

Agenda: Newton City Council

City Council Meeting

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

September 20, 2021 6:00 p.m.
Newton, Iowa 50208

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

- | | |
|------------------------------|---|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Proclamation | 2. Constitution Week |
| Presentation | 3. Black Hills Energy – Nicole Breitbach, Sr. Community Affairs Manager |
| Citizen Participation | 4. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City polices or the provision of City services and shall not include derogatory statements or comments about any individual. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda. |
| Consent Agenda | 5. September 7, 2021 Regular City Council Meeting Minutes |
| | 6. Approve Liquor Licenses for the following: AmericInn Lodge, Renewal, BW0093079, 4401 S 22 nd Ave E, Special Class C Liquor License, Class B Wine Permit, Sunday Sales; LaCabana, Renewal, LC0029523, 2617 1 st Ave E, Class C Liquor License, Outdoor Service, Sunday Sales |
| | 7. Resolution Fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-07). (Council Report 21-243) |
| | 8. Resolution Approving a Property Tax Rebate for the Lion Development Group, LLC Property Located Within the North Central Urban Renewal Area. (Council Report 21-244) |
| | 9. Resolution awarding contract for the 2021 Maytag Park Sidewalk Project. (Council Report 21-245) |
| | 10. Resolution awarding contract for the 2021 City of Newton Woodland Park Tree & Stump Removal Project. (Council Report 21-246) |

11. Resolution directing sidewalk repairs at 217 N 2nd Ave W. (Council Report 21-247)
12. Resolution setting a public hearing and inviting proposals for the sale of property at 521 South 4th Avenue West in Newton. (Council Report 21-248)
13. Resolution awarding the purchase of self-contained breathing apparatus harnesses and bottles. (Council Report 21-249)
14. Approve Bills

Ordinances

15. First Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 600-700 blk. of E 15th St S. (Council Report 21-250)
 - The City received safety concerns regarding street parking in the 600-700 blk. of E 15th St S. This street is 25ft wide and is not wide enough to safely accommodate parking on both sides of the street.
 - The Traffic Safety Committee reviewed the situation and recommends restricting parking on the west side of the street. Surveys were sent to adjacent property owners with 7 residents being in favor of the proposed changes and 1 opposed.
16. First Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 600-700 blk. of E 14th St S. (Council Report 21-251)
 - The City received safety concerns regarding street parking in the 600-700 blk. of E 14th St S. This street is 25ft wide and is not wide enough to safely accommodate parking on both sides of the street.
 - The Traffic Safety Committee reviewed the situation and recommends restricting parking on the east side of the street. Surveys were sent to adjacent property owners with 3 residents being in favor of the proposed changes and 5 opposed.
17. First Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 1200-1400 blk. of S 6th Ave E. (Council Report 21-252)
 - The City received safety concerns regarding street parking in the 1200-1500 blk. of S 6th Ave E. This street is 25ft wide and is not wide enough to safely accommodate parking on both sides of the street.
 - The Traffic Safety Committee reviewed the situation and recommends restricting parking on the south side of the street. Surveys were sent to adjacent property owners with 6 residents being in favor of the proposed changes and 6 opposed.
18. First Consideration of an Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title IX, Chapter 94: Public Nuisances, Revisions and/or additions related to outside parking and storage of vehicles and trailers on residential property. (Council Report 21-253)
 - Chapter 94: Public Nuisances of the City Code of Ordinances addresses numerous potential nuisance code violations, with this proposed

ordinance change related to outside parking and storage of vehicles and trailers on residential property.

- The City recognizes that property owners may own a business or work for a business that allows them to bring a company vehicle home, however large commercial vehicles or equipment in residential areas has detrimental and blighting impacts upon the residential quality and character of such neighborhoods.
- The Planning and Zoning Commission discussed the ordinance and voted in support of the proposed ordinance and recommended the City explore alternative parking for semi-trucks and trailers.

Staff Report

19. Brian Laube, Director Community Services-Department Update

Mayor/Council Comments

20.

Adjourn

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

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Newton

PROCLAMATION

CONSTITUTION WEEK SEPTEMBER 17-23, 2021

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to the rule by law; and

WHEREAS: On September 17-23, 2021 we celebrate the 234th Anniversary of the 1787 Constitutional Convention; and at this convention, the world's oldest written constitution was drafted by the United States, thus outlining the fundamental principles by which our nation is governed; and

WHEREAS: The Constitution ensures the distribution of functions and responsibilities among three separate branches and a system of checks and balances to calibrate those powers, ultimately ensuring the protection of individual rights and liberties; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17-23, 2021 Constitution Week; and

THEREFORE: I, Michael L. Hansen, Mayor of the City of Newton, Iowa do hereby proclaim: THE CITY OF NEWTON RECOGNIZES CONSTITUTION WEEK AS SEPTEMBER 17-23, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Newton to be affixed.

A handwritten signature in black ink, appearing to read "Michael L. Hansen".

MICHAEL L. HANSEN
MAYOR
CITY OF NEWTON



REGULAR CITY COUNCIL MEETING MINUTES
SEPTEMBER 07, 2021, 6:00 P.M.
CITY COUNCIL CHAMBERS

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

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

Captain Janelle Cleaveland, Corps Officer with the Newton Salvation Army presented on their past year and upcoming events. They were open the whole time during the pandemic. During 2020 they helped 150 families a month with the food pantry. They did see an increase in families needing help with rent and utilities. Homelessness has also increased in Newton; all of the agencies are working together to try and help them as they can but some do not want to be helped. They did the Christmas assistance program, provided backpacks and supplies for children going back to school, and did the breadline. The annual quilt and basket auction will happen October 22nd at 6:30 p.m. at DMACC. The annual kettle campaign will happen Nov 15 – 24th. Volunteers to ring bells is always appreciated.

During citizen participation Jerry Chandler, 1011 W 8th St N, asked about homelessness, vagrancy, and loitering. City Administrator, Muckler will respond to Mr. Chandler with a written response.

Moved by George, seconded by Trotter to approve consent agenda items 4-18.

