopted.
18. Resolution Approving a Property Tax Rebate for the Newton Elite Properties, LLC
Property Located Within the 1st Avenue East Urban Renewal Area
Resolution 2023-100 adopted.

19. Resolution Approving a Property Tax Rebate for the Newton Senior Residence, LLC Property Located Within the North Central Urban Renewal Area
Resolution 2023-101 adopted.
20. Resolution approving the purchase of a standby VFD (Variable Frequency Drive) controller for the Jordan Well
Resolution 2023-102 adopted.
21. Resolution approving Phase 2 of the Engineering Services Agreement for the Maytag Pool Play Features Improvement Project
Resolution 2023-103 adopted.
22. Resolution accepting completion of the 2022 City of Newton Tree Removal Project No. 1
Resolution 2023-104 adopted.
23. Resolution awarding contract for the 2023 Stump Removal Project No.1
Resolution 2023-105 adopted.
24. Resolution awarding contract for the 2023 Stump Removal Project No. 2
Resolution 2023-106 adopted.
25. Resolution approving the purchase and installation of a new dump box
Resolution 2023-107 adopted.
26. Resolution approving the Diamond Vogel Customer Appreciation Special Events Application
Resolution 2023-108 adopted.
27. Resolution awarding the purchase of firefighter's personal protective equipment and fire hose
Resolution 2023-109 adopted.
28. Resolution awarding installation of epoxy flooring in the fire station
Resolution 2023-110 adopted.
29. Approve Bills

Public Hearing

30. Public Hearing and resolution awarding contract for the City Hall Skylight Replacement Project
Mayor Hansen stated that this is the time and place for a Public Hearing on the above Resolution. There were no written comments. Moved by Hallam, seconded by George to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.
31. Resolution awarding contract for the City Hall Skylight Replacement Project
Moved by Hallam, seconded by Dalton to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2023-111 adopted.

Ordinance

32. Second Consideration of an Ordinance Amending the City of Newton Code of Ordinances Chapter 32, Section 32.003 Membership to expand eligibility for persons to serve on the Historic Preservation Commission to include owners of historic properties in the City of Newton
Moved by Trotter, seconded by Wade to approve the second consideration of the Ordinance. AYES: Six. NAYS: None. Second Consideration of the Ordinance was approved.

Resolution

33. Resolution Commending the Discover Hope 517 Board for Extraordinary Efforts to Create a Local Non-Profit Community Housing Organization (CHDO)
Moved by Ervin, seconded by Hallam to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2023-112 adopted.
34. Resolution approving a hiring bonus for Police Officer candidates
Moved by George, seconded by Dalton to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2023-113 adopted.
35. Resolution approving a naming rights agreement with Gregg Young Auto (GYDNT, LLC) for the Westwood Patio and Pavilion
Moved by Dalton, seconded by Trotter to adopt the Resolution. Discussion ensued regarding the levels of contributions. Council requested additional information. AYES: Two. NAYS: George, Ervin, Wade, Hallam. Resolution failed.
36. Resolution authorizing the purchase of a Motor Grader for the Public Works Department
Moved by George, seconded by Hallam to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2023-114 adopted.
37. Resolution approving an updated 28e agreement with the Newton Community School District
Moved by Trotter, seconded by Dalton to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2023-115 adopted.
38. Resolution awarding the contract for the purchase and construction of a fire rescue

ladder truck

Moved by Trotter, seconded by Hallam to adopt the Resolution. AYES: Six. NAYS: None.
Resolution 2023-116 adopted.

Discussion

- 39. RAGBRAI Route
Public Works Director, Joe Grife, provided maps of two route options. The council discussed barricades, the times, and effects on businesses. A resolution will be presented at the next meeting.
- 40. Commercial Property Inspection Program
Ervin presented the requested updates.

Mayor/Council Comments

- 41. Mayor and Council Comments
Hallam praised Gregg Young for their generous offer. Dalton spoke regarding the Main Street awards, including Tanya Michner receiving the leadership award and Jerry Schwaller earning an award for his work on the Lederman Building. Ervin asked the staff to look at the use of Woodland. He also spoke regarding the special events permit and asked staff to review it. Ervin stated the rumors are not true, the city is building pickleball courts.

Adjourn

Moved by Wade, seconded by Trotter to adjourn the meeting at 7:41 P.M. Motion unanimously carried by voice vote.

Katrina Davis, City Clerk

Michael L. Hansen, Mayor

NEWTON SPECIAL WORKSHOP CITY COUNCIL MEETING MINUTES
MAY 1, 2023, 6:00 PM

Call to Order

1. Roll Call

The City Council of Newton, Iowa met in special session at 7:43 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor Hansen presided. Present Council Members: Hallam, Dalton, George, Ervin, Trotter, Wade. Absent: None.

Presentation

2. Iowa Code Chapter 26 - City Attorney, Matt Brick

City Attorney, Matt Brick educated council on Iowa Code Chapter 26 regarding the requirements for the bidding process.

3. Bids, Quotes, and Contracts for Public Improvement Projects, Services and Purchases - City Staff

Due to an absence, the staff presentation will be postponed to another meeting.

Mayor/Council Comments

Adjourn

Moved by Hallam, seconded by Wade to adjourn the meeting at 8:11 P.M. Motion unanimously carried by voice vote.

Katrina Davis, City Clerk

Michael L. Hansen, Mayor

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 23-04)

Summary:

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

Report Number: 2023-554**Date:**

May 15, 2023

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$345.00

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$345.00. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

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

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 23-04).

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 23-04)**

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City of Newton, after the property owner's failure upon being given notice and opportunity to cure, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached Schedule No. 23-04 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 23-04, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for the collection in the same manner as a property tax.

BE IT FURTHER RESOLVED, that said assessments shall be payable in 1 annual installment and shall bear interest at the rate of 3.88 percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council shall become due and payable on June 14, 2023, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

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

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 23-04: 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
Michael Stevens	834301015	521 W 3rd St S	Newton	\$86,840	\$135.00	\$75.00	\$210.00	E M CALDWELL'S ADD LOT C BLK 1	2/28/2023
James & Melissa Hodge	828428007	823 W 4th St N	Newton	\$47,770	\$60.00	\$75.00	\$135.00	BAKER'S SD LOT 3	2/20/2023
Total							\$345.00		

City of Newton Council Report

**Item:**

Resolution authorizing the purchase of pre-season salt for snow and ice control

Summary:

Purchase 700 tons of salt at the pre-season price.

Financial Impact:

\$51,835.00 from the Road Use Tax Fund.

Report Number: 2023-508**Date:**

May 15, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

Every year monies are allocated in the Snow & Ice Operating budget to purchase salt, sand, and other winter maintenance materials. The Public Works salt storage building allows for adequate storage so we may buy salt at pre-season prices, typically about \$25/ton less than the in-season prices. The City of Newton needs to purchase 700 tons of salt to replenish the salt stock used from the past winter in preparation for the 2023-2024 winter season.

The City of Newton is in a Central Iowa Salt Group comprising most of the cities and counties in the Des Moines metropolitan area. The group can obtain very competitive bids by bidding together for a large amount of salt. The City of West Des Moines is the administrator for the group.

Bids were received, and Skyline Salt Company of Dubuque, Iowa, was the low bidder. Skyline Salt Company's bid price delivered to the City of Newton is \$74.05 per ton. The salt will be delivered after July 1, 2023, but before the winter season.

Recommendation:

City staff recommends approving the resolution authorizing the Public Works Director to purchase 700 tons of the pre-season salt from Skyline Salt Company of Dubuque, Iowa, for the bid amount of \$51,835.00 paid from the Road Use Tax Fund.

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

RESOLUTION AUTHORIZING THE PURCHASE OF PRE-SEASON
SALT FOR SNOW AND ICE CONTROL

WHEREAS, money is budgeted annually within the Snow and Ice Control budget to purchase salt, sand, and other winter maintenance materials; and

WHEREAS, staff has estimated that 700 tons of salt are needed to replenish the salt supply from the previous winter in preparation for the upcoming winter season; and

WHEREAS, the City of Newton is part of the Central Iowa Salt Group that pools together its salt needs to obtain competitive bids; and

WHEREAS, bids for the pre-season salt were received by the City of West Des Moines, the administrator for the Central Iowa Salt Group, and the successful low bidder is Skyline Salt Company of Dubuque, Iowa, for a bid price of \$74.05 per ton; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to purchase 700 tons of salt for \$51,835.00 from Skyline Salt Company of Dubuque, Iowa. The salt will be purchased utilizing Road Use Tax funds.

PASSED this _____ day of _____, 2023.
APPROVED this _____ day of _____, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving 10-year Technical Services Master Agreement with Fox/Strand Engineering for the City of Newton's Waterworks needs

Summary:

Authorizing Mayor to Sign a master agreement with Fox/Strand for professional Engineering services for Waterworks.

Financial Impact:

Based on Task Order

Report Number: 2023-520

Date:

May 15, 2023

Lead Department:

Utilities

Recommendation:

Approve

Background:

Fox/Strand provides professional and technical services for Newton Waterworks and has for many years. It is time to renew a new 10-year Technical Services Master Agreement. The master agreement can be described as engineering, scientific, computer aided drafting, clerical, and administrative activities performed in accordance with the terms and conditions of this agreement and subsequently issued task orders.

Prior to engineer's engagement by owner, a mutually agreeable task order document shall be developed by both parties. This task order will include project information, a detailed scope of services, compensation and schedule.

Each task order will be brought before city council for consideration on its own merit. This Technical Services Master Agreement does not commit the City of Newton to any funds, it only allows for task orders to be created for individual consideration.

Recommendation:

approve 10-year Technical Services Master Agreement with Fox/Strand Engineering of Ames, Iowa for the City of Newton's Waterworks needs.

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

RESOLUTION APPROVING 10-YEAR TECHNICAL SERVICES MASTER AGREEMENT WITH FOX/STRAND ENGINEERING FOR THE CITY OF NEWTON'S WATERWORKS NEEDS.

WHEREAS, Fox/Strand provides professional and technical services for Newton Waterworks and has for many years; and

WHEREAS, it is time to renew a new 10-year Technical Services Master Agreement; and

WHEREAS, the master agreement can be described as engineering, scientific, computer aided drafting, clerical, and administrative activities performed in accordance with the terms and conditions of this agreement and subsequently issued task orders; and

WHEREAS, Prior to engineer's engagement by owner, a mutually agreeable task order document shall be developed by both parties; and

WHEREAS, the task order will include project information, a detailed scope of services, compensation and schedule; and

WHEREAS, each task order will be brought before city council for consideration on its own merit; and

WHEREAS, this Technical Services Master Agreement does not commit the City of Newton to any funds, it only allows for task orders to be created for individual consideration.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the 10-year Technical Services Master Agreement with Fox/Strand Engineering of Ames, Iowa for the City of Newton's Waterworks needs, is hereby accepted.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that said 10-year Technical Services Master Agreement with Fox/Strand Engineering shall be signed by the mayor on behalf of the City.

PASSED this _____ day of May 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

AGREEMENT FOR TECHNICAL SERVICES

CITY OF NEWTON, IOWA AND STRAND ASSOCIATES, INC.®

This Agreement is made and entered into this ____ day of _____, 20____, between the City of Newton, Iowa, hereinafter referred to as OWNER, located at 101 West 4th Street South, Newton, Iowa, 50208, and Strand Associates, Inc.®, hereinafter referred to as ENGINEER. This Agreement shall be in accordance with the following elements.

Scope of Services

Services to be provided under this Agreement can be described as engineering, scientific, computer-aided design drafting, clerical, and administrative activities performed in accordance with the terms and conditions of this Agreement and subsequently issued Task Orders. Prior to ENGINEER's engagement by OWNER, a mutually agreeable Task Order document shall be developed and executed by both parties. The Task Order will include **Project Information**, a detailed **Scope of Services**, **Compensation**, and **Schedule**. The general form of the Task Order shall be in accordance with the enclosed Task Order No. 23-01.

Service Elements Not Included

The following services are not included under this Agreement. If such services are required, they will be provided as noted in each subsequently issued task order.

1. Additional and Extended Services: Any services during construction made necessary by:
 - a. Work damaged by fire or other cause during construction.
 - b. A significant amount of defective or neglected work of any contractor.
 - c. Prolongation of the time of the construction contract.
 - d. Default by contractor under the construction contract.
2. Additional OWNER-required Site Visits and/or Meetings: Additional OWNER-required site visits or meetings.
3. Archaeological or Botanical Investigations: ENGINEER will assist OWNER in engaging the services of an archaeologist or botanist, if required, to perform the field investigations necessary for agency review.
4. Bidding Alternatives and Bid Phasing: Any services involved in providing bidding alternatives or bidding phases.
5. Flood Studies: Any services involved in performing flood and floodway studies.
6. Geotechnical Engineering: Geotechnical engineering information, if required, shall be provided through OWNER and OWNER's geotechnical consultant. ENGINEER will assist OWNER with

defining initial scope of geotechnical information that is required to allow OWNER to procure geotechnical engineering services.

7. Land and Easement Surveys/Procurement: Any services of this type including, but not limited to, a record search, field work, preparation of legal descriptions, or assistance to OWNER for securing land rights necessary for the Task Order-specified project.
8. Preparation for and/or Appearance in Litigation on Behalf of OWNER: Any services related to litigation.
9. Review of Product Substitutions Proposed by Contractor: The terms of the construction Contract call for the construction contractor to reimburse OWNER for ENGINEER's cost for evaluating substitute products. ENGINEER's cost for such evaluations is not included.
10. Revising Designs, Drawings, Specifications, and Documents: Any services required after these items have been previously approved by state or federal regulatory agencies, because of a change in the project scope or where such revisions are necessary to comply with changed state and federal regulations that are put in force after Services have been partially completed.
11. Services Furnished During Readvertisement for Bids, if Ordered by OWNER: Any services of this type if a contract is not awarded pursuant to the original bids.
12. Services Related to Buried Wastes and Contamination: Should buried solid, liquid, or potentially hazardous wastes or subsurface or soil contamination be uncovered at the site, follow-up investigations may be required to identify the nature and extent of such wastes or subsurface soil or groundwater contamination and to determine appropriate methods for managing of such wastes or contamination and for follow-up monitoring.

Compensation

OWNER shall compensate ENGINEER for Services indicated in each subsequently issued Task Order for a lump sum or for an estimated fee on an hourly rate basis plus expenses.

For estimated fee projects, expenses incurred for travel and meals will be billed at actual cost plus ten percent.

Only sales taxes or other taxes on Services that are in effect at the time this Agreement is executed are included in the Compensation. If the tax laws are subsequently changed by legislation during the life of this Agreement, this Agreement will be adjusted to reflect the net change.

The lump sum or estimated fee for the Services is based on wage scale/hourly billing rates, adjusted annually on July 1, that anticipates the Services will be completed as indicated. Should the completion time be extended, it may be cause for an adjustment in the lump sum or estimated fee that reflects any wage scale adjustments made.

The lump sum or estimated fee will not be exceeded without prior notice to and agreement by OWNER but may be adjusted for time delays, time extensions, amendments, or changes in the **Scope of Services**. Any adjustments will be negotiated based on ENGINEER's increase or decrease in costs caused by delays, extensions, amendments, or changes.

Schedule

Services will begin upon execution of this Agreement, which is anticipated the week of May 15, 2023. This Agreement will terminate ten years following its execution. The schedule for individual tasks will be included on each subsequently issued Task Order.

Standard of Care

The Standard of Care for all Services performed or furnished by ENGINEER under this Agreement will be the care and skill ordinarily used by members of ENGINEER's profession practicing under similar circumstances at the same time and in the same locality. ENGINEER makes no warranties, express or implied, under this Agreement or otherwise, in connection with ENGINEER's Services.

OWNER's Responsibilities

1. Assist ENGINEER by placing at ENGINEER's disposal all available information pertinent to the Task Order-specified project including previous reports, previous drawings and specifications, and any other data relative to the scope of the Task Order-specified project.
2. Furnish to ENGINEER, as required by ENGINEER for performance of Services as part of this Agreement, data prepared by or services of others obtained or prepared by OWNER relative to the scope of the Task Order-specified project, such as soil borings, probings and subsurface explorations, and laboratory tests and inspections of samples, all of which ENGINEER may rely upon in performing the Task Order-specified project Services under this Agreement.
3. Provide access to and make all provisions for ENGINEER to enter upon public and private lands as required for ENGINEER to perform Task Order-specified project Services under this Agreement.
4. Examine all reports, sketches, estimates, special provisions, drawings, and other documents presented by ENGINEER and render, in writing, decisions pertaining thereto within a reasonable time so as not to delay the performance of ENGINEER.
5. Provide all legal services as may be required for the development of the Task Order-specified project.
6. Retain the services of a soils consultant to provide any necessary geotechnical evaluation and recommendations. OWNER's soils consultant shall provide all necessary geotechnical testing during construction. OWNER's soils consultant shall notify OWNER and ENGINEER of any geotechnical testing indicating any materials that are not in accordance with the Contract Documents (nonconforming materials) and if any nonconforming materials have been incorporated into the work.
7. Pay all permit and plan review fees payable to regulatory agencies.

Opinion of Probable Cost

Any opinions of probable cost prepared by ENGINEER are supplied for general guidance of OWNER only. ENGINEER has no control over competitive bidding or market conditions and cannot guarantee the accuracy of such opinions as compared to contract bids or actual costs to OWNER.

Observation Services

In furnishing observation services, ENGINEER's efforts will be directed toward determining for OWNER that the completed project will, in general, conform to the Contract Documents; but ENGINEER will not supervise, direct, or have control over the contractor's work and will not be responsible for the contractor's construction means, methods, techniques, sequences, procedures, or health and safety precautions or programs, or for the contractor's failure to perform the construction work in accordance with the Contract Documents.

Payment Requests

ENGINEER's review of Payment Requests from contractor(s) will not impose responsibility to determine that title to any of the work has passed to OWNER free and clear of any liens, claims, or other encumbrances. Any such service by ENGINEER will be provided through an amendment to this Agreement.

Changes

1. OWNER may make changes within the general scope of this Agreement in the Services to be performed. If such changes cause an increase or decrease in ENGINEER's cost or time required for performance of any Services under this Agreement, an equitable adjustment will be made and this Agreement will be modified in writing accordingly.
2. No services for which additional compensation will be charged by ENGINEER will be furnished without the written authorization of OWNER. The fee established herein will not be exceeded without agreement by OWNER but may be adjusted for time delays, time extensions, amendments, or changes in the **Scope of Services**.
3. If there is a modification of the Iowa Department of Natural Resources requirements relating to the Services to be performed under this Agreement subsequent to the date of execution of this Agreement, the increased or decreased cost of performance of the Services provided for in this Agreement will be reflected in an appropriate modification of this Agreement.

Extension of Services

This Agreement may be extended for additional Services upon OWNER's authorization. Extension of Services will be provided for a lump sum or an hourly rate plus expenses.

Payment

OWNER shall make monthly payments to ENGINEER for Services performed in the preceding month based upon monthly invoices. Nonpayment 30 days after the date of receipt of invoice may, at ENGINEER's option, result in assessment of a 1 percent per month carrying charge on the unpaid balance.

Nonpayment 45 days after the date of receipt of invoice may, at ENGINEER's option, result in suspension of Services upon five calendar days' notice to OWNER. ENGINEER will have no liability to OWNER, and OWNER agrees to make no claim for any delay or damage as a result of such suspension caused by any breach of this Agreement by OWNER. Upon receipt of payment in full of all outstanding sums due from OWNER, or curing of such other breach which caused ENGINEER to suspend Services, ENGINEER will resume Services and there will be an equitable adjustment to the remaining project schedule and compensation as a result of the suspension.

City of Newton
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April 28, 2023

Failure to make payments to ENGINEER is cause for termination upon two-week notice to OWNER.

Termination

This Agreement may be terminated with cause in whole or in part in writing by either party subject to a two-week notice and the right of the party being terminated to meet and discuss the termination before the termination takes place. ENGINEER will be paid for all completed or obligated Services up to the date of termination.

Data Provided by Others

ENGINEER is not responsible for the quality or accuracy of data nor for the methods used in the acquisition or development of any such data where such data is provided by or through OWNER, contractor, or others to ENGINEER and where ENGINEER's Services are to be based upon such data. Such data includes, but is not limited to, soil borings, groundwater data, chemical analyses, geotechnical testing, reports, calculations, designs, drawings, specifications, record drawings, contractor's marked-up drawings, and topographical surveys.

Third-Party Beneficiaries

Nothing contained in this Agreement creates a contractual relationship with or a cause of action in favor of a third party against either OWNER or ENGINEER. ENGINEER's Services under this Agreement are being performed solely for OWNER's benefit, and no other party or entity shall have any claim against ENGINEER because of this Agreement or the performance or nonperformance of Services hereunder. OWNER and ENGINEER agree to require a similar provision in all contracts with contractors, subcontractors, subconsultants, vendors, and other entities involved in the Task Order-specified project to carry out the intent of this provision.

Dispute Resolution

Except as may be otherwise provided in this Agreement, all claims, counterclaims, disputes, and other matters in question between OWNER and ENGINEER arising out of or relating to this Agreement or the breach thereof will be decided first by mediation, if the parties mutually agree, or with a bench trial in a court of competent jurisdiction within the State of Iowa.

Remedies

Neither ENGINEER nor OWNER shall be liable to the other for special, indirect, punitive, or consequential damages for claims, disputes, or other matters in question arising out of this or relating to this Agreement. This mutual waiver is applicable, without limitation, due to either party's termination of this Agreement.

Terms and Conditions

The terms and conditions of this Agreement and subsequently issued Task Orders will apply to the Services defined in the **Scope of Services** and represent the entire Agreement and supersede any prior proposals, Requests for Qualifications, or Agreements. OWNER-supplied purchase order is for processing payment only; terms and conditions on the purchase order shall not apply to these Services.

NOT FOR

FOX Strand

City of Newton
Page 6
April 28, 2023

SIGNATURE

Limitation of ENGINEER's Liability

To the fullest extent permitted by law the total liability, in the aggregate, of ENGINEER and ENGINEER's officers, directors, partners, employees, agents, and ENGINEER's consultants to OWNER and anyone claiming by, through, or under OWNER for any and all claims, losses, costs, or damages whatsoever arising out of, resulting from or in any way related to the Project or the Agreement from any cause or causes, including the negligence, professional errors or omissions, strict liability or breach of contract, or warranty express or implied of ENGINEER or ENGINEER's officers, directors, partners, employees, agents, or ENGINEER's consultants shall not exceed the total compensation received by ENGINEER under this Agreement.

IN WITNESS WHEREOF the parties hereto have made and executed this Agreement.

ENGINEER:

OWNER:

STRAND ASSOCIATES, INC.®

CITY OF NEWTON

Joseph M. Bunker
Corporate Secretary

Date

Michael L. Hansen
Mayor

Date

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2023 Overhead Door Installation Project

Summary:

Accept completion of contract to install two overhead doors at the maintenance shop at 1700 N 4th Ave W

Financial Impact:

\$45,211.14 total cost; with \$2,260.56 in retainage to be paid using FY23 or FY24 Parks and Cemetery General Fund budgets.

