



## Newton City Council Agenda

November 6, 2023 - 6:00 PM

*View the City Council Meeting:*

**In Person**

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

**Television**

Mediacom Channel  
12/85/121.12

**Online**

[newtongov.org/cablecast](http://newtongov.org/cablecast)

### Pledge

Pledge of Allegiance

### Call to Order

1. Roll Call

### Citizen Participation

2. This is the time of the meeting that a citizen may address the Council. 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

3. October 16, 2023 Regular City Council Meeting Minutes
4. October 16, 2023 Workshop Minutes
5. October 23, 2023 Goal Setting Workshop Minutes
6. Certify Police Officer Hiring List
7. Approve Liquor Licenses for the following: Alta House Event Center-LC0047705, 1600 East 36th Street South, Class C Retail Alcohol License; Hy-Vee Food Store #1- LE0000090, 1501 First Ave E, Class E Retail Alcohol License; Capitol II Theatre, 116 1st St N, Special Class C Retail Native Wine License
8. Resolution accepting completion of the 2023 pre-season salt purchase
9. Resolution approving an agreement with Driving Cap Entertainment for a UV glow foam party at Newton Fest 2024
10. Resolution appointing Toni Peska to serve on the Newton Historic Preservation Commission for an unexpired term ending December 31, 2024
11. Resolution Approving a Property Tax Rebate for the GG 115, LLC Property Located Within the North Central Urban Renewal Area
12. Resolution Approving a Property Tax Rebate for the Newton Elite Properties, LLC Property Located Within the 1<sup>st</sup> Avenue East Urban Renewal Area

13. Resolution Approving a Property Tax Rebate for the Van Maanen Electric, Inc Property Located Within the East Mart Urban Renewal Area
14. Resolution Approving a Property Tax Rebate for the Best Midwest LLC Property Located at 109 1<sup>st</sup> Ave W Within the North Central Urban Renewal Area
15. Resolution accepting completion of the 2023 Streetscape Light Pole Refinishing Project
16. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Revised Schedule 23-09)
17. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 23-10)
18. Resolution appointing the Public Works Director and City Planner to serve on the Central Iowa Regional Transportation Planning Alliance Committees in 2024
19. Resolution to provide free golf and pool passes for inclusion in the Newton Housing Development Corporation's (NHDC) 2024 Get to Know Newton Welcome Package
20. Resolution awarding contract for the Eversman Field Backstop Repair Project
21. Resolution ordering bids, approving plans, specifications and form of contract and notice to bidders, and ordering clerk to publish notice and fixing a date for receiving same, and for a public hearing on plans, specifications, form of contract and estimate of costs for the Westwood Clubhouse Demolition Project
22. Resolution terminating the Westwood Clubhouse design services agreement with I & S Group, Inc.
23. Resolution ordering bids, approving plans, specifications and form of contract and notice to bidders, and ordering clerk to publish notice and fixing a date for receiving same, and for a public hearing on plans, specifications, form of contract and estimate of costs for the Downtown Spray Park & Gathering Space Project
24. Resolution approving a Telecommunications Licensing Agreement with Unite Private Networks – UPN 6208
25. Resolution approving a Telecommunications Licensing Agreement with Mahaska Communication Group – Phase 4
26. Resolution approving payment for an emergency storm sewer repair at 2026 1st Ave E
27. Resolution Authorizing the Purchase of an additional Handheld Collector and Versaprobe Touch Reader from the Van Wert Company for Utility Billing Meter Reading
28. Resolution to approve a maintenance agreement with Forbes Office Solutions, Inc.
29. Resolution awarding the purchase of self-contained breathing apparatus harnesses and bottles.
30. Resolution awarding the purchase of firefighter's personal protective equipment.
31. Resolution Setting a Date of Meeting at Which it is Proposed to Approve a Development Agreement with Ex Nihilo LLC, Including Annual Appropriation Tax Increment Payments

## Public Hearing

32. Approve Bills
33. Public Hearing on Resolution awarding contract for the Water Treatment Plant Controls and Telemetry Replacement Project
  - The Water Treatment Plant was constructed approximately 55 years ago. The controls and telemetry for the water treatment plant, water wells, water storage tanks, towers and pump stations have become outdated and software is no longer supported. The replacement of the controls and telemetry at the Water Treatment Plant was included in the Capital Improvement Plans (CIP) for FY24.
  - Plans, specifications and engineer's estimated cost were prepared by Fox/Strand Engineering. Engineer's estimated cost for this project was \$500,000.00. The bid opening for this project occurred on October 20, 2023.
  - Jetco Inc. of Altoona, Iowa was the lowest, responsive, responsible bidder in the amount of \$225,000.00.
34. Resolution awarding contract for the Water Treatment Plant Controls and Telemetry Replacement Project
35. Public Hearing on Resolution awarding contract for the WPC 1st St N Aerial Sewer Crossing Repair Project
  - The sanitary sewer aerial repair is located in a remote wooded area crossing a Cherry Creek drainage tributary. This drainage area has eroded over the years leaving the footings holding the sanitary sewer exposed and in the danger of failing. The proposed project includes installing a storm sewer culvert and placing earth fill to bury the sanitary sewer pipe. This project was included in the Capital Improvement Plans (CIP) for FY23, but because of some engineering staffing shortages, this project was delayed until now.
  - The engineer's estimate for this project is \$127,500.00. The bid opening for the project was held on October 20, 2023 in the office of the Utilities Director.
  - JET Drain Services LLC. Of Ames, Iowa was the lowest, responsive, responsible bidder in the amount of \$100,000.00. This project will be paid from Water Pollution Control Enterprise funds.

## Ordinance

36. Resolution awarding contract the WPC 1st St N Aerial Sewer Crossing Repair Project
37. First Consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, Chapter 75: All-Terrain Vehicles, Off-Road Utility Vehicles, Golf Cars and Snowmobiles

- City Council passed a UTV/ATV ordinance in November of 2022 that contained a sunset clause.
- That ordinance is going to sunset on November 8, 2022 and action needs to occur to keep the ordinance in place.
- The Police Department advised there have been no major issues and recommends removing the sunset clause and amending the penalty portion of the ordinance.

## Resolution

38. Resolution amending Various sections of the Employee Handbook
  - This action amends the Employee Handbook by adding a clothing allowance for the new Utility Meter Reader position, adding section 3.2 "Cooperation in Investigations" and a "Seatbelt Policy" in Appendix A: Safety Policy Manual.
39. Resolution approving a low-moderate income housing set-aside grant for 1318 Glenway Drive, Newton
  - The owner of 1318 Glenway Drive income qualifies for the Low-Moderate Income Existing Housing Improvement Grant.
  - The owner proposes to replace the private water service at the residence and has requested grant funding assistance to the project.
  - The grant program can provide 75% of the project costs, which is equal to \$5,246.25.
40. Resolution adopting the 2023 - 2025 Council Goals for the City of Newton
  - The 2023 – 2025 City Council Goals will serve as a guide during the upcoming budget process as well as serve as direction in setting priorities for City Staff.
41. Resolution Terminating Development Agreement with Cindy Rogers-Sell
  - The City and Cindy Rogers-Sell entered into a development agreement in August 2021. Cindy Rogers-Sell has sold the property at 107 1st Avenue West, Newton.
  - It is necessary to approve the termination of the active development agreement with Cindy Rogers-Sell.

## Mayor/Council Comments

42. Mayor and Council Comments

## Closed Session

43. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be

Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2022

**Return to Open Session**

44. Return to Open Session

**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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