4. August 16, 2021 Regular City Council Meeting Minutes
5. Approve Liquor Licenses for the following: Okoboji Grill, Renewal, 1425 W 19th St S, LC0033422, Class C Liquor License, Special Class A Beer Permit, Catering, Sunday Sales, Outdoor Service; Kwik Star #1001, Renewal, 1910 1st Ave E, BC0030784, Class C Beer Permit, Class B Wine Permit Sunday Sales; Git-n-Go #45, Renewal, 1708 S 8th Ave E, BC0030584, Class C Beer Permit, Class B Wine Permit, Sunday Sales
6. Approve 2021-2022 Cigarette/Tobacco/Nicotine/Vapor License for: Raceway 80 (New Business), 4300 S 22nd Ave E.
7. Resolution Appointing members to 2021 Comprehensive Plan Steering Committee. Resolution 2021-225 adopted.
8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-06). Resolution 2021-226 adopted.
9. Resolution awarding contract for the 2021 City of Newton Parks Tree & Stump Removal Project. Resolution 2021-227 adopted.
10. Resolution accepting completion of the Demolition 2021-02 Project. Resolution 2021-228 adopted.
11. Resolution approving temporary access easement N2021-01 at 811 E 12th St Pl N. Resolution 2021-229 adopted.
12. Resolution approving updated Professional Services Agreement for the City's engineering and GIS needs. Resolution 2021-230 adopted.
13. Resolution authorizing signing Settlement Agreement and releasing of retainage for the 2017 UV disinfection project. Resolution 2021-231 adopted.
14. Resolution authorizing payment for the repair of Salt and sand storage building. Resolution 2021-232 adopted.
15. Resolution awarding the purchase of battery powered extrication equipment. Resolution 2021-233 adopted.
16. Resolution setting a public hearing and inviting proposals for the sale of property at 900 South 5th Avenue East, 1106 South 5th Avenue East, and 200 East 8th Street North in Newton. Resolution 2021-234 adopted.
17. Resolution Approving Promissory Notes & Construction Contracts for Lots 10 & 11, Cardinal Ridge Subdivision Plat 1 in Newton from Ground Breaker Homes, LLC of Clive, Iowa. Resolution 2021-235 adopted.
18. Approve Bills

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

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution awarding contract for the Former Manufactured Gas Plant Site 2021 Remediation Project. There were no written comments. Moved by Trotter, seconded by Stonner, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Ervin, seconded by Mullan to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-236 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution accepting purchase agreement for property at 702 East 4th Street North and 416 North 7th Avenue East in Newton. There were no written comments. Moved by Trotter, seconded by Hallam, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by Stonner, seconded by Hallam to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-237 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution Approving Development Agreement with Van Maanen Electric, Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. There were no written comments. Moved by Mullan, seconded by Trotter, to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed. Moved by George, seconded by Stonner to adopt the resolution. AYES: Six. NAYS: None. Resolution 2021-238 adopted.

Mayor Hansen stated that this is the time and place for a Public Hearing on a Resolution approving the International Church Minor Subdivision, City of Newton, Jasper County, Iowa. 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. Moved by Stonner, seconded by George to adopt the resolutions. AYES: Six. NAYS: None. Resolution 2021-239 adopted.

Moved by Trotter, seconded by George to approve a Resolution accepting a grant from the Jasper Community Foundation and awarding the purchase of thermal imaging equipment. AYES: Six. NAYS: None. Resolution 2021-240 adopted.

Fire Chief, Jarrod Wellik, presented on the 9/11 20th Anniversary and invited everyone to the memorial service Saturday, September 11th at 9:00 a.m.

During Mayor/Council comments George reminded everyone to sign up for the Public Safety Academy. Mullan invited everyone to attend the “Coffee with the Mayor” and asked about chimineas in Newton and guidance on safety. Ervin announced the PGI committee will be looking for volunteers to help at the Alta house September 30th at 5:30 p.m. Hallam asked about participating in the Comprehensive Plan. Erin Chambers, Community Development Director stated that there will be multiple surveys and focus groups that citizens can participate in. They will be at the farmers market on September 28th to kick things off. Hallam announced that the “8 Track Band” was inducted into the Iowa Rock and Roll Hall of Fame. Stonner participated in that band. The last performance was 10 years ago. Stonner stated, “it was a great honor”.

Moved by Trotter, seconded by Hallam to adjourn the meeting at 6:51 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-07).

Report Number: 21-243

Date:

September 20, 2021

Summary:

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

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$4,287.79

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abated violations that remained non-compliant after the initial warning period.

The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

Recommendation:

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

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

Matt Muckler
City Administrator

Schedule 21-07: 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
Terri Morton	835254010	306 E 20th St S	Newton	\$89,230	\$218.62	\$75.00	\$293.62	AURORA HEIGHTS SD LOT 27 BLK F	7/16/2021
Paul Mattingly	1303103006	207 S16th Ave W	Newton	\$47,580	\$130.00	\$75.00	\$205.00	GUTHRIE'S SD W 1/2 LOT 4 BLK C	7/19/2021
Terri Morton	835254010	306 E 20th St S	Newton	\$89,230	\$1,286.00	\$75.00	\$1,361.00	AURORA HEIGHTS SD LOT 27 BLK F	6/17/2021
Amber Hull	827409015	818 N 9th Ave E	Newton	\$39,280	\$90.00	\$100.00	\$190.00	EDMUNDSON'S ADD E 1/2 LOT 5 BLK 11	7/28/2021
RC Homes LLC	1303102009	211 S 15 Ave W	Newton	\$63,200	\$120.00	\$100.00	\$220.00	GUTHRIE'S SD S 1/2 LOT 3 & E 94' OF W 3/4 OF N 1/2 LOT 3 BLK B	7/28/2021
Tamara Adams	833484007	501 S 11th Ave W	Newton	\$122,760	\$40.00	\$75.00	\$115.00	CARRIER'S MEADOWS LOT 19 EX E 10.25' & E 30.75' LOTS 10 & 13 BLK A	8/4/2021
Brian Callison	826302004	900 E 12th St N	Newton	\$59,170	\$20.00	\$75.00	\$95.00	EMERSON HOUGH PLACE NO. 2 LOT 17 SD OF LOT 13 BLK J	8/4/2021
Ellen Ritter	833126034	1290 1st Ave W	Newton	\$181,410	\$1,008.17	\$75.00	\$1,083.17	LOT M NE NW EX W 264'	8/6/2021
Matthew Thongvanh	835226018	229 E 24th St N	Newton	\$152,440	\$60.00	\$75.00	\$135.00	FAIRMEADOWS ADD PHASE 5, LOT 120	8/5/2021
Sara Diane Baker	827104005	104 N 16th Ave W	Newton	\$45,820	\$60.00	\$75.00	\$135.00	NELSON'S SD LOT 13	8/5/2021
Stephen Stubbe	833454014	926 S 12th Ave W	Newton	\$106,450	\$80.00	\$75.00	\$155.00	ELM PARK AMENDED PLAT E 76' LOTS 3-4 SECTION F	8/10/2021
Lesley & Walter Dawson Sr	834231019	908 1st Ave E	Newton	\$56,360	\$70.00	\$75.00	\$145.00	EAST ADD LOT C SD LOT 7	8/9/2021
Jeremy Whitson	1303102004	307 S 15th Ave W	Newton	\$55,600	\$80.00	\$75.00	\$155.00	GUTHRIE'S SD W 1/2 LOT 2 BLK B	8/18/2021
Total							\$4,287.79		