Report Number: 2023-552

Date:

May 15, 2023

Lead Department:

Community Services

Recommendation:

Approve

Background:

The maintenance operations and staff with the City of Newton's Community Services Department continue to relocate to 1700 N 4th Ave W, which has been home to the Public Works street operations since 1988. The former offices in the east portion of the main building are being converted back to shop space, and a majority of parks and cemetery maintenance staff and equipment will be based at this location instead of being stored in numerous locations around Newton. Proposals were sought to install two overhead doors for the expanded shop area that was previously office space. The project also includes needed structural additions and modifications, concrete footings, and pavement replacement to facilitate the two new openings in the side of the existing building.

City Council passed Resolution 2023-030 on February 20, 2023 awarding a contract to Karl Peters Construction of Monroe, Iowa in the amount of \$45,211.14. The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is unchanged at \$45,211.14.

Recommendation:

City staff recommends accepting the completion of the 2023 Overhead Door Installation Project, and authorizing the retainage amount of \$2,260.56 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler, City Administrator

RESOLUTION 2023- _____

**RESOLUTION ACCEPTING COMPLETION OF THE
2023 OVERHEAD DOOR INSTALLATION PROJECT**

WHEREAS, the maintenance operations and staff with the City of Newton’s Community Services Department continue to relocate to 1700 N 4th Ave W, which has been home to the Public Works street operations since 1988; and

WHEREAS, proposals were sought to install two overhead doors for the expanded shop area that was previously office space; and

WHEREAS, the City Council of the City of Newton passed Resolution 2023-030 on February 20, 2023 awarding a contract to Karl Peters Construction of Monroe, Iowa in the amount of \$45,211.14 for said project; and

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

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is unchanged at \$45,211.14.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Community Services Director to execute payment of the retainer in the amount of \$2,260.56 to Karl Peters Construction of Monroe, Iowa no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using FY23 or FY24 Parks and Cemetery General Fund budgets.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving Amendment No. 2 to the Airport Taxiway Project Consulting Services Agreement

Summary:

Approve amendment to compensate design engineer for additional costs related to the FAA's mid-project specification changes

Financial Impact:

\$14,700.00 in additional costs, of which the City's 10% local match of \$1,470.00 will be paid from the Airport Operating Budget and remaining bond funds.

Report Number: 2023-555**Date:**

May 15, 2023

Lead Department:

Community Services

Recommendation:

Approve

Background:

On May 18, 2020 the City Council approved Resolution No. 2020-111 approving an engineering services agreement, and amendment no. 1 to said agreement, with Clappsaddle-Garber Associates of Marshalltown, Iowa for work on the Newton Airport Taxiway Relocation Project. Since the project was later awarded and work began, the Federal Aviation Administration directed some changes to allowable materials being incorporated into said project. Because of the FAA's change in scope of the project, additional construction administration efforts were needed related to the VASI power circuit design.

The proposed amendment has been reviewed and approved by the FAA, with said \$14,700 in additional costs being funded 90% by Federal Funds (\$13,230) and 10% being paid by the City of Newton (\$1,470).

Recommendation:

City staff recommends approving Amendment No. 2 to the Airport Taxiway Project Consulting Services Agreement.

Matt Muckler, City Administrator

RESOLUTION 2023- _____

**RESOLUTION APPROVING AMENDMENT NO. 2 TO THE AIRPORT TAXIWAY
PROJECT CONSULTING SERVICES AGREEMENT**

WHEREAS, on May 18, 2020 the City Council approved Resolution No. 2020-111 approving an engineering services agreement, and amendment no. 1 to said agreement, with Clappsaddle-Garber Associates of Marshalltown, Iowa for work on the Newton Airport Taxiway Relocation Project; and

WHEREAS, since the project was later awarded and work began, the Federal Aviation Administration directed some changes to allowable materials being incorporated into said project; and

WHEREAS, because of the FAA’s change in scope of the project, additional construction administration efforts were needed related to the VASI power circuit design; and

WHEREAS, the proposed amendment has been reviewed and approved by the FAA, with said \$14,700 in additional costs being funded 90% by Federal Funds (\$13,230) and 10% being paid by the City of Newton (\$1,470); and

WHEREAS, City staff recommends approving Amendment No. 2 to the Airport Taxiway Project Consulting Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby approves Amendment No. 2 to the Airport Taxiway Project’s Consulting Services Agreement and authorizes the Mayor to execute said agreement on behalf of the City; with said \$1,470.00 in local match costs to be paid from the Airport Operating Budget and remaining bond funds.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

AMENDMENT NO. 2
TO
CONSULTING SERVICES AGREEMENT

WHEREAS, the *CITY OF NEWTON*, the *OWNER* and *CLAPSADDLE-GARBER ASSOCIATES, INC.*, the *ENGINEER* have entered into an agreement dated May 19th, 2020 for the Design and Bidding Services for the Reconstruct Parallel Taxiway at the Newton Municipal Airport, and

WHEREAS, the scope of services has been further defined and reviewed by FAA requiring additional Construction Administration in relation to VASI power circuit design as directed by FAA Engineering for the Reconstruct Parallel Taxiway project as identified in Tasks further identified below, and

WHEREAS, the *OWNER* now desires the Engineer to proceed with and provide these services,

NOW, THEREFORE, the *OWNER* and *ENGINEER* agree to amend the *AGREEMENT* as follows:

1. In the ESA on Page 4 under 3b, PAYMENT FOR OTHER SERVICES, add the following additional compensation:

Other Services

Task 8.0 Contract Administration.....increase of \$14,700.00

The total additional lump sum fee payment for Amendment No. 2 is \$14,700.00.

IN WITNESS THEREOF, the parties have made and authorize their representatives to execute this Amendment to the *AGREEMENT* on this _____ day of _____, 2023.

OWNER:

City of Newton

By: _____

Title: _____

ATTESTED BY:

Title: _____

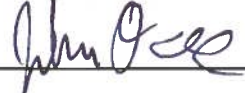
ENGINEER:

Clapsaddle-Garber Associates, Inc.

By: 

Title: President

ATTESTED BY:



Title: Project Manager

City of Newton Council Report

**Item:**

Resolution accepting completion of the Sunset Dog Park Project - Phase 1

Summary:

Accept completion of contract to install perimeter fences and access gates

Financial Impact:

\$55,755.00 total cost; with \$2,787.75 in retainage to be paid using 2022 park bond funds and a \$20,000 Prairie Meadows grant.

Report Number: 2023-568**Date:**

May 15, 2023

Lead Department:

Community Services

Recommendation:

Approve

Background:

On September 13, 2022 Newton residents approved a park bond referendum, which included a dog park in Sunset Park. Using the recommendations of the Newton Park Board, along with the most-recent concept plan for Sunset Park, Community Services staff prepared plans for the separate dog park areas so as to avoid all future or proposed upgrades and amenities shown in said concept plan. Included in the plans was a base bid with standard fencing, plus an add-alternate to upgrade all fencing to black, PVC-coated materials.

City Council passed Resolution 2022-341 on December 5, 2022 awarding a contract to Des Moines Steel Fence of Des Moines, Iowa in the amount of \$55,755.00. The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is unchanged at \$55,755.00.

Recommendation:

City staff recommends accepting the completion of the Sunset Dog Park Project - Phase 1, and authorizing the retainage amount of \$2,787.75 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler, City Administrator

RESOLUTION 2023- _____

**RESOLUTION ACCEPTING COMPLETION OF THE
SUNSET DOG PARK PROJECT - PHASE 1**

WHEREAS, on September 13, 2022 Newton residents approved a park bond referendum, which included a dog park in Sunset Park; and

WHEREAS, using the recommendations of the Newton Park Board, along with the most-recent concept plan for Sunset Park, Community Services staff prepared plans for the separate dog park areas so as to avoid all future or proposed upgrades and amenities shown on said concept plan; and

WHEREAS, the City Council of the City of Newton passed Resolution 2022-341 on December 5, 2022 awarding a contract to Des Moines Steel Fence of Des Moines, Iowa in the amount of \$55,755.00 for said project; and

WHEREAS, Des Moines Steel Fence has completed their work, and the Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract; and

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is unchanged at \$55,755.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Community Services Director to execute payment of the retainer in the amount of \$2,787.75 to Des Moines Steel Fence no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using 2022 park bond funds and a \$20,000 Prairie Meadows grant.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution setting a public hearing for the sale of City-owned property at 524 South 4th Avenue East in Newton, Jasper County, Iowa

Summary:

Setting a public hearing for the sale of D&D property.

Financial Impact:

None.

Report Number: 2023-524

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

The City of Newton has acquired the subject property through the Newton D&D program. There has been expressed interest by a developer in the property as a location for a new home.

This resolution sets a public hearing for June 19, 2023 to act on a possible purchase/redevelopment agreement.

Offers must be received by 10:00 AM on June 1, 2023 to be considered.

Recommendation:

Staff recommends approval

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

RESOLUTION SETTING A PUBLIC HEARING FOR THE SALE OF CITY-OWNED PROPERTY AT 524 SOUTH 4TH AVENUE EAST IN NEWTON, JASPER COUNTY, IOWA

WHEREAS, the City of Newton owns a property located at 524 South 4th Avenue East, legally described as: LOT 5 AND THE WEST HALF OF LOT 6 IN BLOCK E OF SOUTHEAST ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA AS SHOWN BY PLAT BOOK B, AT PAGE 261 IN THE OFFICE OF THE RECORDER OF SAID COUNTY;

WHEREAS, it is necessary to hold a public hearing prior to acting upon a purchase/redevelopment agreement for said property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that:
Section 1: That a public hearing shall be held on June 19, 2023 at 6:00 p.m., at Newton City Hall, 101 West 4th Street South, to receive and accept purchase proposals and Public Notice in substantially the following form shall be given:

PUBLIC NOTICE

The City Council of Newton, Iowa will hold a Public Hearing at 6:00 p.m. on June 19, 2023, at Newton City Hall, 101 West 4th Street South, regarding the sale of the following property at 524 South 4th Avenue East, legally described as: LOT 5 AND THE WEST HALF OF LOT 6 IN BLOCK E OF SOUTHEAST ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA AS SHOWN BY PLAT BOOK B, AT PAGE 261 IN THE OFFICE OF THE RECORDER OF SAID COUNTY. Offers shall be submitted by 10:00 a.m. on June 1, 2023, to the Newton Community Development Department; 403 West 4th Street North, Suite 501, Newton, Iowa 50208. Additional information about the property and the process for submitting a proposal is available at the Community Development Department, (641)-792-6622. At said Hearing, interested persons may be heard in support of or opposition to said option agreement.

Section 2: That following the Public Hearing, City Council may select the proposal which is in the best interest of the City Newton.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution setting a public hearing for the sale of City-owned property at 309 South 8th Avenue West in Newton, Jasper County, Iowa

Summary:

This resolution sets a date for a public hearing to hear offers on the City-owned property.

Financial Impact:

None.

Report Number: 2023-576**Date:**

May 15, 2023

Lead Department:

Community Development

Recommendation:**Background:**

The City of Newton has acquired the subject property through the Newton D&D program. There has been expressed interest in the lot.

This resolution sets a public hearing for June 19, 2023 to act on a possible purchase/redevelopment agreement.

Offers must be received by 10:00 AM on June 1, 2023 to be considered.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

RESOLUTION SETTING A PUBLIC HEARING FOR THE SALE OF CITY-OWNED PROPERTY AT 309 SOUTH 8TH AVENUE WEST IN NEWTON, JASPER COUNTY, IOWA

WHEREAS, the City of Newton owns a property located at 309 South 8th Avenue West, legally described as: PART OF LOTS 5, 6, AND 7 IN LAMBERT’S SUBDIVISION IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 19 WEST OF THE 5TH P.M., IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, DESCRIBED AS: COMMENCING AT A POINT 20 FEET NORTH AND 138 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7 IN LAMBERT’S SUBDIVISION, RUN THENCE WEST TO THE WEST LINE OF SAID LOT 7, THENCE RUN NORTH TO THE SOUTH LINE OF SOUTH 8TH AVENUE WEST, AS NOW LOCATED, THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG SAID SOUTHERLY LINE TO SAID AVENUE TO A POINT DUE NORTH OF PLACE OF BEGINNING, RUN THENCE SOUTH TO PLACE OF BEGINNING.
;

WHEREAS, it is necessary to hold a public hearing prior to acting upon a purchase/redevelopment agreement for said property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that:
Section 1: That a public hearing shall be held on June 19, 2023 at 6:00 p.m., at Newton City Hall, 101 West 4th Street South, to receive and accept purchase proposals and Public Notice in substantially the following form shall be given:

PUBLIC NOTICE

The City Council of Newton, Iowa will hold a Public Hearing at 6:00 p.m. on June 19, 2023, at Newton City Hall, 101 West 4th Street South, regarding the sale of the following property at 309 South 8th Avenue West, legally described as: PART OF LOTS 5, 6, AND 7 IN LAMBERT’S SUBDIVISION IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 80 NORTH, RANGE 19 WEST OF THE 5TH P.M., IN THE CITY OF NEWTON, JASPER COUNTY, IOWA, DESCRIBED AS: COMMENCING AT A POINT 20 FEET NORTH AND 138 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT 7 IN LAMBERT’S SUBDIVISION, RUN THENCE WEST TO THE WEST LINE OF SAID LOT 7, THENCE RUN NORTH TO THE SOUTH LINE OF SOUTH 8TH AVENUE WEST, AS NOW LOCATED, THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG SAID SOUTHERLY LINE TO SAID AVENUE TO A POINT DUE NORTH OF PLACE OF BEGINNING, RUN THENCE SOUTH TO PLACE OF BEGINNING. Offers shall be submitted by 10:00 a.m. on June 1, 2023, to the Newton Community Development Department; 403 West 4th Street North, Suite 501, Newton, Iowa 50208. Additional information about the property and the process for submitting a proposal is available at the Community Development Department, (641)-792-6622. At said Hearing, interested persons may be heard in support of or opposition to said option agreement.

Section 2: That following the Public Hearing, City Council may select the proposal which is in the best interest of the City Newton.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Disbursements 5-16-23

Vendor	Department	Description	Amount
A&A Concrete LLC	Street/P&Z RESO 2023-049	Service	\$ 43,653.93
Acushnet Company	Golf	Merchandise	\$ 561.85
Air Cleaning Technologies	Fire	Service	\$ 337.80
Alliant Energy/IPL	All	Utilities	\$ 32,498.39
Amazon Capital Services	All	Supplies	\$ 1,587.62
American Legal Publishing Corporation	Administration	Service	\$ 450.00
Arrowhead Forensics	Police	Supplies	\$ 80.32
Axon Enterprise Inc	Police	Training	\$ 495.00
Barney's Services Inc	Fire	Service	\$ 65.00
Bituminous Materials & Supply	Street	Supplies	\$ 2,377.74
Bolton & Menk Inc	All	Service	\$ 22,393.50
Bound Tree Medical LLC	Fire	Supplies	\$ 96.80
C. H. McGuiness Co Inc	Water Pollution Control	Supplies	\$ 338.75
Caldwell Brierly & Chalupa PLLC	D&D Program	Services	\$ 1,032.50
Capital City Equipment	Traffic Control	Supplies	\$ 330.00
Cappy's Tire & Auto Service	Parks	Service	\$ 27.55
Card Services	All	Supplies	\$ 3,440.75
CDW Government Inc	Administration/Library	Service	\$ 2,130.00
Chamber of Commerce	Executive	Service	\$ 300.00
Cintas	All	Supplies	\$ 744.34
Con-Struct Inc	Airport RESO 2020-111	Service	\$ 33,025.84
Contech Engineered Solutions	Storm Water	Supplies	\$ 591.76
D & K Products	All	Supplies	\$ 5,281.45
Dell Marketing L.P.	Engineering	Supplies	\$ 771.40
Des Moines Steel Fence	Parks RESO 2022-341	Service	\$ 3,774.16
Diamond Vogel Inc	Parks	Supplies	\$ 60.40
Dorsey & Whitney LLP	N Central TIF/Sport Ent TIF	Service	\$ 3,032.00
EZ Lease	Fire/WPC	Supplies	\$ 245.01
Fastenal	Cemetery/Parks	Supplies	\$ 115.73
Forbes Office Solutions	All	Service	\$ 976.76
Fox Epoxy	Fire RESO 2023-110	Service	\$ 34,800.00
Galls LLC	Fire/Police	Supplies	\$ 1,112.94
Gilbert Lawn Care and Snow Removal LLC	City Center/Library	Service	\$ 1,748.00
Gralnek-Dunitz	City Garage	Supplies	\$ 24.50
Gregg Young Auto Center	Police	Service	\$ 2,403.82
Harden, Jacob	Police	Reimbursement	\$ 42.32
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,093.72
Heisdorffer, Michele	Finance	Reimbursement	\$ 101.50
Heisdorffer, Rex	Fire	Reimbursement	\$ 557.51
HILTI Inc	Storm Water	Supplies	\$ 71.72
HLW Engineering Group	Landfill	Supplies	\$ 5,570.00
Hornung's	Golf	Merchandise	\$ 176.33
I & S Group Inc	WW Clubhouse RESO 2023-013	Service	\$ 50,320.88
IMFOA Cert Review Committee	Administration	Cert	\$ 50.00
Int'l Institute of Muni Clerks	Executive	Membership	\$ 185.00
Iowa Association of Municipal Utilities	Water Pollution Control	Training	\$ 120.00
Iowa Department of Transportation	Eng/Traffic Control	Supplies	\$ 5,369.93
Iowa Golf Association	Golf	Membership	\$ 330.00
Iowa One Call	Engineering/WPC	Service	\$ 584.60
Iowa State University Registration	Finance	Training	\$ 384.00
JETCO Inc	Water Pollution Control	Service	\$ 565.00

Johnson Aviation	Airport	Reimb	\$ 1,822.46
Jones, Russ	Sewer/Storm Water/Recycling	Refund	\$ 292.09
JPATS/USMS	Police	Service	\$ 3,106.00
Key Cooperative	All	Supplies	\$ 12,300.94
Keystone Labs	Water Pollution Control	Service	\$ 4,533.40
Kiesler's Police Supply	Police	Supplies	\$ 3,689.85
Kikis	Executive	Service	\$ 2,205.00
Liberty Tire Services LLC	Landfill	Service	\$ 1,447.58
Lyman, Rick	Police	Service	\$ 382.19
M2C Inc	Water Pollution Control	Supplies	\$ 2,598.40
Magnum Automotive	Fire/Police	Service	\$ 1,495.66
Mahaska Bottling Co	Golf	Concessions	\$ 1,009.80
Manatts - D.M.	All	Supplies	\$ 5,070.87
Martin Marietta Materials	Street	Supplies	\$ 440.51
Maxim Advertising	Administration	Service	\$ 79.85
McCall Monument	Cemetery	Supplies	\$ 415.00
Mediacom	Golf	Utilities	\$ 129.95
Menards-Altoona	Parks	Supplies	\$ 167.84
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 373.11
Mid Country Machinery	Landfill	Supplies	\$ 5,001.74
MTI Distributing Inc	Parks	Supplies	\$ 1,137.54
Murphy Tractor & Equipment	Landfill	Supplies	\$ 411.10
NAPA Auto Parts	All	Supplies	\$ 1,328.18
News Printing Company	All	Supplies	\$ 3,390.05
Newton Clinic	Fire	Service	\$ 235.60
Parkview Animal Hospital	Animal Control	Service	\$ 2,925.00
Phelps Uniform Specialists	City Center/Fire	Service	\$ 113.25
Premier Office Equipment	Police	Service	\$ 381.67
Quick Supply Company	Landfill	Supplies	\$ 872.50
Quill Corporation	Police	Supplies	\$ 21.25
Reeves Heating & Cooling	City Center/Maytag Pool	Service	\$ 909.18
Schwarz, Shane	Water Pollution Control	Reimb	\$ 64.00
Security Equipment Inc	City Center	Service	\$ 184.00
Sign Pro	All	Supplies	\$ 517.00
Smith Quality Rental	Fire	Supplies	\$ 6,369.96
Spahn & Rose Lumber Co	All	Supplies	\$ 1,115.01
Springer Professional Home Services	All	Service	\$ 247.50
Stanard & Associates	Police	Supplies	\$ 36.00
Stivers Midwest Pro Upfitters	Police	Supplies	\$ 4,013.26
Streichers	Police	Supplies	\$ 37.39
Terracon Consultants Inc	N Central TIF/WPC	Supplies	\$ 3,852.50
The Rawlings Company LLC	Fire	Refund	\$ 551.17
The Scale Guys LLC	Landfill	Service	\$ 500.00
Theisen's	All	Supplies	\$ 1,190.98
Town & Country Wholesale Co	Golf	Concessions	\$ 628.93
True Pitch Inc	Parks	Supplies	\$ 384.85
True Value Hardware	All	Supplies	\$ 307.91
TSP Architecture Engineering Planning	City Center	Service	\$ 3,840.00
Two Rivers Cooperative	All	Fuel	\$ 8,560.33
United Healthcare	Fire	Refund	\$ 833.30
United Public Safety	Police	Postage	\$ 9.96
United States Cellular	All	Utilities	\$ 1,185.58
UnityPoint Clinic-Occupational	All	Service	\$ 84.00
Utility Equipment Co	Water Pollution Control	Supplies	\$ 2,230.92
Van Wall Equipment	Cemetery/WPC	Supplies	\$ 632.52

Volk, Ryan	Fire	Reimbursement	\$ 2,920.13
Warnick Mechanical	Golf/Maytag Pool	Service	\$ 582.00
Waste Solutions of Iowa	Golf/Parks	Service	\$ 701.00
Water Department	All	Utilities	\$ 11,548.05
Windstream	Police	Utilities	\$ 199.81
Woodruff Construction LLC	2021 Sewer Bonds RESO 2022-285	Service	\$ 241,988.99
WPS GHA - MAC J5 Part B	Fire	Refund	\$ 1,699.02
Grand Totals:			\$ 621,731.75

Pre-Authorized Payments

AT & T Mobility	Landfill/Police	Utilities	\$ 1,077.30
Beverage Distributors	Golf	Concessions	\$ 400.09
Black Hills Energy	All	Utilities	\$ 3,680.81
Doll Distributing LLC	Golf	Concessions	\$ 607.96
Driving Cap Entertainment	Community Marketing	Service	\$ 100.00
Gezellig Brewing Co	Golf	Concessions	\$ 152.00
Iowa Beverage Systems	Golf	Concessions	\$ 595.00
Johnson Brothers of Iowa	Golf	Concessions	\$ 557.70
Newton Elite Properties LLC	1st Ave E TIF - Tax Rebate	Rebate	\$ 5,180.35
Newton Senior Residence	N Central TIF - Tax Rebate	Rebate	\$ 25,000.00
Windstream	All	Utilities	\$ 1,091.33
Total			\$ 38,442.54

ACH Payments from Great Southern Bank

Advantage Credit Union	All	Insurance	\$ 13,635.00
Bank Iowa	All	Insurance	\$ 4,185.00
Great Southern Bank	All	Insurance	\$ 270.00
Kabel	All	Insurance	\$ 50.00
Payroll 4-14-23	All	Payroll	\$ 378,893.11
Payroll 4-28-23	All	Payroll	\$ 388,701.46
Mutual of Omaha	All	Insurance	\$ 5,063.60
Great Southern Bank	Golf	Fees	\$ 1,034.14
Met Life Dental	All	Insurance	\$ 10,544.19
State of Iowa	General	Sales Tax	\$ 6,005.80
Wellmark BC/BS	All	Insurance	\$ 177,520.75
Total:			\$ 985,903.05

Newton Waterworks Disbursements 5-16-23

Vendor	Department	Description	Amount
AIR PRODUCTS AND CHEMICALS INC.	Waterworks	SUPPLIES	\$ 3,065.75
ALLIANT ENERGY ACCOUNT PAYABLE	Waterworks	SERVICE	\$ 34,581.21
BOLTON & MENK, INC.	Waterworks	SERVICE	\$ 510.00
CHAMBERLAIN, ALLISON	Waterworks	REFUND	\$ 4.05
CITY OF NEWTON	Waterworks	SERVICE	\$ 23,790.53
CONRAD, MARTIN	Waterworks	REFUND	\$ 28.10
DIAMOND VOGEL PAINTS	Waterworks	SUPPLIES	\$ 286.45
FAREWAY STORES	Waterworks	SUPPLIES	\$ 23.50
FARVER TRUE VALUE	Waterworks	SUPPLIES	\$ 212.29
FETTERS, ANGELA & ANTHONY	Waterworks	REFUND	\$ 59.17
HACH CHEMICAL COMPANY	Waterworks	SUPPLIES	\$ 94.06
HAWKINS INC	Waterworks	SUPPLIES	\$ 5,842.46
HOTSY CLEANING SYSTEMS	Waterworks	SUPPLIES	\$ 202.50
IOWA ONE CALL	Waterworks	SERVICE	\$ 305.50
JASPER CONSTRUCTION SERVICES	Waterworks	SUPPLIES	\$ 185.52
JONES, RUSS	Waterworks	REFUND	\$ 180.67
KEY COOPERATIVE	Waterworks	SUPPLIES	\$ 247.20
MANATTS	Waterworks	SUPPLIES	\$ 394.50
MARTIN'S FLAG CO., INC.	Waterworks	SUPPLIES	\$ 56.39
MCCLURG, HILLARY & CHRIS	Waterworks	REFUND	\$ 40.00
MICROBAC LABORATORIES, INC	Waterworks	SERVICE	\$ 253.50
MISSISSIPPI LIME COMPANY	Waterworks	SUPPLIES	\$ 19,243.58
MUNICIPAL SUPPLY INC	Waterworks	SUPPLIES	\$ 1,361.29
PIPE PROS PLUMBING	Waterworks	SERVICE	\$ 4,043.39
REDENIUS, JACK BINNS & TAYLOR	Waterworks	REFUND	\$ 13.10
SPAHN & ROSE LUMBER CO	Waterworks	SUPPLIES	\$ 49.13
SPRAYER SPECIALTIES INC.	Waterworks	SUPPLIES	\$ 227.87
STATE HYGIENIC LABORATORY	Waterworks	SUPPLIES	\$ 20.00
THEISEN'S	Waterworks	SUPPLIES	\$ 269.31
US CELLULAR	Waterworks	SERVICE	\$ 310.82
VAN WERT INC.	Waterworks	SERVICE	\$ 8,557.50
VISA	Waterworks	SUPPLIES	\$ 212.73
WELLS FARGO	Waterworks	SERVICE	\$ 201.71
WICKMAN, NAOMI TAMUTY & JASPER	Waterworks	REFUND	\$ 21.41
WINDSTREAM	Waterworks	SERVICE	\$ 1,008.85
WINDSTREAM COMMUNICATIONS, INC	Waterworks	SERVICE	\$ 212.50
WONDERS, MARISSA	Waterworks	REFUND	\$ 19.55
ZIEGLER INC	Waterworks	SERVICE	\$ 13,976.70

TOTAL:

\$ 120,112.79

City of Newton Council Report

**Item:**

Public Hearing on a Resolution approving the preliminary plat of Arbor Estates Second Addition in the City of Newton, Jasper County, Iowa

Summary:

Arbor Estates Second Addition is a 23-lot subdivision located in northeast Newton, consisting of connections to E. 23rd St. N. and E. 26th St. N.

Financial Impact:

None.

Report Number: 2023-523

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

Arbor Estates Second Addition is a proposed 23-lot residential subdivision located in northeast Newton, generally between N. 11th Ave. E. and N. 8th Ave. E. in the 2200 – 2500 blocks. The location of the subject property is the approximate east half of Parcel # 0826426008.

The subject property is within the R-1: Single-Family, R-2: One- and Two-Family, and R-3: Mixed Residential zoning districts. Each lot exceeds the minimum bulk zoning requirements of these three zoning districts.

The project area drains (generally) outward away from the proposed rights-of-way locations towards rear yards. The preliminary plat includes dedicated areas to be reserved for storm sewer and storm water flowage easements in addition to the grading work already completed/to be scheduled. The Newton City Engineer designed and reviewed the preliminary plat, and has provided approval for the design.

Envision Newton 2042, the adopted comprehensive plan, recognizes the area as mostly low density residential with medium density residential potentially along N. 11th Ave. E. Housing is an integral component of community development and growth, and it was considered a top priority by Newton residents throughout the comprehensive planning process. Therefore, it was established as a foundation for *Envision Newton 2042*, and in fact, an entire study and housing assessment was created as part of the process. Various goals are tied directly to housing and the overarching strategic objective of growing Newton's population and supporting new housing.

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

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

First, the preliminary plat process involves a review and approval of the basic layout of the subdivision, along with an evaluation of the design of public improvements. In this instance, the public

improvements for Arbor Estates Second Addition involves extensions of both East 23rd Street North (connected to North 11th Avenue East) and East 26th Street North (cul-de-sac) and the associated utilities that will be installed within those rights-of-ways. Those public improvements will then be constructed or built out. When the improvements are completed, then the final plat process is presented to the City showing that the improvements were made in accordance with the preliminary plat. Following final plat approval and recording, lots are then available for transfer or sale.

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

Waivers: No waivers from City standards are being requested. Sidewalks would not be installed at the time of the construction of the public improvements, per standard City policy, except for those shown on this preliminary plat that do not abut any future lots. Other sidewalk connections would be constructed at the time individual lots are developed.

Planning and Zoning Commission Review & Recommendation: The Planning and Zoning Commission reviewed the preliminary plat in a public hearing held during their May 2, 2023, meeting. Arbor Estates Second Addition, which is attached, meets and in some areas exceeds city code requirements. As part of the preliminary plat approval, the street and utility connections shall be constructed or built out, the subject property shall be subdivided into 23 new buildable residential lots and 7 out lots which shall be reserved for either wetlands, trail connections, or future subdivision phases.

The Planning and Zoning Commission unanimously approved a motion to recommend approval of the Arbor Estates Second Addition preliminary plat with the understanding that feedback from local utilities and city staff would be addressed prior to City Council review. All comments have been addressed, and the revised version is attached to this report

Recommendation:

City Staff recommends approval of the resolution.

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

Matt Muckler, City Administrator

Outlot ZZ- Arial Photo (Arbor Estates Second Addition is a portion of Outlot ZZ)



RESOLUTION NO. 2023 – _____

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF
ARBOR ESTATES SECOND ADDITION IN THE CITY OF
NEWTON, JASPER COUNTY, IOWA**

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

OUTLOT ZZ, ARBOR ESTATES FIRST ADDITION, JASPER COUNTY, IOWA.

WHEREAS, said plat has heretofore been unanimously recommended for approval by the Planning and Zoning Commission, with conditions, on May 2, 2023, and those conditions were addressed and completed, and

WHEREAS, the proposed subdivision aligns with the recommendations of *Envision Newton 2042*, the city’s adopted comprehensive plan, the City of Newton Subdivision Ordinance, and the City of Newton Zoning Ordinance;

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

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

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

NEWTON HOUSING DEVELOPMENT CORPORATION

PRELIMINARY PLAT FOR

ARBOR ESTATES SECOND ADDITON

MAY 2023

GOVERNING SPECIFICATIONS

THE 2023 EDITION OF THE "IOWA STATEWIDE URBAN SPECIFICATIONS FOR PUBLIC IMPROVEMENTS" (SUDAS) AND 2019 CITY OF NEWTON SUPPLEMENTAL SPECIFICATIONS TO THE 2019 EDITION OF THE SUDAS STANDARD SPECIFICATIONS.

IOWA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR HIGHWAY AND BRIDGE CONSTRUCTION", VERSION OCTOBER 2015 AND ALL CURRENT GENERAL SUPPLEMENTAL SPECIFICATIONS AND MATERIALS INSTRUCTIONAL MEMORANDUM SHALL GOVERN AS REFERENCED.

ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND ORDINANCES WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

MUTCD 2009 AS ADOPTED BY IOWA DEPARTMENT OF TRANSPORTATION.



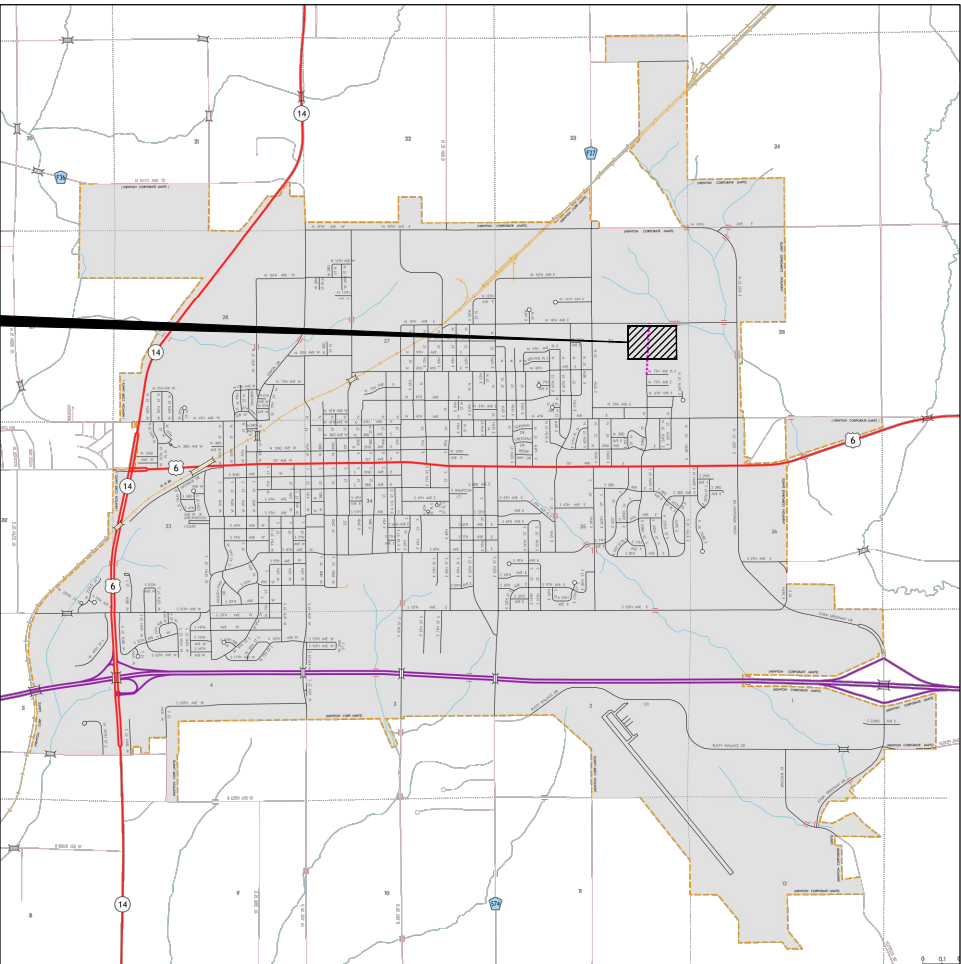
NOTE: EXISTING UTILITY INFORMATION SHOWN ON THIS PLAN HAS BEEN PROVIDED BY THE UTILITY OWNER. THE CONTRACTOR SHALL FIELD VERIFY EXACT LOCATION PRIOR TO COMMENCING CONSTRUCTION AS REQUIRED BY STATE LAW, NOTIFY IOWA ONE CALL 1-800-292-8989

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

PROJECT DATUM

NAD83 IOWA STATE PLANES, SOUTH ZONE, US FOOT (IA83-SF)

PROJECT LOCATION



MAP OF THE
CITY OF NEWTON
JASPER COUNTY, IA

PREPARED FOR

OWNER & DEVELOPER

CITY OF NEWTON
123 W 2ND ST N
NEWTON, IA 50208

PREPARED BY

BOLTON & MENK
309 E 5TH STREET
SUITE 202
DES MOINES, IA 50309

SUBMITTAL DATE

05-15-2023

LEGAL DESCRIPTION

OUTLOT ZZ, ARBOR ESTATES FIRST ADDITION, JASPER COUNTY, IOWA

ZONING

R-1: SINGLE-FAMILY RESIDENTIAL
R-2: ONE AND TWO-FAMILY RESIDENTIAL
R-3: MIXED RESIDENTIAL

SHEET INDEX

SHEET NUMBER	DESCRIPTION	REVISION	DATE ISSUED
A.01	TITLE SHEET	A	05/15/2023
A.02	GENERAL NOTES & TYPICAL SECTIONS	A	05/15/2023
A.03	EXISTING CONDITIONS	A	05/15/2023
A.04	PROPOSED ROADWAY ALIGNMENTS	A	05/15/2023
A.05	PROPOSED ROADWAY ALIGNMENT DATA	A	05/15/2023
A.06	PROPOSED IMPROVEMENTS	A	05/15/2023
A.07	PROPOSED IMPROVEMENTS	A	05/15/2023
A.08	PROPOSED IMPROVEMENTS	A	05/15/2023
A.09	PROPOSED IMPROVEMENTS	A	05/15/2023
A.10	PROPOSED IMPROVEMENTS	A	05/15/2023

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

NAME: JUSTIN E. NIENKER, P.E.
REG. NO. 15745
DATE: 05/15/2023
MY LICENSE EXPIRATION DATE IS DECEMBER 31ST, 2023
PAGES OR SHEETS COVERED BY THIS SEAL:
ALL SHEETS

PRELIMINARY NOT FOR CONSTRUCTION

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P:\NEWTON\IA\127449\127449-1\CD\127449-1.dwg 5/14/2023 11:07 AM

REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023



430 E GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
Phone: (515) 259-9190
Email: DesMoines@bolton-menk.com
www.bolton-menk.com



DESIGNED WFK
SEALED JEN
CHECKED JEN
CLIENT PROJ. NO. 0A1.127449

CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
TITLE SHEET

SHEET
A.01

GENERAL NOTES:

1.

ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS SHOWN, OR LOCATED WITHIN UTILITY CORRIDORS PROVIDED FOR BY THE CITY'S 'USE OF CITY RIGHTS-OF-WAY BY RIGHT-OF-WAY USERS' ORDINANCE.
2.

VEHICLE PARKING WILL BE PROHIBITED ALONG THE NORTH AND EAST SIDES OF ALL STREETS. VEHICLE PARKING WILL BE PROHIBITED ALONG BOTH SIDES OF THE CURVED CONNECTION AT THE EAST END.
3.

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.
4.

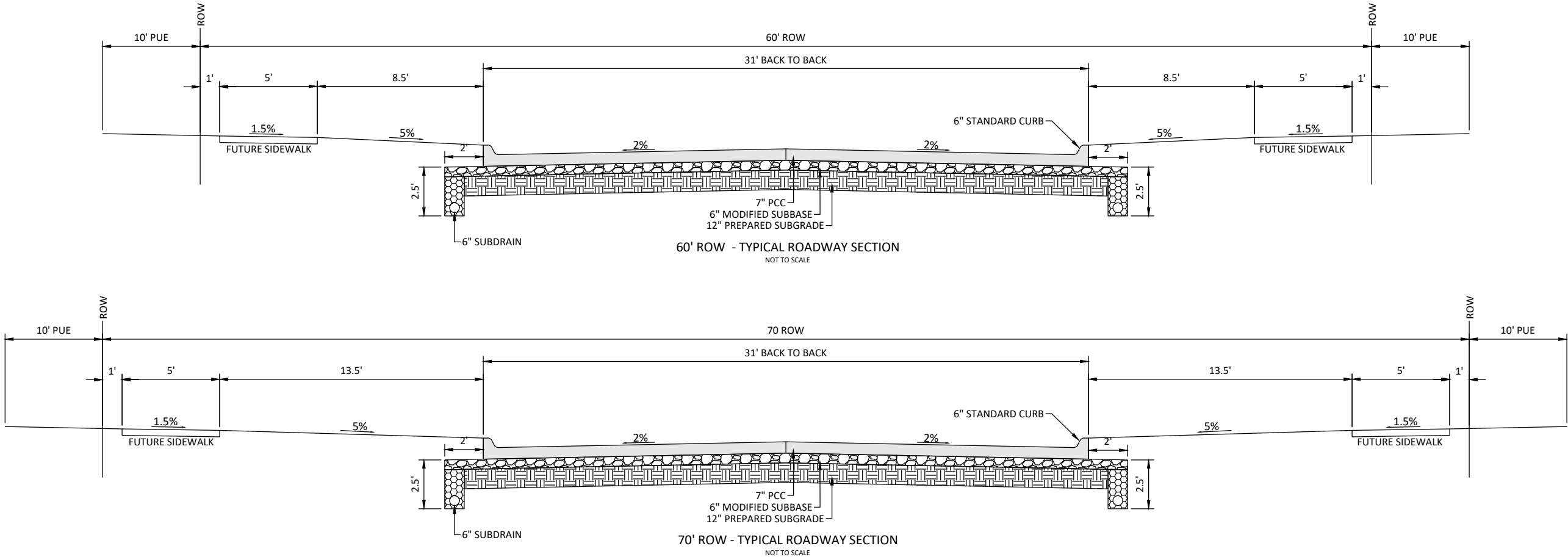
OUTLOT A IS SET ASIDE FOR STORM WATER DETENTION.
5.

CENTRAL IOWA IS A REGION UNDERLAIN BY CLAYEY SOILS WHICH ALLOW FOR A SHALLOW PERCHED GROUNDWATER TABLE. DURING WET PERIODS OF WEATHER, THE GROUNDWATER LEVEL MAY BE LESS THAN SIX FEET BELOW THE SURFACE. THIS CAN RESULT IN GROUNDWATER SEEPING AND FLOWING INTO BELOW GRADE LIVING AND STORAGE AREAS THAT ARE NOT EQUIPPED WITH SUMP PUMPS OR OTHER DEWATERING MECHANISMS.
6.

STRUCTURES, BUILDINGS & UTILITIES SHALL BE DESIGNED AND CONSTRUCTED TO PREVENT GROUNDWATER AND STORM RUNOFF FROM ENTERING INTO THE SANITARY SEWER SYSTEM.

LEGEND

EXISTING		PROPOSED	
	CENTERLINE		ALIGNMENT/CENTERLINE
	PROPERTY / LOT LINE		RIGHT-OF-WAY LINE
	EASEMENT LINE		WATERMAIN
	ROAD RIGHT-OF-WAY LINE		STORM SEWER
	WATER SYSTEM		SANITARY SEWER
	STORM SEWER		SANITARY MANHOLE
	SANITARY SEWER		MANHOLE
	TILE LINE		STORM INLET
	OVERHEAD ELECTRIC LINE		APRON
	UNDERGROUND ELECTRIC LINE		WATER SYSTEM MANHOLE
	GAS LINE		HYDRANT
	FIBER OPTIC LINE		VALVE
	UNDERGROUND COMMUNICATIONS LINE		BEND
	OVERHEAD UTILITY LINE		TEE
	FENCE LINE		PUBLIC UTILITY EASEMENT
	CITY LIMITS		STORM SEWER & STORM WATER FLOWAGE EASEMENT
	TREE LINE EDGE		SHARED PEDESTRIAN ACCESS AND STORM SEWER EASEMENT
	GRAVEL EDGE		PEDESTRIAN ACCESS EASEMENT
	BITUMINOUS EDGE		
	CONCRETE EDGE		
	CURB & GUTTER		



REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023



**BOLTON
& MENK**

430 E GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
Phone: (515) 259-9190
Email: DesMoines@bolton-menk.com
www.bolton-menk.com



DESIGNED WFK
SEALED JEN
CHECKED JEN
CLIENT PROJ. NO. 0A1.127449

CITY OF NEWTON, IOWA	SHEET
ARBOR ESTATES SECOND ADDITION	A.02
GENERAL NOTES & TYPICAL SECTIONS	



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NEW IAWA 127449A.DWG 5/4/2023 10:53 AM



REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023



**BOLTON
& MENK**

430 E GRAND AVENUE, SUITE 101
DES MOINES, IOWA 50309
Phone: (515) 259-9190
Email: DesMoines@bolton-menk.com
www.bolton-menk.com



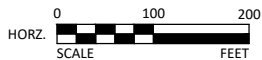
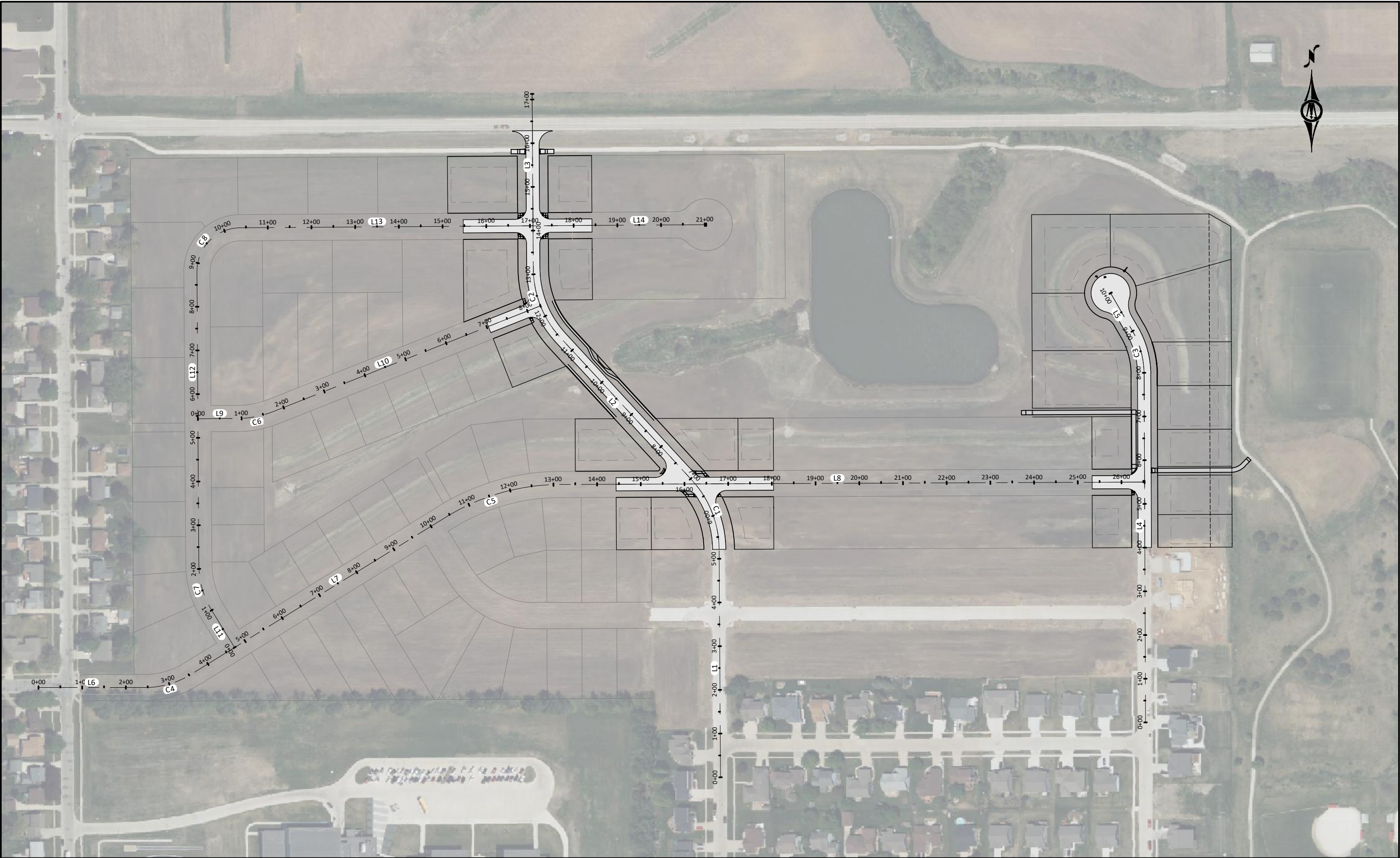
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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
EXISTING CONDITIONS