RESOLUTION 2021- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 21-07)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 21-07: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 21-07: Assessment for the Expenses for Nuisance Abatement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 21-07: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 21-07: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item: Resolution Approving a Property Tax Rebate for the Lion Development Group, LLC Property Located Within the North Central Urban Renewal Area

Summary: Resolution Approving Property Tax Rebate to the Lion Development Group, LLC Property According to the Approved Development Agreement

Financial Impact:
\$53,930 property tax rebate from the North Central Urban Renewal TIF Fund

Report Number: 21-244

Date: September 20, 2021

Lead Department:
Administration

Recommendation:
Approval

Background:

The City of Newton entered into a development agreement in June of 2018 with Lion Development Group, LLC and amended this agreement in January of 2020 and March of 2021 on the property located at 320 W 3rd St N within the North Central Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by Lion Development Group, LLC in Fiscal year 21/22.

Lion Development Group, LLC has provided documentation that the first half of the North Central Urban Renewal Area property taxes owed in 2021-22 in the amount of \$53,930 have been paid to the Jasper County Treasurer and are eligible for rebate.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment to Lion Development Group, LLC for the first half of the 21/22 property taxes.

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION APPROVING A PROPERTY TAX REBATE FOR THE
LION DEVELOPMENT GROUP, LLC PROPERTY LOCATED WITHIN
THE NORTH CENTRAL URBAN RENEWAL AREA**

WHEREAS, the City of Newton (City) has established the North Central Urban Renewal Area; and

WHEREAS, a Development Agreement with Lion Development Group, LLC was entered into in June of 2018 and Amended in January of 2020 and March 2021 on the property located at 320 West 3rd Street North within the North Central Urban Renewal Area, and

WHEREAS, said Agreement provides that the City provide to the Developer a 100% TIF Property Tax Rebate in Fiscal Year 21-22, and

WHEREAS, the Developer has paid its property taxes for the first half of fiscal year 2021-2022 in the total amount of \$63,145 and is eligible to receive a 100% TIF rebate of \$53,930;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa:
That, per the terms of the Development Agreement with Lion Development Group, LLC, a property tax rebate for the first half of fiscal year 2021-2022 taxes in the amount of \$53,930 is hereby approved.

PASSED this 20th day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2021 Maytag Park Sidewalk Project.

Report Number: 21-245

Summary:

Award of contract to construct a sidewalk in Maytag Park.

Date:

September 20, 2021

Lead Department:

Community Services

Financial Impact:

\$15,971.00 from 2021 bond funds.

Recommendation:

Approve

Background:

Maytag Park currently does not have a separate sidewalk for pedestrians walking to Maytag Pool. Pedestrians are currently forced to share the roadway with vehicles which is both unsafe and doesn't comply with ADA regulations. This project would extend the existing sidewalk from the park entrance to the Maytag Pool entrance. Along with the new sidewalk, ADA compliant sidewalk ramps will be constructed where the new sidewalk meets the park roads.

Community Services prepared plans and specifications for the proposed 2021 Maytag Park Sidewalk Project and requested quotes. The following bids were received and opened on September 9, 2021:

<u>Company</u>	<u>Bid Price</u>
Pillar, Inc. - Nevada, Iowa	\$15,971.00
Rebel Construction Services, LLC - Patterson, Iowa	\$18,470.49
TK Concrete, Inc., Pella, Iowa	\$19,965.00
Howrey Construction, Inc., Rockwell City, Iowa	\$28,972.75

The apparent low bidder is Pillar, Inc. of Nevada, Iowa. City staff's cost estimate for this project was \$14,000.00. The project completion date is November 15, 2021. 2021 general fund bonds will be used to pay for this project.

Recommendation:

City Staff recommends that Council award the project to Pillar, Inc. of Nevada, Iowa in the amount of \$15,971.00.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION AWARDING CONTRACT
FOR THE 2021 MAYTAG PARK SIDEWALK PROJECT**

WHEREAS, Maytag Park currently does not have a separate sidewalk for pedestrians walking to Maytag Pool; and

WHEREAS, pedestrians are currently forced to share the roadway with vehicles which is both unsafe and doesn't comply with ADA regulations; and

WHEREAS, this project would extend the existing sidewalk from the park entrance to the Maytag Pool entrance; and

WHEREAS, along with the new sidewalk, ADA compliant sidewalk ramps will be constructed where the new sidewalk meets the park roads; and

WHEREAS, the City of Newton Community Services Department prepared plans and specifications for the 2021 Maytag Park Sidewalk Project, and put said project out to bid; and

WHEREAS, City staff recommends that the City of Newton award a contract to Pillar, Inc. of Nevada, Iowa, for the 2021 Maytag Park Sidewalk Project based on the low responsive, responsible bid received in the amount of \$15,971.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Pillar, Inc. of Nevada, Iowa, in the amount of Fifteen Thousand, Nine Hundred Seventy-One Dollars and Zero Cents (\$15,971.00) for the 2021 Maytag Park Sidewalk Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Pillar, Inc. of Nevada, Iowa for the 2021 Maytag Park Sidewalk Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved. The City shall utilize 2021 bond funds to pay for this project.

PASSED this _____ day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution awarding contract for the 2021 City of Newton Woodland Park Tree & Stump Removal Project.

Report Number: 21-246

Summary:

Award of contract to complete the removal of 30 trees in Woodland Park.

Date:

September 20, 2021

Lead Department:

Community Services

Financial Impact:

\$9,840.00 from 2021 bond funds.