SHEET

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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED ROADWAY ALIGNMENTS

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E 26TH STREET N - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C1	173.651	(1770503.28,622399.83)	(1770441.03,622557.73)	5+22.01	6+95.66	NORTH21° 30' 58.16"WEST
C2	173.533	(1770140.25,622883.85)	(1770078.00,623041.63)	11+39.30	13+12.84	NORTH21° 31' 49.68"WEST
L1	522.010	(1770506.44,621877.83)	(1770503.28,622399.83)	0+00	5+22.01	N0° 20' 49.66"W
L2	443.642	(1770441.03,622557.73)	(1770140.25,622883.85)	6+95.66	11+39.30	N42° 41' 06.67"W
L3	400.000	(1770078.00,623041.63)	(1770075.38,623441.62)	13+12.84	17+12.84	N0° 22' 32.69"W

E 26TH STREET N - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C3	103.894	(1771475.90,622800.25)	(1771449.11,622899.43)	7+96.80	9+00.69	NORTH15° 07' 05.90"WEST
L4	796.800	(1771479.19,622003.46)	(1771475.90,622800.25)	0+00	7+96.80	N0° 14' 11.79"W
L5	100.000	(1771449.11,622899.43)	(1771399.11,622986.03)	9+00.69	10+00.69	N30° 00' 00.00"W

N 9TH AVENUE E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C4	110.509	(1769188.95,622083.20)	(1769293.92,622112.96)	2+43.29	3+53.80	NORTH74° 10' 23.02"EAST
C5	274.188	(1769878.67,622473.49)	(1770139.02,622547.88)	10+40.76	13+14.95	NORTH74° 03' 12.91"EAST
L6	243.291	(1768945.66,622083.21)	(1769188.95,622083.20)	0+00	2+43.29	S89° 59' 51.58"E
L7	686.961	(1769293.92,622112.96)	(1769878.67,622473.49)	3+53.80	10+40.76	N58° 20' 37.62"E
L8	1337.915	(1770139.02,622547.88)	(1771476.92,622553.40)	13+14.95	26+52.86	N89° 45' 48.20"E

N 9TH AVENUE PLACE E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C6	85.171	(1769400.67,622698.85)	(1769483.80,622714.99)	0+90.21	1+75.39	NORTH79° 00' 56.52"EAST
L9	90.214	(1769310.46,622698.26)	(1769400.67,622698.85)	0+00	0+90.21	N89° 37' 27.31"E
L10	656.781	(1769483.80,622714.99)	(1770094.49,622956.69)	1+75.39	8+32.17	N68° 24' 25.73"E

N 10TH STREET E - ALIGNMENT DATA						
NUMBER	LENGTH (FT)	START POINT (EASTING, NORTHING)	END POINT (EASTING, NORTHING)	START STATION	END STATION	LINE / CHORD DIRECTION
C7	109.189	(1769342.41,622259.37)	(1769312.65,622363.02)	0+99.18	2+08.37	NORTH16° 00' 57.54"WEST
C8	157.080	(1769308.25,623034.71)	(1769407.59,623135.37)	8+80.08	10+37.16	NORTH44° 37' 27.31"EAST
L11	99.183	(1769394.46,622174.94)	(1769342.41,622259.37)	0+00	0+99.18	N31° 39' 22.38"W
L12	671.706	(1769312.65,622363.02)	(1769308.25,623034.71)	2+08.37	8+80.08	N0° 22' 32.69"W
L13	669.784	(1769407.59,623135.37)	(1770077.36,623139.76)	10+37.16	17+06.94	N89° 37' 27.31"E
L14	396.427	(1770077.36,623139.76)	(1770473.78,623142.36)	17+06.94	21+03.37	N89° 37' 27.31"E

REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023



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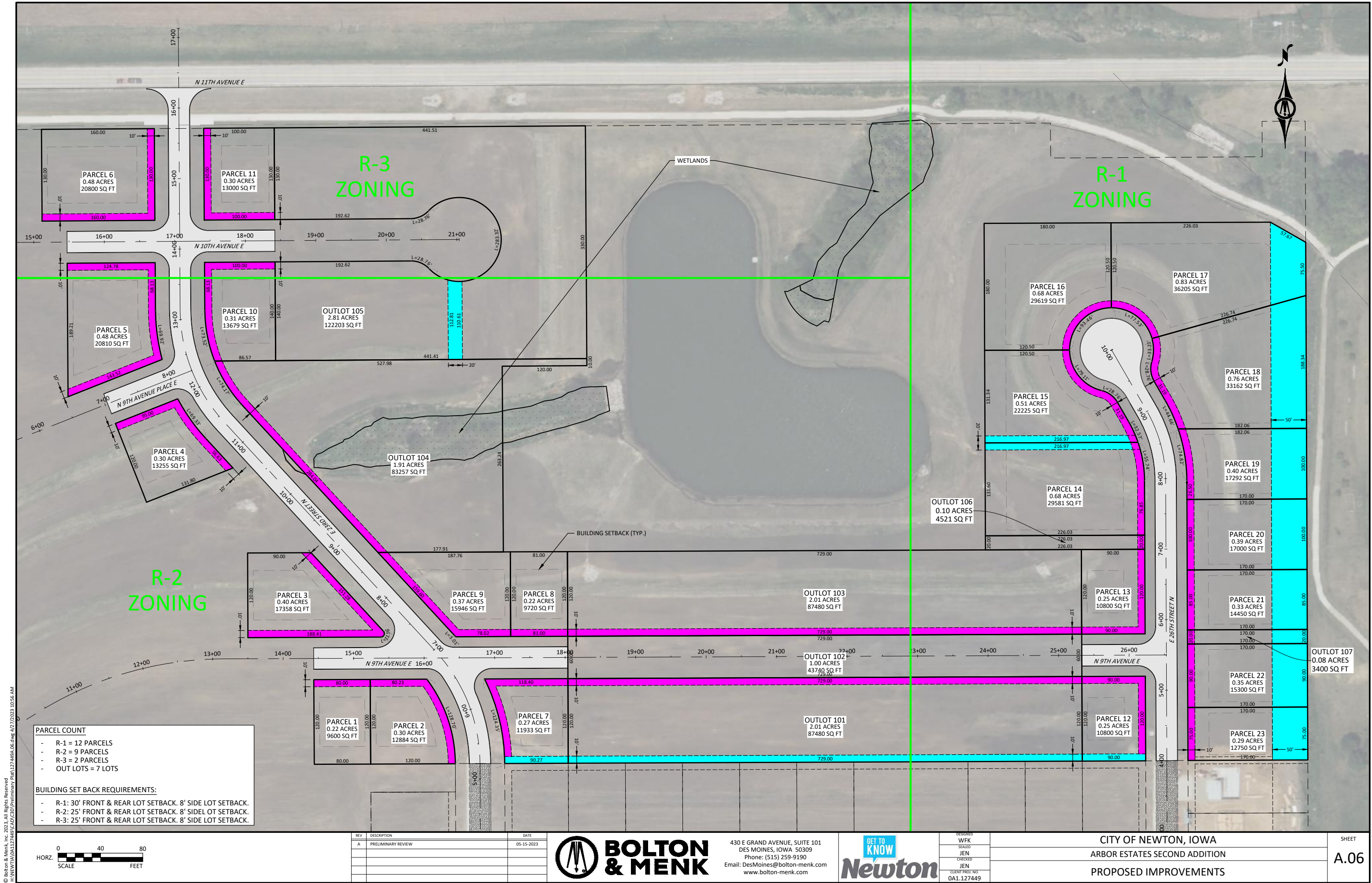
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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED ROADWAY ALIGNMENT DATA

SHEET
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PARCEL COUNT	
-	R-1 = 12 PARCELS
-	R-2 = 9 PARCELS
-	R-3 = 2 PARCELS
-	OUT LOTS = 7 LOTS

BUILDING SET BACK REQUIREMENTS:	
-	R-1: 30' FRONT & REAR LOT SETBACK. 8' SIDE LOT SETBACK.
-	R-2: 25' FRONT & REAR LOT SETBACK. 8' SIDE LOT SETBACK.
-	R-3: 25' FRONT & REAR LOT SETBACK. 8' SIDE LOT SETBACK.

REV	DESCRIPTION	DATE
A	PRELIMINARY REVIEW	05-15-2023

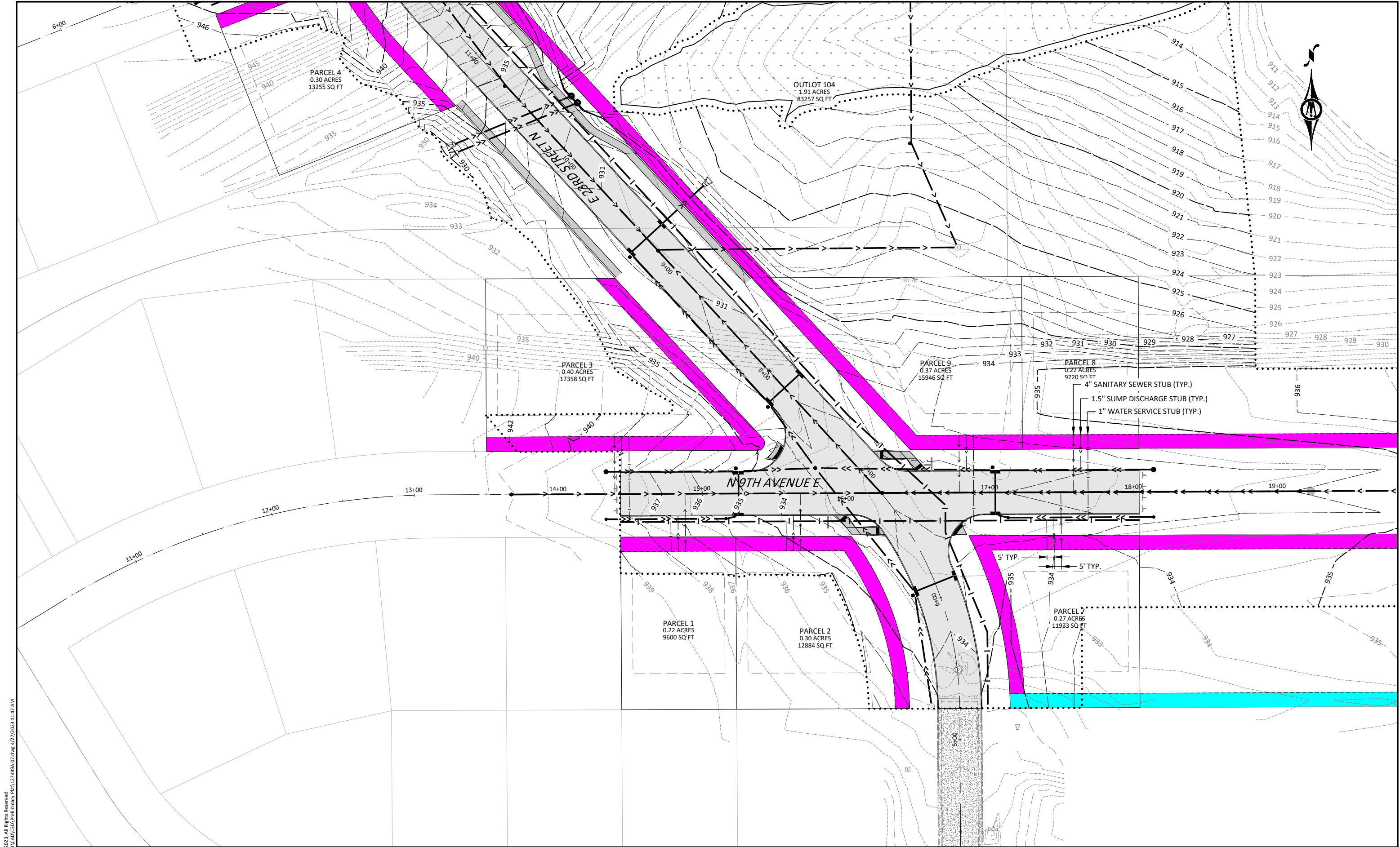


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CITY OF NEWTON, IOWA		SHEET A.06
ARBOR ESTATES SECOND ADDITION		
PROPOSED IMPROVEMENTS		



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CITY OF NEWTON, IOWA
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PROPOSED IMPROVEMENTS

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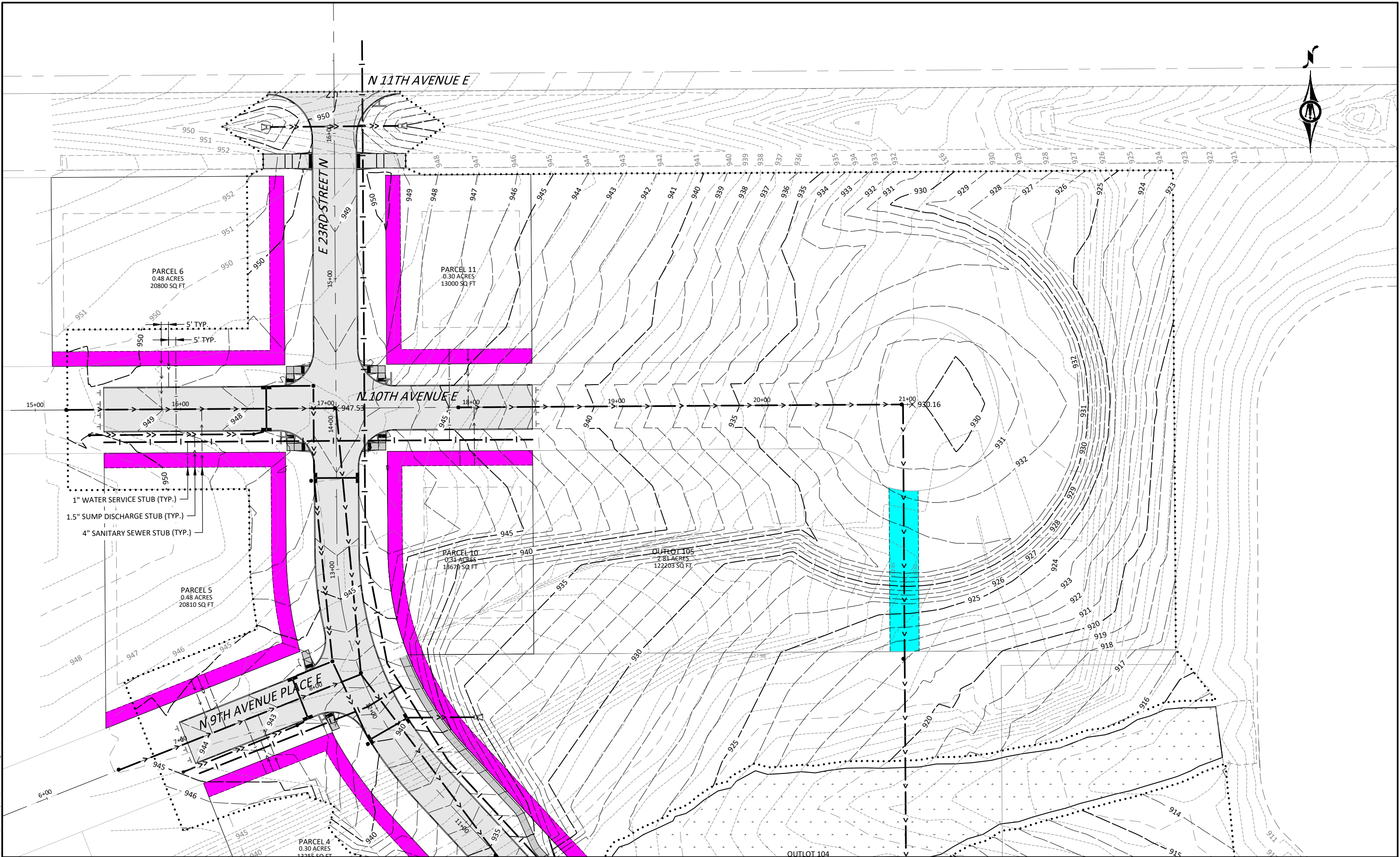
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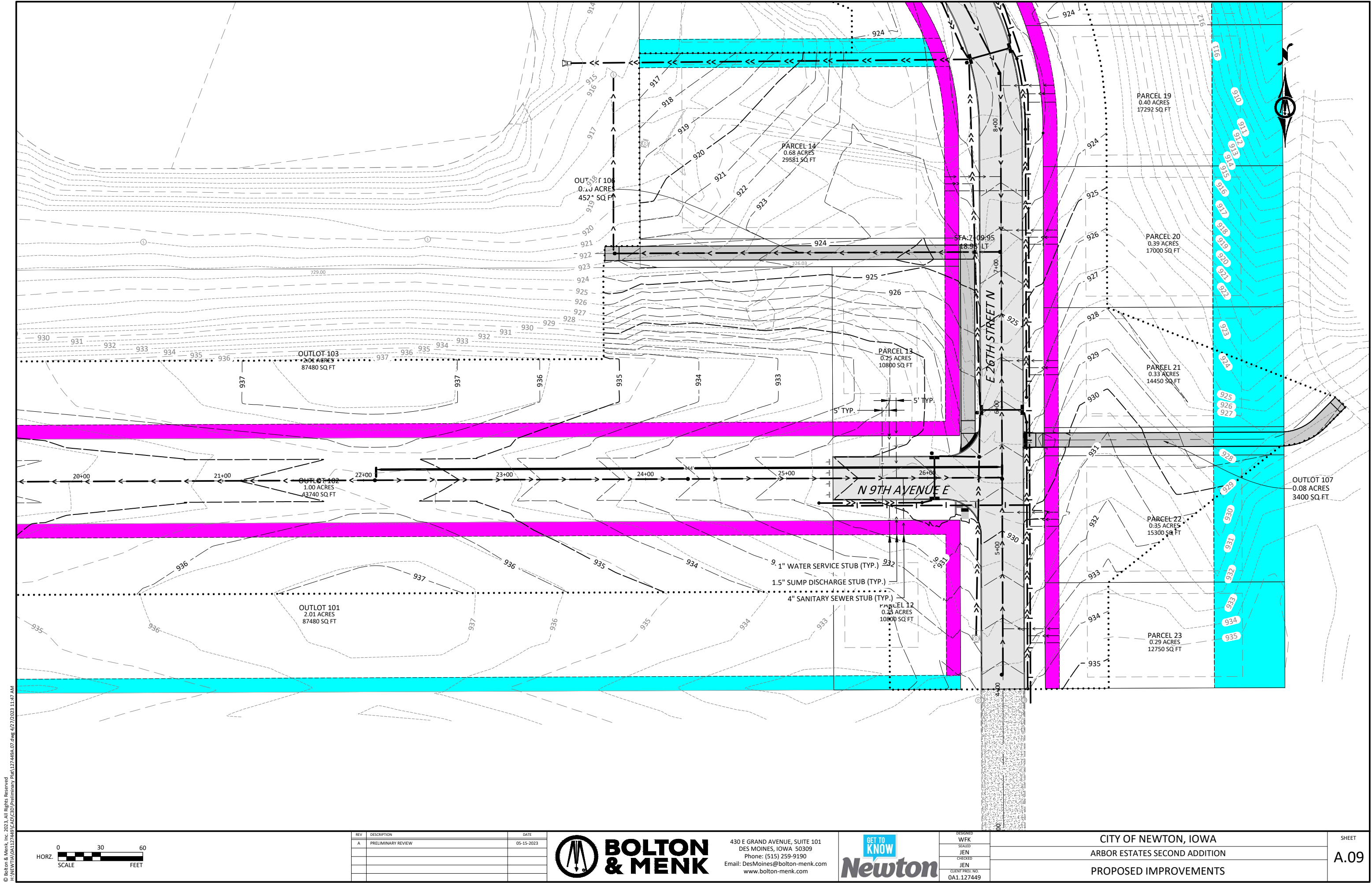


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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED IMPROVEMENTS

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ARBOR ESTATES SECOND ADDITION
PROPOSED IMPROVEMENTS

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CITY OF NEWTON, IOWA
ARBOR ESTATES SECOND ADDITION
PROPOSED IMPROVEMENTS

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City of Newton Council Report

**Item:**

Public Hearing on an Ordinance vacating and disposing of the west 6 feet of the north-to-south street right-of-way of East 6th Street North located in the 1000 block, City of Newton, Jasper County, Iowa.

Summary:

The proposal is to vacate the west 6 feet of the East 6th Street North street right-of-way and attach it to the two abutting properties on the west side.

Financial Impact:

None.

Report Number: 2023-525

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

The proposal is to vacate the west 6 feet of the north-to-south East 6th Street North street right-of-way located in the 1000 block. The two abutting properties include the applicant's property (currently greenspace) and a storage facility to the south. The subject right-of-way was platted as 66 feet in total width which exceeds the Newton Subdivision Code minimum right-of-way width requirement for local streets which is 60 feet. The subject right-of-way to be vacated is indicated by a yellow outline on the aerial map below.

The motivation behind this request is to increase the developable footprint at 1001 East 6th Street North (parcel #0827401004). In addition to this right-of-way vacation request, the applicant also proposed a conveyance of the northwest corner of the subject parcel to the city due to the fact that the roadway currently encroaches across said corner. This acquisition would functionally consolidate the small corner piece into public right-of-way so that the road would not need to be reshaped in the future. While that is a separate process from this vacation request, both are being reviewed concurrently. Pending both processes and additional due diligence, the applicant then plans to explore development at the subject property.

Given that the two property owners to the west have expressed support for the application, staff recommends approval of the requested vacation of the west 6 feet of East 6th Street North right-of-way. Local utilities and several city departments were asked to provide feedback for this application before the meetings. No conflicts were identified, so city staff finds that this particular section of right-of-way serves no public purpose. The proposed vacation will not pose a circulation problem for the block or neighborhood and would assign the west 6 feet of the right-of-way to the two properties adjacent and to the west.

Planning and Zoning Commission: At their meeting on May 2, 2023, the Planning and Zoning Commission unanimously approved a motion to recommend approval of the proposed East 6th Street North street right-of-way vacation and assign the west 6 feet of the subject right-of-way to the two properties adjacent and to the west.

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

Notice of Proposal: The abutting property owners received a letter notification via USPS mail in advance of the Planning and Zoning Commission meeting held on May 2, 2023 (mailed 4/24/2023), and the City Council meeting to be held on May 15, 2023 (mailed 5/4/2023). Notice was also published in the Newton Daily News in advance of the Planning and Zoning Commission meeting on April 25, 2023, and also in advance of the May 15th City Council meeting, Notice was published on May 9, 2023.

Recommendation:

Staff recommends approval.

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

Matt Muckler, City Administrator

Prepared by: City of Newton, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Return to: City Clerk, 101 W 4th St S, Newton, Iowa 50208-0339, 641-792-2787
Address Tax Statements to:
1001 E 6th St. N Newton LLC, 2821 Virginia Place, Des Moines, Iowa 50321

ORDINANCE NO. _____

AN ORDINANCE VACATING AND DISPOSING OF THE WEST 6 FEET OF EAST 6TH STREET NORTH STREET RIGHT-OF-WAY LOCATED IN THE 1000 BLOCK, CITY OF NEWTON, JASPER COUNTY, IOWA.

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

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

That part of existing street right-of-way of East 6th Street North, lying easterly 6 feet and adjacent to Parcels "B of Block 7 AND Parcel "C" of Lot D of Block 8, of EDMUNDSON'S ADDITION, an official plat, all of which is located in the City of Newton, Jasper County, Iowa, as shown on the Plat of Survey recorded in Book 1153, Page 565, and being more particularly described as follows:

Beginning at the northeast corner of said Parcel "B"; thence South 89 degrees 56 minutes 22 seconds East, along the easterly extension of the north line of said Parcel "B", a distance of 6.00 feet; thence South 00 degrees 40 minutes 10 seconds East, a distance of 463.63 feet, to the northeasterly extension of the south line of said Parcel "C"; thence South 59 degrees 49 minutes 48 seconds West, along said northeasterly extension of the south line of Parcel "C", a distance of 6.89 feet, to the west right-of-way line of said East 6th Street North; thence North 00 degrees 40 minutes 10 seconds West, along said west right-of-way line of East 6th Street North, a distance of 467.10 feet, to said easterly extension of the north line of Parcel "B" and the Point of Beginning.

Containing 0.064 acres (2,792 square feet) more or less.

Said parcel is subject to all easements and restrictions.

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

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

1001 E 6th St. N Newton LLC (2821 Virginia Place, Des Moines, Iowa 50321):
The north 407.10 feet of the vacated west 6 feet of the East 6th Street North street right-of-way adjacent to, and to the east of Parcel "B" of Block 7, EDMUNDSON'S ADDITION, an official plat, all of which is located in the City of Newton, Jasper County, Iowa;

CJB Holdings LLC (1214 E. 8th St. N., Newton, Iowa 50208):
The south 60 feet of the vacated west 6 feet of the East 6th Street North street right-of-way adjacent to, and to the east of Parcel "C" of Block 8, EDMUNDSON'S ADDITION, an official plat, all of which is located in the City of Newton, Jasper County, Iowa.

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

§ 428A.2(6).

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

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

Section 6. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

PASSED this ____ day of June 2023.

APPROVED this ____ day of June 2023.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the forgoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2023, and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2023.

Dated this ____ day of _____, 2023.

Katrina Davis, City Clerk

STATE OF IOWA)
) SS
COUNTY OF JASPER)

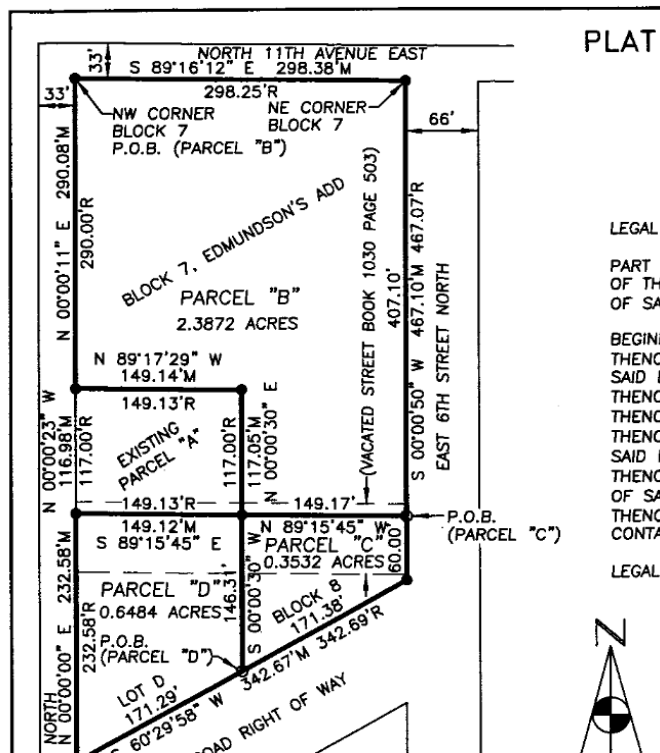
On this ____ day of _____, 2023 before me, the undersigned, a Notary Public in and for the County of Jasper, personally appeared Michael L. Hansen and Katrina Davis, to me personally known, who being by me sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Newton, Iowa; that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of said City of Newton, Iowa, by authority of the City Council; and that said Michael L. Hansen and Katrina Davis, as such officers, acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

Image #1: ROW to be assigned to neighboring parcel



Image #2: Plat



City of Newton Council Report

**Item:**

Third Consideration of an Ordinance Amending the City of Newton Code of Ordinances Chapter 32, Section 32.003 Membership to expand eligibility for persons to serve on the Historic Preservation Commission to include owners of historic properties in the City of Newton

Summary:

An ordinance expanding membership eligibility for the Historic Preservation Commission to include owners of historic properties.

Financial Impact:

None.

Report Number: 2023-383**Date:**

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

At their meeting on April 3, 2023, the Newton Historic Preservation Commission discussed ways to increase interest in the current vacancy on the board. Ultimately, the Newton HPC passed a motion recommending to Council the expansion of eligibility to include persons who own a historic property in Newton.

The Commission believes this will provide an avenue to recruit persons particularly interested in historic property to serve on the Commission.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE NEWTON CITY CODE OF ORDINANCES TO EXPAND ELIGIBILITY FOR PERSONS TO SERVE ON THE HISTORIC PRESERVATION COMMISSION TO INCLUDE OWNERS OF HISTORIC PROPERTIES IN THE CITY OF NEWTON

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

Section 1. Title 3, Chapter 32 shall be amended by adding the underlined text to Section 32.003(A) as follows:

32.003(A) The Commission shall consist of five members who shall reside within the 50208 zip code or who own a historic building inside the City of Newton city limits.

Section 2. 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 3. Amendatory Provisions. The City may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

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

PASSED this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis
City Clerk

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

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2023 and was published in the Newton Daily News, a newspaper of general circulation in the said City

Dated this _____ day of _____, 2023.

Katrina Davis
City Clerk

[illegible]

City of Newton Council Report

**Item:**

First Consideration of an Ordinance Creating Chapter 97 "RAGBRAI Regulations/Permits", Within Title IX of the Code of Ordinances of the City of Newton, Iowa, establishing regulations and a permit structure for RAGBRAI's visit to Newton - July 27, 2023

Summary:

An ordinance establishing temporary regulations and permit structure for RAGBRAI 2023. It is substantially identical to the last RAGBRAI ordinance from 2018. The ordinance will automatically repeal after the event.

Financial Impact:

None.

Report Number: 2023-581

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

Register's Annual Great Bike Ride Across Iowa, widely known as RAGBRAI®, has attracted both Iowans and visitors from all over North America and the world to experience the diverse beauty of our state. In 2023, RAGBRAI® is celebrating its 50th Anniversary ride and expects a record number of riders to participate, especially on the portion of the route from Ames to Des Moines to Tama, which will include a stop in Newton on Thursday, July 27th.

Newton served as an "Overnight Town" in the 2006 and 2018 RAGBRAI® rides and was honored this year to be selected as a "Meeting Town", which provides the riders and their support crews a place to rest, enjoy local food and beverage options, and perform any necessary equipment maintenance.

In order to provide an orderly environment for the estimated 25,000+ visitors arriving in Newton on July 27th, this temporary Ordinance establishes regulations and a permit structure for the organization of events surrounding our community's RAGBRAI® "Meeting Town" visit. The Ordinance will sunset on July 31, 2023. The local RAGBRAI committee has recommended the City establish a local RAGBRAI ordinance, which is substantially identical to the ordinance adopted in advance of the 2018 RAGBRAI visit to Newton.

Recommendation:

Staff recommends approval and recommends waiving the 2nd and 3rd readings of the ordinance, to support timing and planning efforts for the event.

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

Matt Muckler, City Administrator

ORDINANCE NO. _____

ORDINANCE CREATING CHAPTER 97 “RAGBRAI REGULATIONS / PERMITS”, WITHIN TITLE IX, OF THE CODE OF ORDINANCES OF THE CITY OF NEWTON, IOWA, ESTABLISHING REGULATIONS AND A PERMIT STRUCTURE FOR RAGBRAI’S VISIT TO NEWTON – JULY 27, 2023.

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

Section 1. PURPOSE This ordinance is created and enacted to help city officials and citizens deal with the public health and safety problems created by the infusion of a large number of people into the City of Newton when the Des Moines Register's Annual Great Bicycle Ride Across Iowa™ (RAGBRAI®) arrives in the City of Newton on Thursday, July 27, 2023, and departs on Thursday, July 27, 2023. It is estimated that the City of Newton’s population of 15,700, will have an additional 25,000 – 30,000 visitors for an approximate total of 45,000 people in Newton. The arrival of these additional visiting guests in Newton will cause public safety logistic and health related challenges. The purpose of this ordinance is to address some of those public safety logistics and health related challenges.

Section 2. Title IX, Chapter 97, "RAGBRAI REGULATIONS / PERMITS" is hereby created by adding the following new sections:

TITLE IX	GENERAL PROVISIONS
CHAPTER 97	RAGBRAI REGULATIONS / PERMITS

- | | |
|--------------|---|
| 97.01 | RAGBRAI Commercial Vendor Booth |
| 97.02 | RAGBRAI Commercial Vendor Booth Fees |
| 97.03 | RAGBRAI Non-Profit Vendor Booth - Permit Required |
| 97.04 | RAGBRAI Non-Profit Vendor Booth Fees |
| 97.05 | Clean Up |
| 97.06 | Electrical Service |
| 97.07 | Declining Permit |
| 97.08 | Proof of Liability Insurance |
| 97.09 | Glass Containers |
| 97.10 | Regarding Any Iowa Alcoholic Beverages Division Licensing |
| 97.11 | Nuisance |
| 97.12 | Penalties |
| 97.13 | Street Closings |

- 97.01** RAGBRAI Commercial Vendor Booth – Permit Required.
- (A) No person, group, club, organization, corporation or entity of any kind shall provide or sell food/beverages or merchandise/entertainment to the public in Newton on July 27, 2023, at a location other than their regularly-established place of business unless the person has first obtained a RAGBRAI Food Vendor’s Permit or Street Vendor Permit from the City of Newton through the Newton RAGBRAI Committee, via the Chamber of Commerce Office at 403 W 4th Street N, Suite 101 in Newton.
 - (B) The RAGBRAI Vendor Permits shall be granted on condition that the RAGBRAI Vendor locate their sale stand at a location to be determined by the Newton RAGBRAI Vendor Committee; and, all RAGBRAI vendors must show proof of liability insurance. All RAGBRAI food vendors shall comply with the Iowa Department of Health Rules and Regulations governing the sale of food for consumption on the premises and all vendors shall comply with Iowa Department of Revenue Rules and Regulations governing sales.

97.02 RAGBRAI Commercial Vendor Booth Fees.
The fee for a RAGBRAI Vendor’s Permits shall be \$450.00 for a maximum booth size of 25’ wide and 25” deep. No RAGBRAI Vendor Permits shall be issued after July 26, 2023.

- 97.03** RAGBRAI Non-Profit Vendor Booth - Permit Required.
- (A) No Non-Profit of any kind shall provide or sell food/beverages or merchandise/entertainment to the public in Newton on July 27, 2023, at a location other than their regularly-established place of business unless the person has first obtained a RAGBRAI Food Vendor’s Permit or Street Vendor Permit from the City of Newton through the Newton RAGBRAI Committee, via the Chamber of Commerce Office at 403 W 4th Street N, Suite 101 in Newton.
 - (B) The RAGBRAI Vendor Permits shall be granted on condition that the RAGBRAI Vendor locate their sale stand at a location to be determined by the Newton RAGBRAI Vendor Committee; and, all RAGBRAI vendors must show proof of liability insurance. All RAGBRAI food vendors shall comply with the Iowa Department of Health Rules and Regulations governing the sale of food for consumption on the premises and all vendors shall comply with Iowa Department of Revenue Rules and Regulations governing sales.

97.04 RAGBRAI Non-Profit Vendor Booth Fees.
The fee for a RAGBRAI Vendor’s Permits shall be \$200.00 for a maximum booth size of 25’ wide and 25’ deep. No RAGBRAI Vendor Permits shall be issued after July 26, 2023.

97.05 Clean Up.
All RAGBRAI vendor permit holders are responsible to leave their assigned areas in good order, all trash,

garbage, and associated items are to be picked up and removed at the time of departure, but no later than 3:00 p.m. on July 27, 2023.

97.06 Electrical Service.

The fee for providing electrical service to each booth shall be \$100.00 per booth. Additional charges may apply if more than basic electrical needs are requested.

97.07 Declining Permit.

The Newton RAGBRAI Committee shall have sole discretion to decline to issue a permit for any reason, provided, however, that no applicant for a permit shall be denied based upon the race, creed, color, sex, age, religion, or country of origin of the applicant.

97.08 Proof of Liability Insurance.

- (A) Certificate of Insurance issued by an insurance company licensed to do business in the State of Iowa, providing comprehensive or commercial liability insurance with a minimum of \$500,000 combined single limit coverage for the injury or death of any person, for the damage to property of others and for acts of negligence by the RAGBRAI permit holder, permit holder's agent(s), or employees, while participating in market activities. Said Certificate shall require notice to the City, in conformity with general city standards for Certificates of Insurance, in the event the underlying policy of insurance is canceled for any reason. Termination of insurance coverage, as required by this section, shall immediately revoke RAGBRAI permit holder's, permit holder's agent's, or employees' right to operate under this ordinance
- (B) Certificates or copies of said policies, naming the City of Newton and the Newton RAGBRAI Committee, Newton Community Events, Inc. and the Newton Chamber of Commerce as additional insureds, and providing for fifteen (15) days' notice to the City of Newton and the Newton RAGBRAI Committee, Newton Community Events, Inc., and the Newton Chamber of Commerce before cancellation shall be delivered to the City of Newton and the Newton RAGBRAI Committee, Newton Community Events, Inc., and the Newton Chamber of Commerce and if replacement insurance is not found prior to the event date, the permit is null and void.
- (C) Nonwaiver of Government Immunity. The insurance carrier expressly agrees and states that the purchase of this policy and that including the City of Newton, Newton Community Events, Inc., and the Chamber of Commerce as Additional Insured does not waive any of the defenses of governmental immunity available to the City of Newton, Iowa under Code of Iowa § 670.4 as it now exists and as it may be amended from time to time.
- (D) Claims Coverage. The insurance carrier further agrees that this policy of insurance shall cover only those claims not subject to the defense of government immunity under the Code of Iowa § 670.4 as it now exists and as it may be amended from time to time. Those claims not subject to Code of Iowa § 670.4 shall be covered by the terms and conditions of this insurance policy.
- (E) Assertion of Government Immunity. The City of Newton, Iowa shall be responsible for asserting any defense of governmental immunity, and may do so at any time and shall do so upon the timely written request of the insurance carrier.
- (F) Non-Denial of Coverage. The insurance carrier shall not deny coverage under this policy and the insurance carrier shall not deny any of the rights and benefits accruing to the City of Newton, Iowa under this policy for reasons of governmental immunity unless and until a court of competent jurisdiction has ruled in favor of the defense(s) of governmental immunity asserted by the City of Newton, Iowa.
- (G) No Other Change in Policy. The insurance carrier and the City of Newton agree that the above preservation of governmental immunities shall not otherwise change or alter the coverage available under the policy.

97.09 Glass Containers.

To promote safety during RAGBRAI, all beverages sold in the City of Newton, by permit holders, shall be sold in non-glass containers only. This requirement shall also apply to any existing business, restaurant, service station, grocery store or other establishment selling beverages on its premises in an outdoor setting open to the public from 7:30 a.m. through 3:00 p.m. on July 27, 2023.

97.10 Regarding Any Iowa Alcoholic Beverages Division Licensing.

- (A) One License: To promote the public health, safety and welfare during RAGBRAI, as discussed in the purposes section of this ordinance, the Newton City Council deems it is in the best interest of this City that between the hours of 9:00 a.m. through 2:00 p.m. on July 27, 2023 there shall be allowed one and only one beverage garden in the City of Newton.
- (B) Beverage Garden Defined: The presence of 25,000 to 30,000 extra people in Newton on July 27, 2023, many of whom may be consuming alcoholic beverages, has the potential to overwhelm local law enforcement personnel. Therefore, in order to ensure public safety and to facilitate police protection, the Council determines that there may be no more than one special event permit applicant permitted to operate an outdoor alcoholic beverage garden from a temporary location with a five day or fourteen day beer permit and/or five day or fourteen day liquor license. To help support the cost incurred by the Newton RAGBRAI Committee to host RAGBRAI as an overnight stop, the Newton RAGBRAI Committee, or its designee, shall have the first option to apply for the necessary permits or licenses to operate such alcoholic beverage garden at such location, but if the Committee does not secure such a

permit and/or license before July 1, 2023, the Council shall have the option to consider applications from other vendors.

- (C) Businesses that have an existing liquor license for an outdoor service area as of the date of approval of this Ordinance shall be permitted to operate such within the space defined in their license. No temporary premise updates regarding outdoor service areas of existing license holders will be allowed for a date that includes July 27, 2023.

97.11 Nuisance.

The sale of food/beverages or the location of a temporary stand for the sale of food/beverages or merchandise/entertainment outdoors without necessary permits or in violation of any of the provisions of the Ordinances of the City of Newton is hereby declared to be a nuisance. The City of Newton Police Department is hereby empowered to cause any offending stand or temporary stand or outdoor entertainment or place to be closed, dismantled and removed without prior notice.

97.12 Penalties.

A violation of any of the provisions of Chapter 97, RAGBRAI Permits, shall be a municipal infraction, as set forth in Newton Municipal Code § 10.99, except that the fines imposed shall be according to the following schedule of penalties:

1 st Offense fine of	\$650
2 nd Offense fine of	not less than \$650 nor more than \$750
3 rd and subsequent Offense fines of	\$750.

A court appearance SHALL be required for ALL offense violations. The fines shall be in addition to any other remedies as allowed under the Iowa State Code regarding municipal infractions, including, but not limited to requiring the violator to pay for appropriate permits and costs, should that be an issue.

97.13 Street Closings.

Beginning Thursday, July 27, 2023 at 6:00 a.m. and ending at Thursday, July 27, 2023 at 3:00 p.m., and without prior Council approval regarding the blocking of any city streets, the Newton Police Chief, or designee, may direct the placement of barricades or road blocks in any City of Newton street, alley or roadway to redirect vehicular traffic in order to enhance the proper and safe flow of bicycle and vehicular traffic within the city limits of the City of Newton.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. 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 5. Effective. This ordinance shall be effective from and after the final passage, approval and publication as provided by law.

Section 6. Sunset Clause. This ordinance is repealed on July 31, 2023. Any violations that have not yet been adjudicated may still be litigated.

PASSED this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

(SEAL)

ATTEST:

Michael L. Hansen, Mayor

Katrina Davis, CMC, City Clerk

First Consideration: _____
Second Consideration: _____
Third Consideration: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 2023.

Katrina Davis, CMC, City Clerk

City of Newton Council Report

**Item:**

Resolution approving a D&D 2.0 Demolition Grant for 806 East 9th Street North in Newton, Jasper County, Iowa

Summary:

The Council has established a private demolition grant through the D&D 2.0 Program. Greg Jurgensen, owner of 806 E 9th Street North, has requested grant funds to assist with the demolition of the dilapidated home.

Financial Impact:

Up to \$20,000 D&D Bonded Funds

Report Number: 2023-345

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Background:

In 2018, City Council established the D&D 2.0 programs. One of these programs assists citizens/private developers with the private purchase and demolition of the a dilapidated property. The maximum allowable grant award is \$20,000. The D&D 2.0 demolition grant encourages citizens to take on challenging properties through public-private partnership.

Greg Jurgensen has purchased the property at 806 East 9th Street North in Newton. This has long been a problem property.

The grant is provided as a reimbursement of actual costs for demolition.

The proposed grant agreement between the City of Newton and Greg Jurgensen stipulates the following:

- The property will be seeded or sodded and maintained as grassy yard space.
- A \$3,000 retainage will be held by the City for three years after completion of the demolition project and released if the property does not have any nuisance violations in that three-year period.

Recommendation:

Staff recommends approval.

Matt Muckler, City Administrator

Image: 806 East 9th Street North



RESOLUTION NO. 2023 – _____

**RESOLUTION APPROVING A D&D 2.0 DEMOLITION GRANT
FOR 806 EAST 9TH STREET NORTH IN NEWTON, JASPER
COUNTY, IOWA**

WHEREAS, *Envision Newton 2040* emphasizes the importance of improving the community's curb appeal; and

WHEREAS, the City of Newton has a grant program in the Newton Dangerous and Dilapidated Program to assist private citizens with the demolition of dilapidated structures; and

WHEREAS, Greg Jurgensen purchased the property at 806 East 9th Street North and intends to demolish the dilapidated structure(s);

WHEREAS, Mr. Jurgensen will maintain the property upon completion of the demolition as grassy space free of nuisance violations;

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the D&D Grant Funds in an amount of up to \$20,000.00 be provided to Greg Jurgensen for the demolition of the dilapidated structure(s) at 806 East 9th Street North in accordance with the D&D Grant Agreement between the City and Mr. Jurgensen.

BE IT FURTHER RESOLVED by the City Council of Newton, Iowa: That the City shall obtain the signatures on the D&D Grant Agreement, a demolition permit is obtained by the demolition contractor, that all footing/foundation/groundwork is removed, and that copies of paid invoices be provided prior to issuance of the grant funds.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



Newton

D&D Grant for Private Acquisition & Demolition Between City of Newton and Greg Jurgenson

This Agreement made and entered into this ____ day of _____ 2023 by and between the City of Newton, Iowa, hereinafter called "City" and Greg Jurgenson, property owner, 806 East 9th Street North, Newton, Iowa, hereinafter called "Applicant."