Recommendation:

Approve

Background:

Dead and dying oak trees in Woodland Park create a danger to park visitors. These trees also create an unsightly appearance. The removal of the trees, including stumps, would require more time and additional equipment that the City does not possess.

Parks Operations marked the trees needing removed and Community Services prepared plans and specifications for the proposed 2021 City of Newton Woodland Park Tree & Stump Removal. Four bids were received and opened on September 9, 2021.

The apparent low bidder is Trenary's Tree Service of Altoona, Iowa. City staff's cost estimate for this project was \$30,000.00. The project completion date is April 1, 2022. 2021 general fund bonds will be used to pay for this project.

Recommendation:

City Staff recommends that Council award the project to Trenary's Tree Service of Altoona, Iowa in the amount of \$9,840.00.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION AWARDING CONTRACT
FOR THE 2021 CITY OF NEWTON WOODLAND PARK
TREE & STUMP REMOVAL PROJECT**

WHEREAS, dead and dying oak trees in Woodland Park create a danger to park visitors; and

WHEREAS, these trees also create an unsightly appearance; and

WHEREAS, city staff has neither the time nor equipment to complete the work; and

WHEREAS, the City of Newton Community Services Department prepared plans and specifications for the 2021 City of Newton Woodland Park Tree & Stump Removal Project, and put said project out to bid; and

WHEREAS, City staff recommends that the City of Newton award a contract to Trenary's Tree Service for the 2021 City of Newton Woodland Park Tree & Stump Removal Project based on the low responsive, responsible bid received in the amount of \$9,840.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid of Trenary's Tree Service of Altoona, Iowa, in the amount of Nine Thousand, Eight Hundred Forty Dollars and Zero Cents (\$9,840.00) for the 2021 City of Newton Woodland Park Tree & Stump Removal Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Trenary's Tree Service of Altoona, Iowa for the 2021 City of Newton Woodland Park Tree & Stump Removal Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved. The City shall utilize 2021 bond funds to pay for this tree removal project.

PASSED this _____ day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution directing sidewalk repairs at 217 N 2nd Ave W.

Report Number: 21-247

Date:

September 20, 2021

Summary:

City Council directs the owners of 217 N 2nd Ave W to replace defective sidewalk by October 31, 2021.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

none

Background:

The property owners of 217 N 2nd Ave W recently had the public sidewalk removed and replaced in front of their building without a permit, with the resulting work violating City Code Section 154.023(C)(9). Said code section states *"All sidewalks shall slope one-quarter inch per foot toward the curb unless modified by the City Engineer."* In this case, the new sidewalk's cross-slope was increased well outside of this code language and applicable ADA standards.

City Code Section 154.019 states *".....the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax."*

City staff has previously notified the property owners of the violation by mail and also in person. Approval of this resolution will cause the required notice to be served by certified mail, and approve abatement actions should the violation remain uncorrected after October 31, 2021.

Recommendation:

City Staff recommends approval of the Resolution directing sidewalk repairs at 217 N 2nd Ave W.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

RESOLUTION DIRECTING SIDEWALK REPAIRS AT 217 N 2ND AVE W

WHEREAS, the property owners of 217 N 2nd Ave W recently had the public sidewalk removed and replaced in front of their building without a permit, with the resulting work violating City Code Section 154.023(C)(9) related to cross-slope of sidewalks; and

WHEREAS, City Code Section 154.019 states “...*the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.*”; and

WHEREAS, City staff has previously notified the property owners of the violation by mail and also in person; and

WHEREAS, approval of this resolution will cause the required notice to be served by certified mail, and approve abatement actions should the violation remain uncorrected after October 31, 2021.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Community Services Director shall serve notice of violation by certified mail, on behalf of City Council, to the owners of 217 N 2nd Ave W.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the code violation, if not corrected by October 31, 2021, shall be abated and costs assessed to the property owners as written in City Code Section 154.019.

PASSED this _____ day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution setting a public hearing and inviting proposals for the sale of property at 521 South 4th Avenue West in Newton

Summary: The City previously held a public hearing and accepted a purchase proposal from Habitat for Humanity for the property. An error in the legal description was identified, requiring the need to re-advertise and hold a public hearing for this lot.

Financial Impact: No cost.



Report Number: 21-248

Date: September 20, 2021

Lead Department: Community Development Department

Recommendation:
Approve

Summary: Iowa Code Chapter 364.7 requires cities to set public hearings before disposing of any property. Public notice would then be published in the *Newton Daily News* and all interested parties would be able to submit proposals.

A public hearing was held on July 19th for the sale of this property to Greater Des Moines Habitat for Humanity. When preparing the deed, an error in the legal description was identified. In order to meet all of the requirements of Iowa Code Chapter 364.7, it is necessary to re-advertise and hold a new public hearing on this lot at 521 South 4th Avenue West.

The attached Resolution sets a public hearing for the regular Council meeting on October 4, 2021.

Recommendation:
City Staff recommends approval.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

RESOLUTION SETTING A PUBLIC HEARING AND INVITING PROPOSALS FOR THE SALE OF PROPERTY AT 521 SOUTH 4TH AVENUE WEST IN NEWTON

WHEREAS, the City of Newton owns property located at 521 South 4th Avenue West, Newton, legally described as:

521 South 4th Avenue West, legally described as:

LOT 5 IN THE SUBDIVISION OF LOTS 81 AND 83 IN WEST NEWTON, AN ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA

WHEREAS, said real estate is not needed for public purposes, and

WHEREAS, Iowa Code Chapter 364.7 requires cities to set and hold a public hearing before selling or disposing of real estate, and,

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

Section 1: That the Public Notice in substantially the following form shall be given that a Public Hearing be held at 6:00 pm on October 4, 2021, in the City Council Chambers of City Hall, 101 West 4th Street South, and/or via Zoom to consider the sale of the above noted property:

PUBLIC NOTICE

The City Council of Newton, Iowa will hold a Public Hearing at 6:00 p.m. on October 4, 2021, at City Hall, 101 West 4th Street South, and/or via Zoom to consider proposals for purchase of the property located at 521 S 4th AVE W, Newton, IA. The properties are legally described as: LOT 5 IN THE SUBDIVISION OF LOTS 81 AND 83 IN WEST NEWTON, AN ADDITION TO THE CITY OF NEWTON, JASPER COUNTY, IOWA. Proposals shall be submitted by 11:00 a.m., October 4, 2021, to the Newton Community 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. The City Council will consider all proposals received, but reserves the right to reject any or all proposals received or to accept any proposal it deems in the best public interest. At said Hearing, interested persons may be heard in support of or opposition to said sale or the price or terms of a proposed agreement.