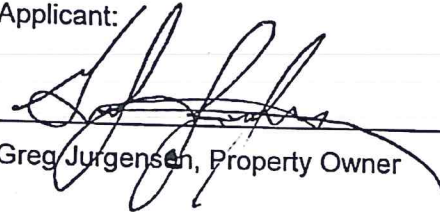
WHEREAS, the Applicant submitted an application to receive D&D grant funds for the acquisition and demolition of property located at 806 East 9th Street North;

NOW, THEREFORE BE IT UNDERSTOOD AND AGREED:

- 1.) The Applicant will receive **up to \$20,000.00** in grant funds for the demolition of the dilapidated structure at 806 East 9th Street North
- 2.) The Demolition Project shall be completed by May 1, 2024.
- 3.) A Demolition Permit will be obtained by the Applicant or Applicant's contractor.
- 4.) Footings, foundations, and other ground work will be removed as part of the demolition project and that the City of Newton Utility Disconnect Guide is followed.
- 5.) The City of Newton will provide the grant funding as a reimbursement of completed work, with a \$3,000 retainage, subject to the following conditions:
 - a. Property is seeded/sodded and maintained as grassy space.
 - b. Property is maintained as yard space.

- c. Property shall not exhibit nuisance violations for 3 years from the date of completion of demolition in order to receive the remaining \$3,000 retainage.
- 6.) Copies of all paid receipts for the demolition work shall be submitted to the City of Newton, Community Development Department, 403 West 4th Street North, Suite 501, Newton, Iowa 50208 for administrative verification of expenditures and applicant match.
- 7.) The City will make timely payment of grant funds upon completion of the project and verification of project expenses.

Applicant:


Greg Jurgensen, Property Owner

4-25-23
Date

For City of Newton:

Michael L. Hansen, Mayor

Date

City of Newton Council Report

**Item:**

Resolution Adjusting the Fee Schedule for the Newton Fire Department Ambulance Service

Summary:**Financial Impact:**

Minimal.

Report Number: 2023-482**Date:**

May 15, 2023

Lead Department:

Fire

Recommendation:

Approve

Background:

The Newton Fire Department provides ambulance service for a fee to the citizens and visitors of Newton. Each year the fee schedule is reviewed and revised based on increases or decreases to the Medicare fee schedule. Medicare releases the new rate schedule each year around the 1st of January. Rates this year increased by approximately 9.0%. Wellmark is the largest insurance provider that reimburses the Newton Fire Department for ambulance service. Wellmark typically establishes their rate schedule based on a factor of 1.7 times the established Medicare rates. Wellmark has kept their rates flat over the past three years. The proposed charges for the Newton Fire Department Ambulance Services are based on 1.75 times the established Medicare rates which is a factor approved by City Council in 2012. The last time the rates were adjusted was 1/17/2022 by City Council. The Newton Fire Department requests that Council adopt the proposed changes to the fee schedule to be place in effect immediately upon approval:

AMBULANCE RATES**PROPOSAL**

Last Updated through Council **Charges**

- 1/17/2022

Wellmark Level of Service	Medicare Current Rate	Proposed Reimb. 4/1/2023	Reimb. 1/1/2023	Upon App.
BLS (Non-Emergency)	\$412.00	\$387.00	\$256.28	\$448.00
BLS (Emergency)	\$659.00	\$620.00	\$410.04	\$718.00
ALS (Non-Emergency)	\$494.00	\$465.00	\$307.53	\$538.00
ALS (Emergency)	\$782.00	\$735.00	\$486.92	\$852.00
ALS-2	\$1,132.00	\$1,065.00	\$704.76	\$1,233.00
SCT	\$1,338.00	\$1,258.00	\$832.89	\$1,458.00
Mileage (Per Loaded Mile)	\$14.00	\$13.00	\$ 8.80/\$13.20	\$14.00

Recommendation:

Staff recommends City Council approval of the Resolution adjusting rates charged for ambulance service as presented.

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

Matt Muckler, City Administrator

RESOLUTION NO 2023 - _____

RESOLUTION ADJUSTING THE FEE SCHEDULE FOR THE NEWTON FIRE DEPARTMENT AMBULANCE SERVICE.

WHEREAS, the Newton Fire Department provides ambulance service to the citizens of the City of Newton; and

WHEREAS, the Newton Fire Department has developed a list of base charges for this service; and

WHEREAS, each year the Newton Fire Department reviews these rates and adjusts them accordingly in congruence with Medicare and established insurance company reimbursement rates; and

WHEREAS, the rates are to be adjusted per the following fee schedule:

AMBULANCE RATES PROPOSAL

Last Updated through Council - 1/17/2022

Level of Service	Current Rate	Wellmark Reimb. 4/1/2023	Medicare Reimb. 1/1/2023	Charges Proposed Upon App.
BLS (Non-Emergency)	\$412.00	\$387.00	\$256.28	\$448.00
BLS (Emergency)	\$659.00	\$620.00	\$410.04	\$718.00
ALS (Non-Emergency)	\$494.00	\$465.00	\$307.53	\$538.00
ALS (Emergency)	\$782.00	\$735.00	\$486.92	\$852.00
ALS-2	\$1,132.00	\$1,065.00	\$704.76	\$1,233.00
SCT	\$1,338.00	\$1,258.00	\$832.89	\$1,458.00
Mileage (Per Loaded Mile)	\$14.00	\$13.00	\$ 8.80/\$13.20	\$14.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, to accept the fee schedule for ambulance service from the Newton Fire Department for the fiscal year beginning immediately upon approval.

PASSED this _____ day of May 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

(SEAL)

ATTEST:

Katrina A. Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving the RAGBRAI route through the City of Newton

Summary:

A vote to choose a route for cyclists on RAGBRAI through the City of Newton

Financial Impact:

None

Report Number: 2023-510

Date:

May 15, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

Earlier this year, City staff was notified that RAGBRAI had chosen the City of Newton as the day five meeting town. This will bring tens of thousands of cyclists to the City of Newton along with their support vehicles between 6:00 AM and 3:00 PM on July 27th. Staff were given the entry and exit points to the City by RAGBRAI along with the planned event area, which is to be the Newton Mainstreet District.

The entry point to the City will be Hwy F-48 W/1st Ave W, and the exit point will be Hwy-6/1st Ave E. Using these two points, City staff began working on selecting route options throughout the city, and after multiple meetings between City staff and Newton RAGBRAI committee members, two route options were chosen. Route A would have cyclists leave the downtown on N 2nd Ave E to E 7th St N, E 7th St N to N 4th Ave E, and N 4th Ave E to T-12N and then onto Hwy-6. Route B would have the cyclist leaving downtown on E 3rd St N to 1st Ave E and then 1st Ave E/HWY-6.

City staff asks the council to vote on either Route A or Route B so that work on planning for and preparing the route can begin.

Recommendation:

City staff recommends Route _____, which was chosen by a vote of the Council to be used for bicycle traffic on day five of RAGBRAI which will be on July 27, 2023.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

RESOLUTION APPROVING THE RAGBRAI ROUTE THROUGH THE CITY OF NEWTON

WHEREAS, City staff was notified that RAGBRAI had chosen the City of Newton as the day five meeting town. This will bring tens of thousands of cyclists to the City of Newton along with their support vehicles between 6:00 AM and 3:00 PM on July 27th. Staff were given the entry and exit points to the City by RAGBRAI along with the planned event area, which is to be the Newton Mainstreet District; and

WHEREAS, the entry point to the City will be Hwy F-48 W/1st Ave W, and the exit point will be Hwy-6/1st Ave E. Using these two points, City staff began working on selecting route options throughout the city, and after multiple meetings between City staff and Newton RAGBRAI committee members, two route options were chosen. Route A would have cyclists leave the downtown on N 2nd Ave E to E 7th St N, E 7th St N to N 4th Ave E, and N 4th Ave E to T-12N and then onto Hwy-6. Route B would have the cyclist leaving downtown on E 3rd St N to 1st Ave E and then 1st Ave E/HWY-6; and

WHEREAS, City staff asks the council to vote on either Route A or Route B so that work on planning for and preparing the route can begin.; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that Route _____, is to be used for bicycle traffic on day five of RAGBRAI which will be on July 27, 2023

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution granting an easement to Interstate Power & Light Co. at 110 1st St S & 112 W 3rd St S.

Summary:

Granting two electric line easements in two city-owned parking lots to Interstate Power & Light Co. (dba Alliant Energy) for needed work on phase 2 of the downtown H-structure removal project.

Financial Impact:

None

Report Number: 2023-577

Date:

May 15, 2023

Lead Department:

Public Works

Recommendation:

Approve

Background:

Interstate Power & Light Co., operating in Newton as Alliant Energy, has been continuing work on the design for phase two of the downtown H-structure removal project. This preliminary work includes securing easements from property owners needed to complete the project.

Alliant has determined that two easements are needed in the city-owned parking lots at 110 1st St S & 112 W 3rd St S. Alliant's design engineer, Mi-Tech, has prepared the proposed easement documents and is requesting that the City grant a 3' by 3' and a 10' by 20' easement along the north side of 110 1st St S and two 10' by 10' easements along the north side of 112 W 3rd St S. City staff has reviewed these requests and is recommending the City grant said easements to Interstate Power & Light Co. The easement at 110 1st St S may result in the loss of one parking stall in the city-owned parking lot. Still, the final removal of the H-structures will result in easier maneuverability and improve the overall appearance of the lots.

Recommendation:

Staff recommends granting the electric line easements at 110 1st St S & 112 W 3rd St S to Interstate Power & Light Co.

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION GRANTING AN EASEMENT TO INTERSTATE
POWER & LIGHT CO. AT 110 1ST ST S & 112 W 3RD ST S.**

WHEREAS, Interstate Power & Light Co., operating in Newton as Alliant Energy, has been continuing work on the design for phase two of the downtown H-structure removal project; and

WHEREAS, Alliant has determined that two easements are needed in the city-owned parking lots at 110 1st St S & 112 W 3rd St S; and

WHEREAS, Alliant’s design engineer, Mi-Tech, has prepared the proposed easement documents and is requesting that the City grant a 3’ by 3’ and a 10’ by 20’ easement along the north side of 110 1st St S and two 10’ by 10’ easements along the north side of 112 W 3rd St S; and

WHEREAS, City staff has reviewed these requests and is recommending the City grant said easements to Interstate Power & Light Co; and

WHEREAS, the easement at 110 1st St S may result in the loss of one parking stall in the city-owned parking lot. Still, the final removal of the H-structures will result in easier maneuverability and improve the overall appearance of the lots.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the requested electric line easements at 110 1st St S & 112 W 3rd St S be granted to Interstate Power & Light Co. for phase two of the Alliant Energy H-Structure Removal Project, and that said easement be signed by the Mayor and City Clerk on behalf of the City.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

ATTEST:

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **City of Newton** ("Grantor(s)"), ADDRESS: **110 1st S., Newton, Iowa** do(es) hereby warrant and convey unto **Interstate Power and Light Company, an Iowa Corporation**, its successor and assigns, ("Grantee") a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, expand, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment, poles) and construction (collectively, the "*Line*" or "*Lines*") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of **Jasper** and the State of Iowa:

See Attached Exhibit A, page 3

together with all the rights and privileges for the full enjoyment or use thereof for the aforesaid purpose.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above.

Grantor(s) also conveys the right and privilege to trim, cut down or control the growth of any trees or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, expansion, operation, repair, use of the Line or Lines.

Grantee, its contractor, or agent may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to the Line or Lines now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, expanding, operating, patrolling, repairing and removing the Line or Lines, and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, maintaining, expanding, operating, patrolling, repairing or removing the Line or Lines.

Signed this _____ day of _____, 20__.

**GRANTOR(S):
City of Newton**

By: _____

By: _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

On this _____ day of _____, AD. 20_____, before me,
the undersigned, a Notary Public in and for said State, personally appeared

_____ to me personally known

or _____ provided to me on the basis of satisfactory
evidence

to be the persons(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

My Commission Expires: _____

CAPACITY CLAIMED BY SIGNER

_____ INDIVIDUAL

_____ CORPORATE

Title(s) of Corporate Officers(s):

_____ N/A

_____ Corporate Seal is affixed

_____ No Corporate Seal procured

_____ PARTNER(s)

_____ Limited Partnership

_____ General Partnership

_____ ATTORNEY-IN-FACT

_____ EXECUTOR(s),

_____ ADMINISTRATOR(s),

_____ or TRUSTEE(s):

_____ GUARDIAN(s)

_____ or CONSERVATOR(s)

_____ OTHER

SIGNER IS REPRESENTING:

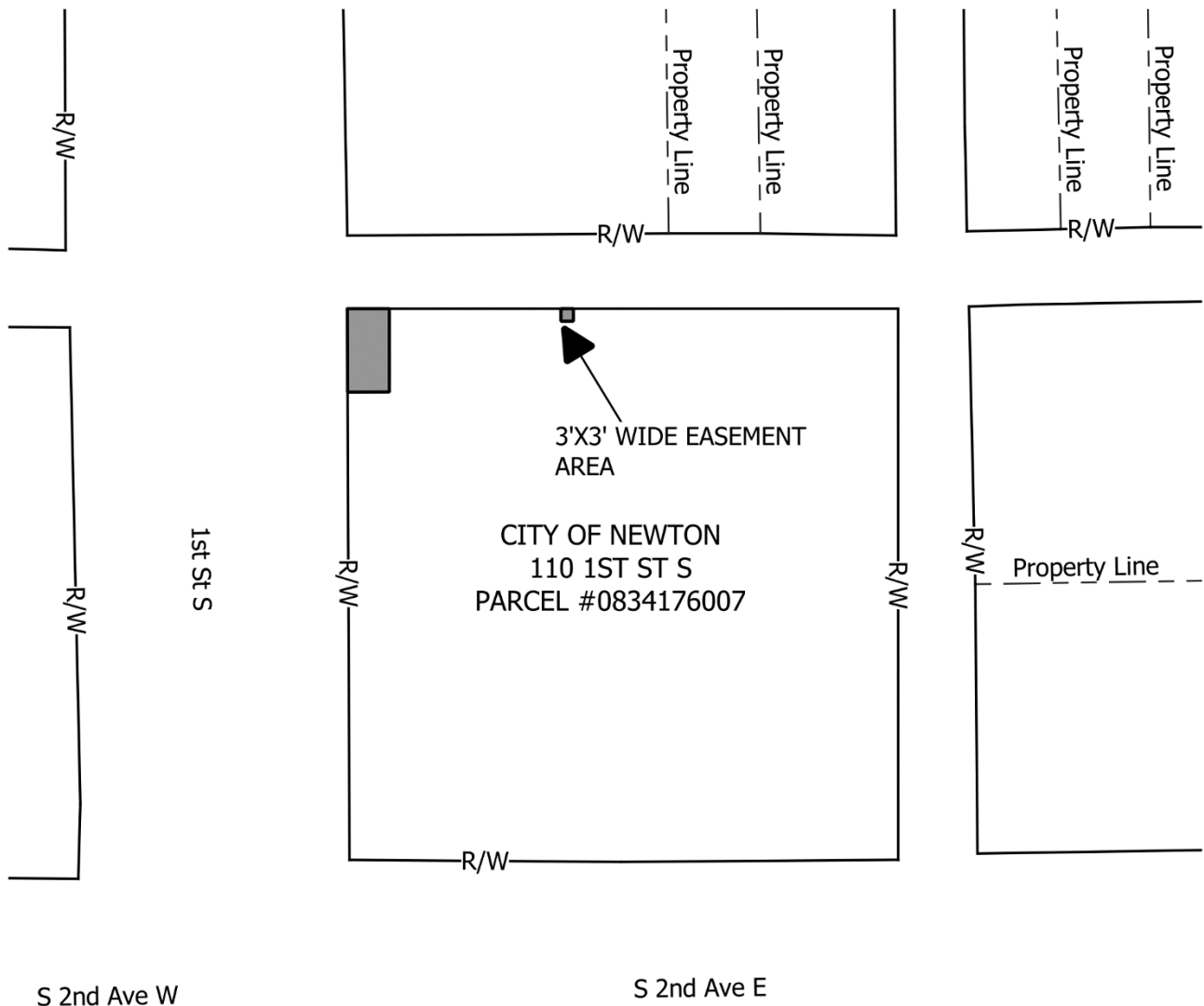
List name(s) of persons(s) or entity(ies):

EXHIBIT 'A'

Easement area 10 feet by 20 feet, for placement of facilities in the Northwest corner of Grantor's property; and Easement area 3 feet by 3 feet, for placement of facilities 50 feet East of the Northwest corner of Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

Grantor's Parcel:

Lot A of Block 21 in the Original Plat of the city of Newton, Jasper County, Iowa.



10'X20' EASEMENT AREA

DRAFTED BY: MI-TECH SERVICES, INC.
ASG

N
NOT TO SCALE
ALLIANT #4235815

ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **City of Newton** ("Grantor(s)"), ADDRESS: **112 W 3rd St. S., Newton, Iowa** do(es) hereby warrant and convey unto **Interstate Power and Light Company, an Iowa Corporation**, its successor and assigns, ("Grantee") a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, expand, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment) and construction (collectively, the "*Line*" or "*Lines*") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of **Jasper** and the State of Iowa:

See Attached Exhibit A, page 3

together with all the rights and privileges for the full enjoyment or use thereof for the aforesaid purpose.

Grantor(s) agrees that it will not construct or place any buildings, structures, plants, or other obstructions on the property described above.

Grantor(s) also conveys the right and privilege to trim, cut down or control the growth of any trees or other vegetation on said described land and such other trees and vegetation adjacent thereto as in the judgment of the Grantee may interfere with construction, reconstruction, maintenance, expansion, operation, repair, use of the Line or Lines.

Grantee, its contractor, or agent may enter said premises for the purpose of making surveys and preliminary estimates immediately upon the execution of this easement.

The Grantor(s) also grants to the Grantee the right of ingress and egress to the Line or Lines now owned by the Grantor(s), for the purpose of constructing, reconstructing, maintaining, expanding, operating, patrolling, repairing and removing the Line or Lines, and the Grantee agrees to pay to the Grantor(s) or its tenants all damages done to the lands (except the cutting and trimming of trees or other vegetation), fences, livestock or crops of the Grantor(s) or its tenants, by the Grantee or its employees while constructing, reconstructing, maintaining, expanding, operating, patrolling, repairing or removing the Line or Lines.

Signed this _____ day of _____, 20__.

**GRANTOR(S):
City of Newton**

By: _____

By: _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

On this _____ day of _____, AD. 20_____, before me,
the undersigned, a Notary Public in and for said State, personally appeared

_____ to me personally known

or _____ provided to me on the basis of satisfactory
evidence

to be the persons(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity
upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEAL _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

My Commission Expires: _____

CAPACITY CLAIMED BY SIGNER

_____ INDIVIDUAL

_____ CORPORATE

Title(s) of Corporate Officers(s):

_____ N/A

_____ Corporate Seal is affixed

_____ No Corporate Seal procured

_____ PARTNER(s)

_____ Limited Partnership

_____ General Partnership

_____ ATTORNEY-IN-FACT

_____ EXECUTOR(s),

_____ ADMINISTRATOR(s),

_____ or TRUSTEE(s):

_____ GUARDIAN(s)

_____ or CONSERVATOR(s)

_____ OTHER

SIGNER IS REPRESENTING:

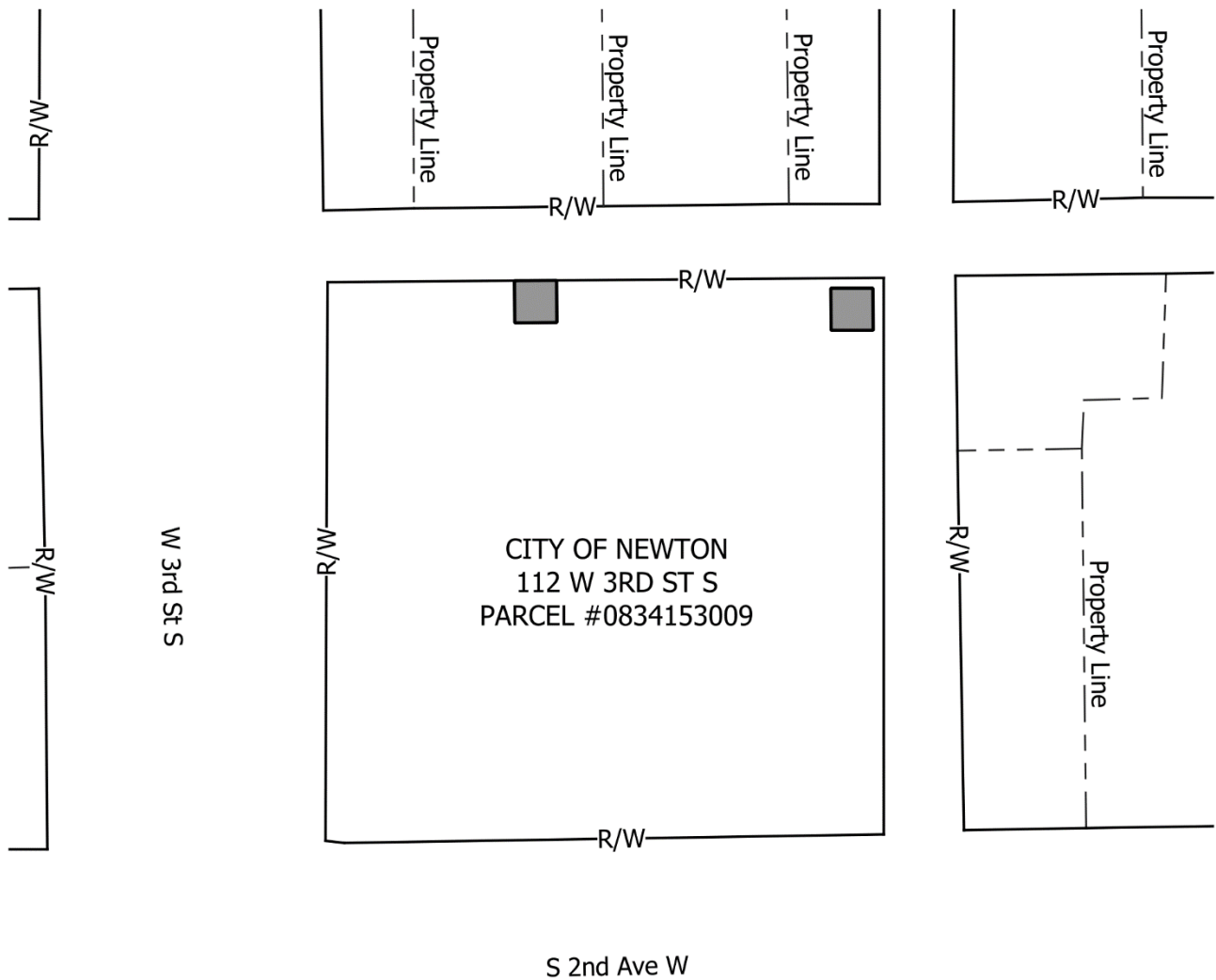
List name(s) of persons(s) or entity(ies):

EXHIBIT 'A'

Easement area 10 feet by 10 feet, for placement of facilities in the Northeast corner of Grantor's property; and Easement area 10 feet by 10 feet, for placement of facilities 45 feet East of the Northwest corner of Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

Grantor's Parcel:

Lots 5 and 6 in Block 19 in the Original Plat to the city of Newton, Jasper County, Iowa.



City of Newton Council Report

**Item:**

Resolution approving Task Order 23-01 with Fox/Strand Engineering for professional services for the construction of a new Jordan Well.

Summary:

approving scope of work, compensation and schedule with Fox/Strand Engineering services for constructing a new Jordan Well.

Financial Impact:

\$518,700 utilizing State Revolving Fund (SRF) loans, to be paid back from Water Revenue funds.