Section 2: That following the Public Hearing, City Council may select the proposal to purchase the described property which is in the best interest of the City Newton and shall thereafter sell said property at the price and under such terms as it shall determine, subject to an Agreement for Purchase with the selected Purchaser.

PASSED this _____ day of September, 2021.

APPROVED this _____ day of September, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution awarding the purchase of self-contained breathing apparatus harnesses and bottles.

Summary: The purchase of self-contained breathing apparatus bottles were part of the 2020 Bonding Project and the harness are part of the 2021 CIP General Fund.

Financial Impact: \$34,118 total project cost with \$10,000 from the 2020 Bond Proceeds for Fire Miscellaneous Equipment, \$24,000 from the 2021 General Fund Other Capital, and \$118 from Fire Department Budget.



Report Number: 21-249

Date: September 20, 2021

Lead Department:
Fire Department

Recommendation:
Approve

Background:

The Fire Department equips their firefighters with personal protective equipment that provides protection from structural firefighting hazards. Part of that protective ensemble is self-contained breathing apparatus (SCBA). Our SCBA harnesses were purchased in 2009 and are nearing the end of their useful life. The SCBA bottles have a 15 year service life and many will expire in 2022. We have been systematically trying to replace bottles in advance of the expiration to spread the cost of purchase over many years. We are starting to add in the replacement of harnesses to provide for timely replacement and spread the cost over a number of years.

Sandry Fire Supply is our area representative for the purchase of MSA products. Internet pricing was checked to ensure competitive pricing from the vendor.

RECOMMENDATION

City Staff recommends Council award the purchase of four (4) SCBA harnesses in the amount of \$24,118 and seven (7) MSA H-30 self-contained breathing apparatus bottles in the amount of \$10,000 from Sandry Fire Supply of DeWitt, Iowa for a grand total of \$34,118 for the project. Funds from the 2020 Bond Proceeds for Fire Miscellaneous Equipment will be used to pay \$10,000 of project cost, the General Budget Other Capital will be used to pay \$24,000, with the remaining \$118 coming from the Fire Department Minor Equipment Budget.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION AWARDING THE PURCHASE OF SELF-CONTAINED BREATHING
APPARTUS HARNESSSES AND BOTTLES**

WHEREAS, a firefighter's personal protective equipment is key in providing for their safety and protection. This includes self-contained breathing apparatus harnesses and bottles; and

WHEREAS, fire department staff have been systematically replacing bottles over the past eight years and is now starting to include harnesses; and

WHEREAS, Sandry Fire Supply is our area MSA vendor. Quoted pricing was compared from two internet vendors; and

WHEREAS, City staff recommends that the City of Newton award the purchase to Sandry Fire Supply of DeWitt, Iowa for the purchase of four (4) MSA G1 SCBA units with accessories, fifteen (15) SCBA Masks, and seven (7) MSA H-30 self-contained breathing apparatus bottles in the amount of \$ 34,118.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the purchase of MSA self-contained breathing apparatus harnesses and bottles in the amount of thirty four thousand one hundred and eighteen dollars and zero Cents (\$ 34,118). The project cost will be paid from the 2020 Bond Proceeds for Fire Miscellaneous Equipment in the amount of \$10,000; the General Fund (Other Capital) in the amount of \$24,000; and the balance of \$118 paid from the Fire Department budget Minor Equipment account.

PASSED this _____ day of September 2020.

APPROVED this _____ day of September 2020.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Disbursements 9-21-21

Vendor	Department	Description	Amount
Acushnet Company	Golf	Merchandise	\$ 1,106.75
Ag-Grow Plus Lawn Care	Airport	Service	\$ 116.60
Amazon Capital Services	All	Supplies	\$ 1,672.22
American Business Phones	Police	Service	\$ 202.15
American Planning Association	Planning & Zoning	Dues	\$ 227.00
Armstrong, Craig	Economic Development	Reimbursement	\$ 105.28
Ascheman, Philip	Police	Service	\$ 175.00
ATC Group Services LLC	D&D Program	Service	\$ 3,050.00
Baker Group	City Center	Service	\$ 614.50
Barney's Wrecker & Crane	Police	Service	\$ 45.00
Black Clover Enterprises LLC	Golf	Merchandise	\$ 342.23
Bound Tree Medical LLC	Fire	Supplies	\$ 1,727.44
Card Services	All	Service	\$ 1,952.55
Central Salt	Snow Removal	Supplies	\$ 7,248.07
Cintas	All	Supplies	\$ 254.33
Clapsaddle-Garber Assoc	Airport	Service	\$ 1,881.96
Coxes Greenhouse	Parks	Supplies	\$ 162.00
D & K Products	Fairmeadows N TIF/Golf	Supplies	\$ 3,070.72
Dannen, Shannon	D&D Program	Service	\$ 1,460.00
Davis Equipment Corp	Golf	Supplies	\$ 102.75
Des Moines Stamp Mfg	Planning & Zoning	Supplies	\$ 32.90
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 2,074.59
Earl May Nursery & Garden	Parks	Supplies	\$ 37.21
EBSCO Information Services	Library	Supplies	\$ 2,985.08
EZ Lease	Fire/WPC	Services	\$ 245.01
Fareway	Public Works Administration	Supplies	\$ 12.99
Financial Forms & Supplies	Police	Supplies	\$ 146.14
Flight Light Inc	Airport	Supplies	\$ 993.20
Forbes Office Solutions	All	Service	\$ 792.55
Four Points Golf Cars	Golf	Supplies	\$ 68.90
Fox Engineering	Water Pollution Control	Service	\$ 51,570.00
Galls LLC	Fire	Supplies	\$ 292.67
Graff, Missy	Police	Reimbursement	\$ 53.82
Gregg Young Auto Center	Police	Service	\$ 3,845.93
Hewitt Service Center	Landfill/Street	Supplies	\$ 590.00
HILTI Inc	Storm Water/Street	Supplies	\$ 1,124.20
HLW Engineering Group	Landfill	Service	\$ 121.25
Hornung's	Golf	Merchandise	\$ 215.75
Hotsy Cleaning Systems	City Garage/Fire	Supplies	\$ 414.00
IMFOA	Admin/Executive/Finance	Conference	\$ 910.00
IMWCA	All	Insurance	\$ 8,419.10
Interstate All Battery Center	Fire	Supplies	\$ 19.20