Report Number: 2023-521**Date:**

May 15, 2023

Lead Department:

Utilities

Recommendation:

Approve

Background:

The City of Newton Waterworks is in need of constructing a new Jordan Aquifer Well in accordance with the Iowa Department of Natural Resources (IDNR) redundancy standards. The need for this well was identified in the 2023 Facility Plan Report. The new well will be located approximately 0.6 miles southeast of the water treatment plant, near the southern end of the South Well Field.

The project scope will include construction of the new Jordan Well, including pitless unit, submersible pump, electrical power and controls, and sitework. A new transmission main will be constructed to connect the new well to the water treatment plant.

The project will be bid in three separate construction contracts: Well Construction; well pump, electrical and site work; and Transmission main. State Revolving Fund (SRF) will be used to fund the project. Bids will be received for all three projects at the same time and location. The scope of services in this task order include: Design, bidding, construction and funding assistance phase services.

Schedule:	Completion Dates:
Design Phase	December 29, 2023
Bidding Phase	March 29, 2024
Construction Phase	December 31, 2025

Compensation:		
Design Services	\$223,500	Lump Sum
Bidding related services	\$39,800	Lump Sum
Construction Related Services Items #1-4	\$170,400	Lump Sum
Construction Related Services Items #5	\$60,000	Hourly, Estimated
SRF Funding Assistance-Related Services	\$25,000	Hourly, Estimated
Total	\$518,700	

Recommendation:

Approve Task Order 23-01 with Fox/Strand Engineering of Ames, Iowa for professional services for the construction of a new Jordan Well.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

**RESOLUTION APPROVING TASK ORDER 23-01 WITH FOX/STRAND
ENGINEERING FOR PROFESSIONAL SERVICES FOR THE CONSTRUCTION OF
A NEW JORDAN WELL.**

WHEREAS, the City of Newton Waterworks is in need of constructing a new Jordan Aquifer Well in accordance with the Iowa Department of Natural Resources (IDNR) redundancy standards; and

WHEREAS, the need for this well was identified in the 2023 Facility Plan Report; and

WHEREAS, the new well will be located approximately 0.6 miles southeast of the water treatment plant, near the southern end of the South Well Field; and

WHEREAS, the project scope will include construction of the new Jordan Well, including pitless unit, submersible pump, electrical power and controls, sitework and constructing a new transmission main to connect the new well to the water treatment plant; and

WHEREAS, the project will be bid in three separate construction contracts: Well Construction; well pump, electrical and site work; and Transmission main; and

WHEREAS, State Revolving Fund (SRF) will be used to fund the project. Bids will be received for all three projects at the same time and location; and

WHEREAS, the propose schedule includes multiple phase completion dates; Design Phase - December 29, 2023, Bidding Phase - March 29, 2024 and Construction Phase - December 31, 2025; and

WHEREAS, the scope of services in this task order include: Design, bidding, construction and funding assistance phase services as described below:

Design Services	\$223,500	Lump Sum
Bidding related services	\$39,800	Lump Sum
Construction Related Services Items #1-4	\$170,400	Lump Sum
Construction Related Services Items #5	\$60,000	Hourly, Estimated
SRF Funding Assistance-Related Services	\$25,000	Hourly, Estimated
Total	518,700	

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the Task Order 23-01 with Fox/Strand Engineering of Ames, Iowa for professional services for the construction of a new Jordan Well, is hereby accepted.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that said Task Order 23-01 with Fox/Strand Engineering shall be signed by the mayor on behalf of the City.

PASSED this _____ day of May 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Task Order No. 23-01
City of Newton, Iowa (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated _____, 20__

Project Information

Project Name: Jordan Well

Project Description: OWNER requires a new Jordan aquifer water supply well in accordance with Iowa Department of Natural Resource (IDNR) redundancy standards. The need for this well was identified in the Facility Plan Report, prepared by ENGINEER, dated January 2023. The new well will be located approximately 0.6 miles southeast of the water treatment plant, near the southern end of the South Well Field.

The project scope will include construction of the new Jordan Well, including pitless unit, submersible pump, electrical power and controls, and sitework. A new transmission main will be constructed to connect the new well to the water treatment plant. It is anticipated this main will be approximately 4,000 linear feet long.

The project will be bid in three separate construction contracts: Well Construction; Well Pump, Electrical and Site Work; and Transmission Main. A State Revolving Fund (SRF) loan will be used to fund the project. Bids will be received for all three projects at the same time and location.

Services Description: Design, bidding, construction, and funding assistance phase services.

Scope of Services

ENGINEER will provide the following services to OWNER.

Design Services

1. Assist with permitting:
 - a. Submit construction permit and water use permit applications to IDNR.
 - b. Prepare the Storm Water Pollution Prevention Plan and Well Water Pollution Prevention Plan and incorporate the permit conditions into the Bidding Documents.
 - c. Submit right-of-way construction permit to Jasper County for the transmission main crossing at South 48th Avenue West.
2. Conduct a topographic survey of the proposed well location and transmission main route.
3. Prepare draft Bidding Documents using Engineers Joint Contract Documents Committee C 700 Standard General Conditions of the Construction Contract, 2018 edition, technical specifications, and engineering drawings.

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4. Prepare draft drawings and opinion of probable construction cost for the new well and transmission main and meet with OWNER to review the draft documents.
5. Prepare final Bidding Documents and opinion of probable construction cost, incorporating review comments, as appropriate. Submit final documents to OWNER for review and approval.
6. Prepare technical specifications using Iowa Statewide Urban Design and Specifications.

Bidding-Related Services

1. Make Bidding Documents available to bidders through QuestCDN (available at www.strand.com and www.questcdn.com) and with paper copies. OWNER will directly reimburse ENGINEER for QuestCDN fees and costs associated with preparing and mailing of paper copies.
2. Address questions from contractors and issue addenda.
3. Attend the bid openings to be held in the City of Newton, Iowa.
4. Review the bids, create the bid tabulations and assist OWNER in awarding the Construction Contracts.
5. Prepare and distribute up to three signatory copies of each Construction Contract.

Construction-Related Services

1. Provide contract administration services including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at construction progress meetings, periodic site visits, and participation in project closeout.
2. Provide one iterations of construction staking. Additional iterations shall be considered additional services.
3. Address requests for information from the contractor.
4. Provide record drawings in electronic format from information compiled from contractor's records. ENGINEER will incorporate the record data into the record drawings and submit three final copies to the OWNER. ENGINEER will provide drafting services only for the record drawings and shall not be liable for information provided by the contractor.
5. Provide part-time resident project representative (RPR) services for up to 400 hours to observe construction of the project.

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SRF Funding Assistance-Related Services

1. Assist OWNER in preparing the funding application forms and supporting documents.
2. Furnish technical data of the project design, scope, costs and supporting documents as requested by the IDNR in order for them to complete the necessary environmental and archaeological clearances associated with the project.
3. Incorporate SRF Davis-Bacon wage requirements, contractor payroll submittals, and American Iron and Steel requirements into the Bidding Documents and review for contractor compliance during the Construction Phase.
4. Provide OWNER with assistance related to funding sources that may be associated with the SRF Loan.
5. Revise and amend the Facility Plan as required by IDNR to meet SRF funding requirements.

Services Elements Not Included

In addition to those listed in the associated Agreement for Technical Services, the following services are not included in this Task Order. If requested, they may be provided through an amendment to this Task Order or through a separate task order with OWNER.

1. Any easements necessary for the project.
2. Boundary surveys or property pin locations.
3. Construction-related testing for concrete, pipe pressure, and soils.
4. Flood plain or joint permit applications.
5. Full-time RPR services.
6. Providing construction phase services beyond the date specified for final completion of the project.

Compensation

OWNER shall compensate ENGINEER for Services an estimated fee not to exceed \$518,700, allocated as shown in the following table:

Service	Compensation	Method
Design Services	\$223,500	Lump Sum
Bidding-Related Services	\$ 39,800	Lump Sum
Construction-Related Services, Items Nos. 1–4	\$170,400	Lump Sum
Construction-Related Services, Item No. 5	\$ 60,000	Hourly, Estimated
SRF Funding Assistance-Related Services	\$ 25,000	Hourly, Estimated
Total	\$518,700	

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Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of May 29, 2023. Services are scheduled for completion by December 31, 2025, as shown in the following table:

Phase	Completion Date
Design Phase	December 29, 2023
Bidding Phase	March 29, 2024
Construction Phase	December 31, 2025

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

OWNER:

CITY OF NEWTON

Joseph M. Bunker
Corporate Secretary

Date

Michael L. Hansen
Mayor

Date

City of Newton Council Report

**Item:**

Resolution approving Task Order 23-02 with Fox/Strand Engineering for professional services for the upgrade of the water plant and distribution system electrical controls and telemetry.

Summary:

approving scope of work, compensation and schedule with Fox/Strand Engineering services for upgrading electrical controls and telemetry for water treatment and distribution.

Financial Impact:

\$102,600 utilizing Water Revenue funds.

Report Number: 2023-522**Date:**

May 15, 2023

Lead Department:

Utilities

Recommendation:

Approve

Background:

The City of Newton water treatment and distribution system electrical controls and telemetry are outdated and no longer supported. The proposed improvements were included in the FY24 CIP and include replacing network communications with ethernet-based wires and radios, replacing legacy programmable logic controller equipment with current generation and manufacturer-supported equipment.

The project scope will include upgrades to the water plant main control panel, all four filter control panels, central pump station control panel, East Tower telemetry, Jordan Well, #24, #16, #19, #22 and #23 well telemetry. This project also includes Rural Water pump station telemetry panels located at the water treatment plant pump station, E 19th St N & N 19th Ave E, Sherriff's Office and North of I-80. This project also includes upgrades to the water treatment plant motor control center, SCADA computer hardware, software and remote access.

The scope of services in this task order include: Design, bidding and construction.

Completion Dates:

Design Phase	August 31, 2023
Bidding Phase	October 31, 2023
Construction Phase	June 28, 2024

Compensation:

Design Services	\$29,700	Lump Sum
Bidding related services	\$7,900	Lump Sum
Construction Related Services	\$65,000	Hourly, Estimated
Total	\$102,600	

Recommendation:

approve Task Order 23-02 with Fox/Strand Engineering of Ames, Iowa for professional services for the upgrades of the water plant and distribution system electrical controls and telemetry.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

RESOLUTION APPROVING TASK ORDER 23-02 WITH FOX/STRAND ENGINEERING FOR PROFESSIONAL SERVICES FOR THE UPGRADE OF THE WATER PLANT AND DISTRIBUTION SYSTEM ELECTRICAL CONTROLS AND TELEMETRY.

WHEREAS, the City of Newton water treatment and distribution system electrical controls and telemetry are outdated and no longer are being supported; and

WHEREAS, the proposed improvements were included in the FY24 CIP and include replacing network communications with ethernet-based wires and radios, replacing legacy programmable logic controller equipment to current generation and manufacturer-supported equipment; and

WHEREAS, the project scope will include upgrades to the water plant main control panel, all four filter control panels, central pump station control panel, East Tower telemetry, Jordan Well, #24, #16, #19, #22 and #23 well telemetry; and

WHEREAS, this project also includes Rural Water pump station telemetry panels located at the water treatment plant pump station, E 19th St N & N 19th Ave E, Sherriff's Office and North of I-80. This project also includes upgrades to the water treatment plant motor control center, SCADA computer hardware, software and remote access; and

WHEREAS, the scope of professional services in this task order include: Design, bidding and construction phases.

Completion Dates:		
Design Phase	August 31, 2023	
Bidding Phase	October 31, 2023	
Construction Phase	June 28, 2024	
Compensation:		
Design Services	\$29,700	Lump Sum
Bidding related services	\$7,900	Lump Sum
Construction Related Services	\$65,000	Hourly, Estimated
Total	102,600	

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the Task Order 23-02 with Fox/Strand Engineering of Ames, Iowa for professional services for the upgrade of the water plant and distribution system electrical controls and telemetry, is hereby accepted.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that said Task Order 23-02 with Fox/Strand Engineering shall be signed by the mayor on behalf of the City.

PASSED this _____ day of May 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



NOT FOR SIGNATURE

FOX Strand
414 South 17th Street, Suite 107
Ames, IA 50010
(P) 515.233.0000
www.strand.com

Task Order No. 23-02
City of Newton, Iowa (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated _____, 20____

Project Information

Project Name: Controls and Telemetry Upgrade

Project Description: Significant portions of OWNER's water treatment and distribution system electrical controls and telemetry systems are outdated and will be upgraded. The proposed improvements are summarized in Jetco Quote 7111C, which is dated June 16, 2022, and include replacing network communications with Ethernet-based wires and radios, and replacing legacy programmable logic controller equipment to current generation and manufacturer-supported equipment.

Services Description: Design, bidding-, and construction-related services.

Scope of Services

ENGINEER will provide the following services to OWNER.

Design-Related Services

1. Attend one project site visit to acquire field measurements and meet with OWNER.
2. Prepare draft Bidding Documents and opinion of probable construction cost. Submit documents to the OWNER for review and approval.
3. Prepare Bidding Documents using Engineers Joint Contract Documents Committee C 700 Standard General Conditions of the Construction Contract, 2018 edition and technical specifications.
4. Submit construction permit application to the Iowa Department of Natural Resources.

Bidding-Related Services

1. Distribute Bidding Documents through QuestCDN (available at www.strand.com and www.questcdn.com) and with paper copies. OWNER shall directly reimburse ENGINEER for QuestCDN fees and costs associated with preparing and mailing of paper copies.
2. Address questions from contractors and issue addenda.
3. Attend the bid letting to be held in the City of Newton, Iowa.
4. Review the bids, prepare the bid tabulation and assist OWNER in awarding the Construction Contracts.

SAV:tl\NR\AME\Documents\Agreements\N\Newton, City of (IA)\ATS.2023\TO\2023\7036.012.23-02.docx

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Task Order No. 23-02
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5. Prepare and distribute up to three signatory copies of the Construction Contract.

Construction-Related Services

1. Provide up to 400 hours of contract administration services including attendance at preconstruction conference, review of contractor's shop drawing submittals, review of contractor's periodic pay requests, attendance at monthly construction progress meetings, periodic site visits and participation in project closeout.
2. Address up to ten requests for information from the contractor.

Compensation

OWNER shall compensate ENGINEER for Services an estimated fee not to exceed \$102,600, allocated as shown in the following table:

Service	Compensation	Method
Design Services	\$29,700	Lump Sum
Bidding-Related Services	\$ 7,900	Lump Sum
Construction-Related Services	\$65,000	Hourly, Estimated
Total	\$102,600	

A range is provided above for estimated Construction Phase services, as the scope of work required is expected to vary significantly depending on the qualifications and capabilities of the contractor selected by OWNER.

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of May 29, 2023. Services are scheduled for completion by June 28, 2024, as shown in the following table:

Phase	Completion Date
Design Phase	August 31, 2023
Bidding Phase	October 31, 2023
Construction Phase	June 28, 2024

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

OWNER:

CITY OF NEWTON

Joseph M. Bunker
Corporate Secretary

Date

Michael L. Hansen
Mayor

Date

City of Newton Council Report

**Item:**

Resolution approving a new lease agreement for the Community Hangar with Midwest Custom Ag Aviation, Inc. at the Newton Municipal Airport

Summary:

This resolution approves a new, extended lease for the Community Hangar with Midwest Custom Ag Aviation, Inc.

Financial Impact:

Increase of the existing \$12,000 Community Hangar lease payment to \$14,000 annually for years one through five; followed by an increase to \$16,000 annually for years six through ten.

Report Number: 2023-553**Date:**

May 15, 2023

Lead Department:

Community Services

Recommendation:

Approve

Background:

The Newton Municipal Airport's Community Hangar, formerly known as the Maytag Hangar, has been leased by aerial applicators since 2011. The current lease agreement between the City of Newton and Midwest Custom Ag Aviation, Inc. (MCAA) was signed in May of 2020 following City Council's approval of Resolution 2020-104, and is set to expire on May 31, 2025.

MCAA's parent company, Helena Agri-Enterprises, LLC of Collierville, Tennessee has proposed investing over \$400,000 in improvements to the leased facilities and surrounding pavement, all at no cost to the City or the airport. These proposed improvements include a 20-foot-wide extension to the existing mixing building included in said lease, along with a large area of pavement adjacent to said building. These improvements are meant to facilitate the expansion and improve efficiency of the tenant's aerial application business. In return for said large investment to the airfield, the tenant is seeking a new 10-year lease to ensure that their investment can be utilized over a longer period of time.

The tenant has also agreed in principle to increase the existing \$12,000 Community Hangar lease payment to \$14,000 annually for years one through five; followed by an increase to \$16,000 annually for years six through ten. After year ten, the proposed lease amount will be open to further renegotiations and possible adjustment.

In working with the design engineer for Helena and the City's aviation engineer, City Staff and the airport manager have received assurances from the Federal Aviation Administration (FAA) that the proposed improvements do not violate any applicable FAA rules. Other benefits of allowing this proposed project to occur and extending the lease include:

- Assuring continued fuel sales and airport traffic generated by this business over the next ten years.
- Increasing the revenue to the Airport budget with two proposed increases to the annual lease amount.
- Supporting location operations by the tenant that employ local citizens during the spray season, which results in additional economic benefits to the community.
- Should the tenant ever vacate the facilities, the additional paved ramp space will be beneficial to airport operations during peak times.

All proposed private improvements will be designed by the City's engineer for the current Taxiway Relocation Project, thereby streamlining the review process and overall coordination. Although the proposed privately-funded improvements by the tenant are located immediately adjacent to the City's current taxiway project, all design and construction costs will be paid for by the tenant separately from the City's current project. Also, all proposed improvements will be designed and constructed per current FAA standards.

Recommendation:

City Staff recommends approval of this resolution approving a new lease for the Community Hangar with Midwest Custom Ag Aviation, Inc. of Imperial, Nebraska.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023 – _____

**RESOLUTION APPROVING A NEW LEASE AGREEMENT FOR THE
COMMUNITY HANGAR WITH MIDWEST CUSTOM AG AVIATION, INC.
AT THE NEWTON MUNICIPAL AIRPORT**

WHEREAS, the Newton Municipal Airport's Community Hangar, formerly known as the Maytag Hangar, has been leased by aerial applicators since 2011; and

WHEREAS, the current lease agreement between the City of Newton and Midwest Custom Ag Aviation, Inc. (MCAA) was signed in May of 2020 following City Council's approval of Resolution 2020-104, and is set to expire on May 31, 2025; and

WHEREAS, MCAA's parent company, Helena Agri-Enterprises, LLC of Collierville, Tennessee has proposed investing in over \$400,000 in improvements to the leased facilities and surrounding pavement, all at no cost to the City or the airport; and

WHEREAS, these proposed improvements include a 20-foot-wide extension to the existing mixing building included in said lease, along with a large area of pavement adjacent to said building; and

WHEREAS, these improvements are meant to facilitate the expansion and improve efficiency of the tenant's aerial application business; and

WHEREAS, in return for said large investment to the airfield, the tenant is seeking a new 10-year lease to ensure that their investment can be utilized over a longer period of time; and

WHEREAS, the tenant has also agreed in principle to increasing the existing \$12,000 Community Hangar lease payment to \$14,000 annually for years one through five; followed by an increase to \$16,000 annually for years six through ten; and

WHEREAS, City Staff and the airport manager have received assurances from the Federal Aviation Administration (FAA) that the proposed improvements do not violate any applicable FAA rules; and

WHEREAS, all proposed improvements will be designed and constructed per current FAA standards at no cost to the City; and

WHEREAS, City Staff recommends approval of this resolution allowing the proposed improvements to be completed to the leased area and approving a new lease for the Community Hangar with Midwest Custom Ag Aviation, Inc. of Imperial, Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the new lease agreement for the Community Hangar with Midwest Custom Ag Aviation, Inc. of Imperial, Nebraska is approved; and that said lease agreement shall be signed by Johnson Aviation acting as the City's agent.

BE IT FURTHER RESOLVED by the City Council of the City of Newton, Iowa, that the proposed pavement and building improvements to paid for entirely by Midwest Custom Ag Aviation, Inc. shall be allowed; with said improvements being constructed per current FAA regulations, and City Staff and airport management input and oversight.

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

HANGAR LEASE

This Lease made between the City of Newton, Newton, Iowa, hereinafter called the Lessor, and Midwest Custom Ag Aviation, hereinafter called the Lessee, WITNESSETH:

WHEREAS the Lessee desires to lease, for its exclusive use, a Community Hangar at the Newton Municipal Airport to store aircraft; and

WHEREAS the Lessor owns and desires to lease to Lessee, for its exclusive use, a certain Community Hangar at the Newton Municipal Airport.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties do hereby enter into this lease based upon the following terms and conditions:

- 1) The leased premises shall, for the exclusive use of Lessee, consist of the building known and denoted as the Community Hangar located at the Newton Municipal Airport.
 - 2) Lessee shall recognize that Johnson Aviation, Inc., the Airport Manager, shall act as the Agent of Lessor with regard to this lease.
 - 3) The term of the Lease is ~~five (5)~~ **ten (10)** years beginning on ~~May 1, 2020~~ **June 1, 2023**, and ending ~~May 31, 2025~~ **May 31, 2033**, with the terms negotiated annually **five (5) year terms available for renewal** thereafter. Lessee shall notify Lessor at least one (1) month prior to the Lease expiration if Lessee intends to renew the lease agreement.
 - 4) Lessee shall pay the Airport Manager, acting as agent for the Lessor, ~~twelve~~ **fourteen** thousand dollars (~~\$12,000.00~~) (**\$14,000**) annually **in years one through five, and sixteen thousand dollars (\$16,000) annually in years six through ten** in consideration for the use of the leased premises. Said amount shall be due and payable annually on or before June 1st of each year in advance with any initial amount prorated for any part of a month during which the hangar is initially occupied. **The annual lease amount shall be renegotiated near the end of the ten-year term should the lessee intend to renew the lease agreement at that time.**
 - 5) Lessee shall be liable for any and all utility costs, including gas, water and electric.
 - 6) Lessor agrees to maintain heating equipment and shall be liable for the expenses incurred for such maintenance.
 - 7) Lessee agrees to use the leased premises solely for the storage of Lessee's aircraft and associated equipment and related aeronautical and non-aeronautical items. Lessee shall not provide aviation services or maintenance to the public. Lessee further agrees to keep said premises in order and shall be held responsible for all damages caused by willful neglect or abuse of said premises. No painting / stripping of aircraft shall be permitted in said premises.
 - 8) Non-aeronautical items may be stored in the hangar so long as they do not interfere with the aeronautical use of the hangar. Items will be considered to interfere if they: Impede the movement of the aircraft in and out of the hangar; Displace the aeronautical contents of the hangar; Impede access to the aircraft or other aeronautical contents of the hangar; Are used for the conduct of non-aeronautical business (including the storage of inventory); or are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.
 - 9) Lessee shall not sublet or assign this Lease.
 - 10) Lessee shall keep the hangar in good condition. If Lessee damages the hangar, Lessee shall be responsible for complete repair of the damage in a timely manner. If Lessee fails to make repairs within twenty (20) days of written notice, or show cause for extension of said time period, Lessor may make the repairs and bill all charges and costs to Lessee and may place a lien upon Lessee's property against these costs. If Lessee makes any modifications without approval, Lessee agrees to pay all costs to restore the changed property to its original condition.
- Lessee agrees to promptly pay all sums legally due and payable on account of any labor performed on, or materials furnished for the hangar. Lessee shall not permit any liens to be placed against the hangar on account of labor performed or material furnished and in the event such a lien is placed against the hangar, Lessee agrees to hold the Lessor harmless from any and all such asserted claims and liens and to remove or cause to be removed any and all such asserted claims or liens as soon as reasonably possible.
- 11) Lessee shall maintain throughout the term in full force and effect, at its sole cost; a policy of aviation general liability insurance, with per occurrence and aggregate limits of at least \$1,000,000.00 and coverage for damage to rented premises or fire legal liability of \$1,000,000.00 per occurrence, as well as, commercial auto liability

insurance with limits of \$1,000,000.00 per accident. Lessee will evidence such coverage to Lessor on a certificate of insurance with Lessor and its Airport Manager, Johnson Aviation, Inc., as additional insureds.