Iowa Inspections	Fire	Service	\$ 2,400.00
Iowa Police Chiefs Association	Police	Training	\$ 150.00
Jasper County Abstract	Cardinal Ridge TIF	Service	\$ 700.00
Jasper County Recorder	1st Ave East TIF	Recording	\$ 269.00
Jasper County Treasurer	All	Taxes	\$ 23,294.00
Johnson Aviation	Airport	Reimbursement	\$ 252.15
Key Cooperative	All	Supplies	\$ 13,736.97
Krivachek Janitorial Supply	Water Pollution Control	Supplies	\$ 230.40
Lanphier Excavating LLC	Parks	Service	\$ 400.00
Lawson Products Inc	City Garage	Supplies	\$ 36.05
Liberty Tire Services LLC	Landfill	Service	\$ 1,364.81
Liebl Marketing Group	Community Marketing	Service	\$ 855.00
Logan Contractors Supply	Storm Water/Street	Supplies	\$ 432.12
Luetters, Kevin	City Center	Service	\$ 1,750.00
Lyman, Rick	Parks/Police	Service	\$ 990.03
Magnum Automotive	Cemetery/Fire	Supplies	\$ 232.37
Mahaska Bottling Co	Golf	Concessions	\$ 1,090.70
Manatts - D.M.	All	Supplies	\$ 9,758.59
Marsden Bldg Maintenance	City Center	Service	\$ 2,425.25
Maxim Advertising	Admin/Parks/Police	Service	\$ 157.70
Medicap Pharmacy	Fire	Supplies	\$ 17.65
Metro Waste Authority	Landfill	Service	\$ 445.26
MG Laundry Corporation	City Center	Service	\$ 81.40
Mid Country Machinery	Landfill	Supplies	\$ 6,578.48
NAPA Auto Parts	All	Supplies	\$ 518.61
News Printing Company	All	Service	\$ 5,308.79
Newton Apparel	Fire	Service	\$ 55.00
Northwestern University	Police	Training	\$ 1,000.00
O'Halloran International	City Garage	Supplies	\$ 110.15
OPG-3 Inc	Administration	Service	\$ 600.00
O'Reilly Auto Parts	All	Supplies	\$ 470.05
Osby, Jeffery & Krysten	Private Incentives	Incentive	\$ 10,000.00
Parkview Animal Hospital	Animal Control	Service	\$ 1,776.66
Per Mar Security Services	Landfill	Service	\$ 433.17
Petty Cash - Parks	Parks	Reimbursement	\$ 10.85
Portner, Brad	Housing Demolitions/Parks	Service	\$ 1,215.00
Premier Office Equipment	Executive/Police	Service	\$ 489.43
Quill Corporation	City Center/Fire	Supplies	\$ 314.63
Ray, Randy	Housing Demo/Parks/SSMID	Service	\$ 2,495.00
Recreation Supply Company	Maytag Pool	Supplies	\$ 860.21
Richardson, Mark & Shauna	Private Incentives	Incentive	\$ 10,000.00
Sandry Fire Supply LLC	Fire	Supplies	\$ 35,594.70
Schabilion, Joel	Fire	Reimbursement	\$ 708.27
Secretary of State	Economic Development/Fire	Service	\$ 60.00
Smith Quality Rental	Water Pollution Control	Supplies	\$ 295.00
Spahn & Rose Lumber Co	All	Supplies	\$ 247.84
Springer Professional Home Services	Golf	Service	\$ 42.00

Streichers	Police	Supplies	\$ 125.00
Teleflex LLC	Fire	Supplies	\$ 2,850.00
Terminal Supply Company	City Garage	Supplies	\$ 44.86
Theisen's	All	Supplies	\$ 399.88
Theisen's Marshalltown	Parks/Street	Supplies	\$ 173.97
Town & Country Wholesale Co	Golf/Pool	Conessions	\$ 640.63
True Value Hardware	Fire/Parks/WPC	Supplies	\$ 117.48
Two Rivers Cooperative	All	Supplies	\$ 9,123.27
United Seeds Inc	Parks	Supplies	\$ 340.00
United States Cellular	All	Utilities	\$ 846.65
Water Department	All	Utilities	\$ 11,504.12
Wellik, Jarrod	Fire	Reimbursement	\$ 1,324.32
Zoll	Fire	Supplies	\$ 967.10
Total			\$ 269,191.61

Pre-Authorized Payments

Alliant Energy	All	Utilities	\$ 2,767.84
AT & T Mobility	Landfill/NPD	Utilities	\$ 965.04
Black Hills Energy	Airport	Utilities	\$ 98.39
Doll Distributing	Golf	Concessions	\$ 1,033.08
Hy-Vee	Golf	Concessions	\$ 238.80
Iowa Beverage Systems	Golf	Concessions	\$ 463.20
Water Department	City Center/Parks/Pool	Utilities	\$ 1,750.70
Total			\$ 7,317.05

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 600-700 blk. of E 15th St S

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

Financial Impact: None

Report Number: 21-250

Date: September 20, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

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

The 600-700 blocks of E 15th St S are 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on west side from S 6th Ave E – S 8th Ave E

Surveys describing the recommended changes were sent to the adjacent property owners along E 15th St S. Surveys were returned with seven (7) residents agreeing with the recommended changes and one (1) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking on the west side in the 600-700 blk. of E 15th St S.

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 600-700 BLOCK OF EAST FIFTEENTH STREET SOUTH.

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

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

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

STREETS, SOUTHEAST QUADRANT

East Fifteenth Street South.

"No Parking Anytime".

West side from South ~~Ninth~~ Sixth Avenue East, south to South Thirteenth Avenue East.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

604 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

707 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

This is a excellent idea & much needed!

606 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

608 E 15th St S

*ABSOLUTELY NEEDED. THANK YOU!
Carol Fleckinger*

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

607 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

610 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

700 E 15th St S

Parking Survey—E 15th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the west side of E 15th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

*Yes, please. There are times I can't
hardly get out or into my driveway*

708 E 15th St S

*because of vehicles across the street and
one each side of my driveway. Especially
with snow! Thank You!*

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 600-700 blk. of E 14th St S

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

Financial Impact: None

Report Number: 21-251

Date: September 20, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

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

The 600-700 blocks of E 14th St S are 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on east side from S 6th Ave E – S 8th Ave E

Surveys describing the recommended changes were sent to the adjacent property owners along E 14th St S. Surveys were returned with three (3) residents agreeing with the recommended changes and five (5) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking on the east side in the 600-700 blk. of E 14th St S.

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 600-700 BLOCK OF EAST FOURTEENTH STREET SOUTH.

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

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

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

STREETS, SOUTHEAST QUADRANT

East Fourteenth Street South.

"No Parking Anytime".

West side from South Eight Avenue East south to South thirteenth Avenue East.

East side from South Sixth Avenue East south to South Eight Avenue East

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

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

Comments from Resident at

Newton has bigger issues to worry about than where to park. Drugs, theft -- not parking.

707 E 14th St S

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

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

Comments from Resident at

1400 S 8th Ave E

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

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

Comments from Resident at

I've lived in my home for over 20 yrs and I don't see a problem at all. Sometimes during holiday and family celebrations are parked on both sides but with the exception, not the norm and occurs all over town in those times.

700 E 14th St S

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

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

Comments from Resident at

More families park on the east side. It would be more beneficial to restrict parking on the west side.

610 E 14th St S

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021

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

Comments from Resident at

S/B restricted to parking on the West side, that's where they all park now. Don't want it on East side. won't be able to see down the street to get out of our drive.

705 E 14th St S

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

yes, wonderful idea!

604 E 14th St S

*A lot of young kids hard to see
w/ cars on both sides*

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

609 E 14th St S

Parking Survey—E 14th St S

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the east side of E 14th St S in the 600-700 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

703 E 14th St S

City of Newton Council Report



Item: Ordinance amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 1200-1400 blk. of S 6th Ave E

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

Financial Impact: None

Report Number: 21-252

Date: September 20, 2021

Lead Department: Police Department

Recommendation: Approve

Background:

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

The 1200-1400 blocks of S 6th Ave E is 25 feet wide and is not wide enough to safely accommodate parking on both sides of the street. The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking on south side from E 12th St S – E 15th St S.

Surveys describing the recommended changes were sent to the adjacent property owners along S 6th Ave E. Surveys were returned with six (6) residents agreeing with the recommended changes and six (6) opposing the recommended changes.

Recommendation:

Staff recommends approval of the ordinance amendment to restrict parking on the south side of the 1200-1400 blk. of S 6th Ave E.

Matt Muckler
City Administrator

Attachment

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 1200-1400 BLOCK OF SOUTH SIXTH AVENUE EAST.

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

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

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

AVENUES, SOUTHEAST QUADRANT

South Sixth Avenue East.

"No Parking Anytime".

South side from East Fourth Street South east to East Fifth Street South.

South side from East Twelfth Street South east to East Fifteenth Street South.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2021, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2021.

APPROVED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2021 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Katrina Davis, City Clerk

S 6th Ave E

ing to the City of Newton's
the south side of S 6th
to the City of Newton

nges

es

sident at



Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

I propose NO PARKING ON

NORTH SIDE OR

Comments from Resident at

ALTERNATE SIDE

PARKING:

MWF S-South

TTH Sa-NORTH

1311 S 6th Ave E

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

1210 S 6th Ave E

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☐

I oppose the proposed parking changes ☒

Comments from Resident at

There is more cars parked on the
North Side of the Street VS. the South

1220 S 6th Ave E

Rob Burdess

From: Janet Cox
Sent: Monday, August 9, 2021 9:32 AM
To: Amy Baldus
Cc: Rob Burdess
Subject: PARKING LETTERS

Randy Simpson at 1303 S 6th Ave E called regarding parking letter and said to leave it as is

Thanks

Janet R Cox

Administrative Assistant
Newton Police Department
101 W 4th St S
Newton, IA 50208
641-791-0850 Ext 2105
janetc@newtongov.org | www.newtongov.org



Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

Please put up signs as well. Thank you.

1409 E 6th Ave S

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

1410 S 6th Ave E

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021.

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

1218 S 6th Ave E

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

1314 S 6th Ave E

Parking Survey—S 6th Ave E

Please complete the survey responding to the City of Newton's recommendation to restrict parking on the south side of S 6th Ave E in the 1200-1400 blk and return to the City of Newton Police Department by August, 23, 2021

I agree with the proposed parking changes ☒

I oppose the proposed parking changes ☐

Comments from Resident at

Too many cars parked on both sides.

1408 S 6th Ave E

GET TO KNOW **Newton**

August 3, 2021

Newton Resident
1200-1400 blk. S 6th Ave E
600-700 blk. E 15th St S
600-700 blk. E 14th St S
Newton, Iowa 50208

Joyce Guthrie
1225 S. 6th Ave. E.
Newton, IA 50208

RE: **Proposed change in Parking Status:**

1. **No Parking allowed on the south side of S 6th Ave E in the 1200-1400 blk**
2. **No Parking allowed on the west side of E 15th St S in the 600-700 blk**
3. **No Parking allowed on the east side of E 14th St S in the 600-700 blk**

Dear Resident:

The City of Newton received safety concerns from citizens regarding street parking along the section of street described above. This is caused by vehicles being parked on both sides of 25-foot-wide streets, which are not wide enough to safely accommodate parking on both sides of the street and allow for free and safe passage of emergency vehicles, commercial vehicles and other vehicles in the neighborhood.

The City of Newton Traffic Safety Committee has reviewed the situation and recommends restricting parking, as proposed above, in the interest of public safety. As part of the City's assessment of this area, we would like to have input from the neighborhood as it relates to the traffic pattern and the parking concerns outlined above.

We would appreciate your feedback by August 23, 2021. After receipt and consideration of citizen feedback the issue may be brought to the Newton City Council for consideration.