Lessor agrees to insure its hangar and Lessee agrees to insure its business personal property on the lease premises. Lessor and Lessee agree to mutually waive their respective subrogation rights of recovery against the other and that of its respective property insurer for any damage due to weather, fire, acts of God, or other peril typically insurable under commercial property insurance policies.

- 12) ~~RESERVED~~ Lessee reserves the exclusive right of use of the existing and proposed loading areas, mixing areas, and adjoining ramp space in and adjacent to all buildings included in this lease.
- 13) RESERVED
- 14) Lessee agrees to indemnify, defend and save Lessor and the City of Newton, its agents, officers and employees harmless from and against any and all liability or loss resulting from claims arising, directly or indirectly, out of the acts of Lessee, Lessee's agents, servants, guests or business visitors by reason of any act or omission of such person. This indemnification specifically includes payment of reasonable attorney fees and costs incurred by Lessor and/or the City of Newton in defending against such claims.
- 15) Lessee agrees that storage of any type of fuel in a quantity of up to 60 gallons in said hangar shall only be permitted with an executed supplemental agreement. Lessee further agrees that no refueling of aircraft shall be permitted in said hangar.
- 16) Lessee agrees to abide by all rules and regulations of the Department of Agriculture, FAA, the City of Newton and their Agent during the use of the leased premises.
- 17) Lessor shall have the right to enter the leased premises at any time for inspection or to make repairs, additions or alterations as may be necessary for the safety, improvement or preservations of the premises. Such events shall be coordinated in advance with Lessee.
- 18) Lessee shall have the right to the use of the Newton Municipal Airport within the prescribed rules and regulations.
- 19) Lessor reserves the right, but shall not be obligated to the Lessee, to develop or improve the landing areas and other portions of the Airport as it sees fit, regardless of the desires or views of the Lessee, and without interference or hindrance. If the development of the Airport requires the relocation of the Lessee, the Lessor at its sole discretion may either provide a compatible location, relocate all buildings, or provide similar facilities for the Lessee at no cost to the Lessee, or may terminate the Agreement.
- 20) Lessor reserves the right to take any action it considers necessary to protect the aerial approaches and transition surfaces of the Airport against obstruction, together with the right to prevent the Lessee from erecting or permitting to be erected any building or other structure on the Airport, which, in the opinion of the Lessor, would limit the usefulness of the Airport or constitute a hazard to aircraft.
- 21) Lessor reserves the right, during time of war, national emergency, riot or natural disaster, to lease the entire Airport or any part thereof to the United States or State of Iowa for military or National Guard use and, in such event, the provisions of this Agreement, insofar as they are inconsistent with the provisions of any lease to any such unit of government, shall be suspended for the term of such government lease.
- 22) Lessee agrees to purchase a minimum of 10,000 gallons of Jet A fuel annually at the previously agreed upon margin from the Fixed Base Operator.
- 23) Lessee acknowledges receipt of a copy of this Agreement and a copy of the Rules and Regulations of the City of Newton which are specifically incorporated by reference and form a part of this Agreement. Lessee agrees that it shall be bound by any and all of the Rules and Regulations promulgated by the City of Newton during the term of this Lease including Airport Minimum Standards for Aerial Applicators and any associated fees. (Exhibit A Attached).
- 24) Upon the termination or expiration of this Agreement, Lessee shall surrender the leased premises to Lessor in as good a condition as when said premises were received by Lessee, reasonable use and wear accepted. Lessee shall repair any damage to the premises occasioned by its use or by the removal of Lessee's fixtures, furnishings or equipment. If Lessee fails to do so, Lessor may make such repairs as are necessary and the costs thereof shall be paid by Lessee.
- 25) If Lessee fails to make any rental payments or violates any other covenants or conditions of this Lease, this lease may be terminated after notification in writing of the existence thereof. Said notice shall be given at least 30 days prior to the termination of this Lease.

26) RESERVED

27) It is expressly understood that this Lease is subject to and subordinate to any requirements of the FAA and any grant agreements which may be used in connection with the development or maintenance of the Newton Municipal Airport.

SIGNED this _____ day of _____, ~~2020~~ 2023 following approval of City Council Resolution No. 2023-_____.

LESSOR:

LESSEE:

City of Newton, Agent

Midwest Custom Ag Aviation

City of Newton Council Report



Item:

Resolution approving the Community Marketing Manager to make reservations for the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program not to exceed \$24,000.

Report Number: 2023-573

Date:

May 15, 2023

Lead Department:

Community Development

Recommendation:

Approve

Summary:

In alignment with Iowa's branding and awareness campaign for the out-of-state visitor, the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program will provide exciting opportunities for both traditional and new marketing tactics that the City of Newton can take advantage of with tourism marketing funds made available in the City's FY24 budget. This is a great way to feature Newton, Iowa in the story the Iowa Tourism Office is telling to travelers through targeted advertising and marketing. The Community Marketing Manager would like to be authorized to make reservations that do not exceed \$24,000 (which is 22% of the advertising and marketing funds allocated in the FY24 budget).

Financial Impact:

Up to \$24,000

Background:

As part of the Envision Newton 2042 Comprehensive Plan, one of the City's strategic objectives is to establish Newton as a compelling destination by integrating attractions, business types, and services that provide engaging experiences for residents and visitors. In FY24, the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program messaging will focus on Iowa's key lifestyle advantages, which fit well with this comprehensive plan strategic objective.

The target audiences that the Iowa Tourism Office are targeting include Gen Z & Millennials (ages 22 to 29) seeking new adventures and memorable experiences and Millennials & Gen X (ages 30 to 39) looking for an affordable place to travel with their young families. According to the Iowa Tourism Office, Iowa destinations and attractions have a unique story that resonates with travelers and will motivate them to experience the following:

- Iowa's best-kept secrets and hidden gems
- Awe-inspiring outdoor adventures
- Award-winning cuisines
- Innovative wineries, breweries, and distilleries
- Memorable family fun escapes
- Diverse art exhibits and cultural events
- Quaint shopping experiences

- Large-scale events
- Affordable weekend getaways

Some of the opportunities include print ads in Midwest Livings' Best of the Midwest (circulation of 300,000), Better Homes & Garden (circulation of 326,500), AAA Living (circulation of 1,133,451), streaming ads (50,000 impressions), digital billboards, Travel Iowa dedicated email sends, Travellowa.com sponsored content, and much more. Without the co-op and shared cost of these ads, some could cost up to \$25,000.

Reservations for the FY24 Travel Iowa Co-Op Program are accepted beginning June 7 at 10 a.m. Space is available on a first come basis. Registration will close on June 21, 2023. The Community Marketing Manager would like to be authorized to make reservations that do not exceed \$24,000 of budgeted marketing & advertising funds, which is 22% of the funds allocated in the FY24 budget. On or before July 7, 2023, we will receive formal confirmation from the Iowa Tourism Office. When opportunities are full, partners are placed on a waitlist and there is no cost to be on the waitlist. If space should become available and we are at the top of the waitlist, we will be offered the opportunity to confirm your space or pass. We can also cancel an opportunity before September 1, 2023 at no penalty.

Recommendation:

Staff recommends approval of this resolution.

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

Matt Muckler, City Administrator

RESOLUTION NO. 2023– _____

**RESOLUTION APPROVING THE COMMUNITY MARKETING MANAGER
TO MAKE RESERVATIONS FOR THE IOWA TOURISM OFFICE'S FY24
TRAVEL IOWA CO-OP PROGRAM NOT TO EXCEED \$24,000.**

WHEREAS, the City’s Envision Newton 2042 Comprehensive Plan calls for the City to establish Newton as a compelling destination by integrating attractions, business types, and services that provide engaging experiences for residents and visitors;

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

WHEREAS, the Iowa Tourism Office's FY24 Travel Iowa Co-Op Program messaging will focus on Iowa's key lifestyle advantages, which fit well with this comprehensive plan strategic objective,

WHEREAS, the Iowa Tourism Office’s FY24 Travel Iowa Co-Op program begins taking reservation at 10 a.m. on June 7, 2023,

WHEREAS, reservations are on a first come basis with a timeline for canceling or being put on a waitlist,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes the Community Marketing Manager to make reservations that do not exceed \$24,000 of budgeted marketing & advertising funds, which is 22% of the funds allocated in the FY24 budget.

PASSED this _____ day of June, 2023.

APPROVED this _____ day of June, 2023.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving the creation of two temporary Firefighter/EMT/Paramedic positions in the Fire Department

Summary:

This resolution proposes to add two temporary Firefighter/Paramedic to the Fire Department.

Financial Impact:

Minimal with ability to maintain revenue from transfers. (See attached memo with expense and revenue projections).

Report Number: 2023-572**Date:**

May 15, 2023

Lead Department:

Fire

Recommendation:

Approve

Background:

Attached to this Council Report is a memorandum with background information regarding the proposed change in staffing at the Fire Department. The change in staffing level is summarized in the following table.

DepartmentPosition		Current Authorization	Proposed Authorization
Fire	Fire Chief	1 FTE	1 FTE
Fire	Assistant Fire Chief	1 FTE	1 FTE
Fire	Fire Captain	3 FTE	3 FTE
Fire	Firefighter	19 FTE	19 FTE
Fire	Volunteer Firefighter	BY BUDGET	BY BUDGET
Fire	Administrative Supervisor	1 FTE	1 FTE
Fire	Administrative Assistant	1 FTE	1 FTE
Fire	Administrative Assistant	1 FTE	1 FTE
Fire	Temporary Firefighter/Paramedic	0 FTE	2 FTE

Recommendation:

City Staff recommends Council approve the addition of two (2) temporary Firefighter/EMT/Paramedic to staffing at the Fire Department.

Matt Muckler, City Administrator



Memorandum

To: Matt Muckler
From: Chief Jarrod Wellik
Priority: High
Date: May 8, 2023
Re: Request for Temporary Firefighter/EMT/Paramedic Staff

The purpose of this memo is to provide background information regarding the request for temporary firefighter/EMT/paramedic staff. The fire department currently has a shortage of staffing in the operations department. We have one staff member on light duty who is currently waiting for final determination on permanent disability. We have another employee who is out on a medical issue and has recently found out they will not be returning to work anytime soon. This has led to shortages in staffing resulting in vacation calendars being locked down, occasional mandatory hold for overtime, and reduced staffing levels resulting in loss of transfer revenue. This has been ongoing since November. In addition, we have a firefighter leaving for a department in the Des Moines metro area. Fortunately, we have a current hiring list that contains five names and one of those is a paramedic and three are already EMT's. It will take approximately 30 days to complete the process of making an offer and getting the new hire through a physical prior to a start date.

I am requesting two (2) temporary Firefighter/EMT/Paramedic positions for the standard 56 hours per week. One of these would be until such time that we have resolution on submitted disability paperwork to the Municipal Police and Fire Retirement System of Iowa. Their paperwork was submitted on 4/25/23 and will likely take approximately 120 days to receive the final decision which is roughly the end of August 2023. The second position would be left open and possibly utilized for another potential disability case. I am requesting that City Administrator Matt Muckler be given the authority to fill that position at such a date that is reasonably in advance of the expected disability. We currently have a firefighter leaving for the Des Moines area who will resign their position and has a start date of 6/5/2023 with their new department. We currently have a certified list and could make job offers immediately. My goal is to bring staffing levels

back to a level that allows employees to schedule vacation and provide relief from risk of mandatory hold over. This will improve employee morale and provide for consistent staffing of operations.

We have just made an offer for permanent employment for a replacement for the firefighter leaving for a position in the Des Moines metro area which will start on 6/5/2023. Financially, we project the first of the temporary positions to be in place until the end of August. At that time, the position will be converted to permanent full-time. I propose we use the contract amount Entry Level EMT as the basis for the hourly wage calculation. (We only had one Paramedic on the certified list and have offered him a position starting sometime at the end of May). Below are the two pay ranges included in the Labor Agreement with the Newton Association of Professional Firefighters (Contract):

Position:	Annual Salary
Entry Level EMT - Entry(through 6/30/23)	\$50,091
Entry Level EMT – Step 1 (after 7/1/23)	\$51,594
Entry Level Paramedic (through 6/30/2023)	\$56,298
Entry Level Paramedic (after 7/1/2023)	\$57,846

The current position being vacated is a firefighter that is a Paramedic position and when replaced will save \$589 per month in salaries. (We are trading entry level Paramedic for Paramedic Step 4) The EMT temporary position would have a salary as seen above in the salary comparison. The cost of the position is as follows:

Month	Salary	Benefits	Total
June	\$4,174	\$3,000	\$ 7,174
July	\$4,299	\$3,000	\$ 7,299
August	\$4,299	\$3,000	\$ 7,299
Total Cost of New EMT Position (Est. wages and benefits)			\$21,772

From a revenue perspective, the Newton Fire Department's primary revenue comes from the ambulance operations. Specifically, the revenue comes from interfacility transfers. In FY21/22, we completed 670 interfacility transfers. The average revenue collected per transfer is approximately \$800. The average transfers per shift are calculated as follows:

Transfers/months	Avg./Month	Per shift	Shift/Month
670/12=	56/month	56/3=	19 transfers

With two people currently on light duty, we have two shifts staffed at seven and one shift that is staffed at six. We allow one firefighter to be off per shift. When we have a

firefighter off, the short shift ends up staffed at five. Our average number of shifts with scheduled time off is about 50% of shifts. During the summer that number increases up to nearly 100% of shifts. Our policy states that when staffed at five we will only take emergency interfacility transfers. This results in interfacility transfers being turned down. Interfacility transfers are 22% of our call volume and account for 47% of our revenue. This results in an average transfer revenue of approximately \$800. The potential lost revenue is estimated as follows:

Turned Down Transfers	Revenue per Transfer	Revenue Loss	3-Month Total
25% (5)	\$800	(\$ 4,000)	(\$12,000)
50% (9)	\$800	(\$ 7,200)	(\$21,600)
75% (15)	\$800	(\$12,000)	(\$36,000)
100% (19)	\$800	(\$15,200)	(\$45,600)

We would also realize a savings in the salary for the newly hired Paramedic. As mentioned earlier this would save \$589 per month in salary. Over the course of the three months that would also reduce any cost associated with this change by \$1,767.

The cost of adding one temporary full-time position is then calculated as follows:

Total cost of new temporary position (Est. wages and benefits)	\$21,772
Reduction in revenue for turned down transfers	(21,600)
<u>Savings in new Paramedic hire</u>	<u>(1,767)</u>
Net potential savings of Temporary Full-time position	(\$ 1,595)

Summary:

Operations staff are in need of this temporary position. With the injuries described earlier and reduced staffing levels, they have experienced difficulty in scheduling time off and stress related to the unknown of mandatory hold over. The reduced staffing levels have also reduced the number of interfacility transfers we were able to perform. Expense and revenue projections show this change could have a minimal impact on finances for the Fire Department. Staff recommends approving two temporary positions with one being filled now and holding the other position for potential use at a later date subject to approval by the City Administrator.

Jarrold Wellik
Fire Chief

RESOLUTION NO. 2023 – _____

RESOLUTION APPROVING CREATION OF TWO TEMPORARY
FIREFIGHTER/EMT/PARAMEDIC POSITIONS IN THE FIRE DEPARTMENT

WHEREAS, the Fire Department is currently authorized with 27 full-time-employees; and

WHEREAS, turn over, injuries, and a long-term disability process have led to increased overtime and decreased ability to perform existing levels of output.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that two (2) temporary Firefighter/Paramedic position be created.

BE IT FURTHER RESOLVED the temporary Firefighter/EMT/Paramedic positions will be eliminated after successful replacement of the Firefighter/EMT/Paramedic position issues have been resolved.

Department	Position	Current Authorization	Proposed Authorization
Fire	Fire Chief	1 FTE	1 FTE
Fire	Assistant Fire Chief	1 FTE	1 FTE
Fire	Fire Captain	3 FTE	3 FTE
Fire	Firefighter	19 FTE	19 FTE
Fire	Volunteer Firefighter	BY BUDGET	BY BUDGET
Fire	Administrative Supervisor	1 FTE	1 FTE
Fire	Administrative Assistant	1 FTE	1 FTE
Fire	Administrative Assistant	1 FTE	1 FTE
Fire	Temporary Firefighter/Paramedic	0 FTE	2 FTE

PASSED this _____ day of May, 2023.

APPROVED this _____ day of May, 2023.

Michael L. Hansen, Mayor

ATTEST:

_____Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution Placing Staff on the Pay Matrix in the Administration, Utilities, and Fire Departments

Summary:

Resolution Placing Staff on the Pay Matrix in the Administration, Utilities, and Fire Departments

Report Number: 2023-574**Date:**

May 15, 2023

Lead Department:

Administration

Recommendation:

Approve

Financial Impact:

Depending on where actual hiring is agreed upon, General Fund expenses could be increased by \$4,113 in FY24 if the Fire Marshal is hired at range 9, step 9. Any other increases would be minimal and be paid from the Waterworks and Water Pollution Control Funds

Background:

In September of 2022, the citizens of Newton voted to approve that the Newton Waterworks become a department of the City of Newton. At the November 7, 2022 meeting, the City Council amended the code of ordinances to dissolve the Water Board of Trustees and add the Waterworks to Title V Public Works, Chapter 54 to the City of Newton code of ordinances. There are 5 employees in the Water department that are not included in the Union contract and each received a 3% pay increase on July 1, 2022 for fiscal year 2023 as done in previous years. As of July 1, 2023 and going forward, these 5 employees will need to be placed on the City's pay matrix. Additionally, because of the years of service, some employees will need to be placed above the midpoint (Step 7) in their respective ranges and per policy, this action needs City Council approval.

The current Water Pollution Control Assistant Superintendent provided interim supervision of the Newton Waterworks last winter and spring. This employee has also passed the IDNR grade III certification. With the creation of the Utilities Department and the desire to merge the wage scales between Waterworks and the City of Newton, this creates the need to adjust the Water Pollution Control Assistant Superintendent from a range 8, step 8 to Range 8 step 10 beginning on July 1, 2023

The request for changes from the Fire Department is a result of candidate list development for the position of Fire Prevention Specialist. The title, Fire Prevention Specialist, was confusing to candidates and potential candidates, resulting in a low number of applicants. Typically, a Fire Prevention Specialist reports to the Fire Marshal. The job description for the position was very clear that the position's responsibility and authority were that of a Fire Marshal, but the perception was unclear. In addition, it was realized the salary for the position was below the minimum market salary for similar positions. We feel the candidate list was appropriate for the position of Fire Prevention Specialist and did not meet the requirements of a Fire Marshal position. The Fire Department will be going through an additional recruiting process to find a candidate with the expected qualifications and experience. In order to raise the salary, the Fire Department is requesting to be able to place the position above mid-point (step 7) in Range 9, up to and including Step 9.

Below is the recommended range and step for each non Union employee as of July 1, 2023:

Position	Current Authorization	Proposed Authorization	Reporting To:
Administrative Assistant (4 years of service)	1 FTE, not on Pay Matrix	1 FTE, Range 3, Step 1	Finance Officer
Administrative Assistant (25 years of service)	1 FTE, not on Pay Matrix	1 FTE, Range 3, Step 11	Finance Officer
Administrative Supervisor (27 years of service)	1 FTE, not on Pay Matrix	1 FTE, Range 5, Step 14	Finance Officer
Water Distribution Assistant Superintendent (25 years of service)	1 FTE, not on Pay Matrix	1 FTE, Range 8, Step 10	Utilities Director
Water Treatment Superintendent (27 years of service)	1 FTE, not on Pay Matrix	1 FTE, Range 10, Step 7	Utilities Director
WPC Assistant Plant Superintendent	1 FTE, Range 8, Step 8	1FTE, Range 8, Step 10	Utilities Director
Fire Marshal/Fire Prevention Specialist (Currently Open)	1 FTE, Range 9, Up to Midpoint (Step 7)	1 FTE, Range 9, Up to Step 9	Fire Chief

Recommendation:

Staff recommends approval of this resolution to become effective on July 1, 2023.



Matt Muckler, City Administrator

RESOLUTION NO. 2023-_____

RESOLUTION PLACING STAFF ON THE PAY MATRIX IN THE ADMINISTRATION, UTILITIES, AND FIRE DEPARTMENTS

WHEREAS, with the addition of the Water department to the City of Newton the five non-union employees need to be placed on the City’s current pay matrix; and

WHEREAS, 3 of the 5 employees have been with the Waterworks for over 20 years and because of the years of services will need to be placed above midpoint in their respective ranges and this action requires City Council approval; and

WHEREAS, With the creation of the Utilities Department and the desire to merge the wage scales between Waterworks and the City of Newton, this creates the need to adjust the Water Pollution Control Assistant Superintendent from a range 8, step 8 to Range 8 step 10 beginning on July 1, 2023; and

WHEREAS, the Fire Department has found that in order to hire qualified candidates for the Fire Marshal position (previously the Fire Prevention Specialist), it is recommended that the Fire Chief have the authority to hire a qualified candidate in range 9, up to and including step 9, which is above the mid-point and requires City Council approval according to policies; and

WHEREAS, this proposal is summarized in the chart below:

Position	Current Authorization	Proposed Authorization	Reporting to:
Administrative Assistant (4 years of service)	1 FTE, Not on Pay Matrix	1 FTE, Range 3, Step 1	Finance Officer
Administrative Specialist (25 Years of Service)	1 FTE, Not on Pay Matrix	1 FTE, Range 3, Step 11	Finance Officer
Administrative Supervisor (27 years of Service)	1 FTE, Not on Pay Matrix	1 FTE, Range 5, Step 14	Finance Officer
Water Distribution Assistant Superintendent (25 years of Service)	1 FTE, Not on Pay Matrix	1 FTE, Range 8, Step 10	Utilities Director
Water Treatment Superintendent (27 Years of Service)	1 FTE, Not on Pay Matrix	1 FTE, Range 10, Step 7	Utilities Director
WPC Assistant Plan Superintendent	1 FTE, Range 8, Step 8	1 FTE, Range 8, Step 10	Utilities Director
Fire Marshal	1 FTE, Range 9, No higher that step 7	1 FTE, Range 9, Up to and including Step 9	Fire Chief

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby approves the additions and adjustments to the pay matrix for the City of Newton beginning July 1, 2023.

PASSED this15th day of May 2023.

APPROVED this _____ day of May 2023.

Michael L. Hansen, Mayor

(SEAL)
ATTEST:

Katrina Davis, City Clerk