City of Newton
Traffic Safety Committee
101 W 4th St S
Newton, IA 50208
641-791-0850

City of Newton

18 August 2021

Traffic Safety Committee

101 W 4th St S

Newton, IA 50208

RECEIVED

AUG 23 2021

TIME: 10:05 AM
BY: Shawnda *ni*

To whom it may concern:

I live at 1233 S 6th Ave E and I have indeed observed cars parked on both sides of the street making the street only wide enough for a car to pass through, let alone a larger vehicle as a fire truck or ambulance. I agree that there should only be parking on one side of the street for S 6th Ave E and I would support the no parking on the south side of the street.

I also have a neighbor, that lives at 1218 S 6th Ave E, across the street from myself and they always park on the street directly across from the end of my driveway making it very difficult for me to back out of my own driveway. In fact in February 2021 I backed out of my driveway and ran into their car, causing me to make a report to my car insurance company with a \$3K damage to their vehicle.

Could the no parking be on the north side of the street on S 6th Ave E so the above incident won't happen again?

Or may I suggest that if there is to be no parking on the south side of the street, I would like to have a no parking yellow stripe painted on the north side curb directly across from my driveway to prevent any parking at the end of my driveway and any future incidents.

Thank you

Maureen Wilkins

Maureen Wilkins

1233 S 6th Ave E

Newton, IA 50208

City of Newton Council Report

**Item:**

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

Report Number: 21-253**Date:**

September 20, 2021

Summary:

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

Lead Department:

Police Department

Recommendation:

Approve

Financial Impact:

none

Background:

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

Said proposed revisions include:

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

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

Planning and Zoning Commission Review and Recommendation

The proposed changes to the nuisance code were discussed by the Planning and Zoning Commission at their June and July meetings. Minutes of those meetings is attached for review. The final motion and recommendation from the Planning and Zoning Commission are as follows:

Motion by Johnson to recommend denial of both Zoning and Nuisance code amendments, thus disallowing semi-tractor parking in residential zoning districts in Newton and in support of the previously submitted code amendments from the City Attorney to clear up any discrepancies within the nuisance code requirements and additionally to direct the City to explore additional parking alternatives for local long-haul drivers to park their trucks and trailers and possibly their personal vehicles, *seconded* by G. Berndt. Approved 5-0.

Recommendation:

Staff recommends approval of the ordinance.



Matt Muckler
City Administrator

ORDINANCE NO. _____

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

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

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

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

§ 94.03 OUTSIDE PARKING AND STORAGE.

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

ALL-WEATHER SURFACE.

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

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

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

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

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

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

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

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

OUTSIDE. Defined in § 94.01 of this chapter.

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

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

(d) Trailers used primarily for storage.

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

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

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

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

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

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

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

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

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

(D) (E) Unlawful parking and storage.

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

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

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

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

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

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

SECTION 2: Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

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

APPROVED this ____ day of _____, 2021.

PASSED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa, on the ____ day of _____, 20____, and was published in the *Newton Daily News*, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 20____.

Signed: _____
Katrina Davis, City Clerk

Minutes of Meeting
Newton Planning and Zoning Commission
Formal Meeting
June 22, 2021

ROLL CALL: Board members present: G. Berndt, Cantu, Johnson, Poynter, Repp, Woody

 Board members absent: J. Berndt

STAFF PRESENT: Brian Dunkelberger, City Planner
 Erin Chambers, Community Development Director
 Matt Muckler, City Administrator

A quorum being present, Chair Woody called the meeting to order at 5:05 PM.

In accordance with the Americans with Disabilities Act, Chair Woody questioned if there was anyone present that may require special assistance in being able to participate in this public meeting. There was no response.

Minutes. Minutes of the previous meeting of June 1, 2021 were reviewed. **Motion** by Johnson, **seconded** by Poynter to approve the minutes as written for the previous meeting. Voice Vote: Approved 6-0.

Public Hearing.

- A) ZOA21-2: Zoning Ordinance Amendment for the C-CBD: Central Business District to allow overnight camping as a conditional use. DMACC, applicant.

Chair Woody introduced the public hearing by reviewing two listed criteria from the staff report. One being the requirement for 24-hour access to restrooms facilities. She shared her concerns with this requirement and felt it was restrictive. Kim Didier, Executive Director of DMACC Business Resources, commented that she agreed this requirement would be a high bar for any property and that it could prove to be difficult to achieve. Johnson agreed and provided an example from Newton Fest and felt that this specific requirement should be reconsidered. Erin Chambers, Community Development Director, explained that Staff agreed the requirement could be reworded but that 24-hour restroom access is an important feature of a campground. Woody suggested the listed criteria be changed instead to exclusively allow fully-contained campers with personal bathrooms instead to avoid being too restrictive towards an interested property.

Woody also pointed out a concern with phrasing about recreational activity outside of campers. Dunkelberger clarified that the example was included to prevent activity beyond a designated camping area, such as children playing in highly-trafficked areas, obstructions to other parking areas, trespassing across property lines, etc. Cantu recommended that extra language be added to clarify that such activity is not allowed "*beyond the designated camping area.*" He also asked about the motivation behind the proposed ordinance amendment. Didier explained how it was a strategy to attract visitors to Legacy Plaza and encourage them to patronize local businesses and explore other parts of the community.

Cantu asked if Legacy Plaza would be a regionally exclusive location for the Harvest Host program, and that it seemed to sound like the program was geared toward more rural attractions and not a central business district of a community. Didier shared a few other locations in Iowa including Colfax, Colo, and Cedar Rapids. She also answered by providing an example from Dubuque which was near their downtown and how there was a significant mix of destinations around the country both rural and urban. Cantu suggested that it might be worthwhile to explore other communities that allow this use and how they approach the subject (like Dubuque).

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by Cantu, **seconded** by Repp. Approved 6-0.

Chair Woody opened the floor up to the Commissioners for discussion and evaluation of the proposed zoning ordinance amendment. Johnson stated that she felt the 24-hour restroom requirement should be removed entirely. G. Berndt agreed with earlier comments and reiterated that he felt much more clarity was achieved since their last meeting and how the two criteria that were discussed should be reworded. Chair Woody emphasized that the fifth listed criteria needed the additional language regarding recreational activity *beyond the designated camping area* to clear up any confusion.

Cantu evaluated the proposal and questioned Staff about other eligible properties according to the listed criteria. Dunkelberger shared that approximately 13 other properties in the zoning district would potentially be eligible. Cantu offered some perspective to the proposal by describing a hypothetical situation. That is, if all 13 properties decided to pursue such a conditional use, that would mean 130 campers could be parked in the C-CBD zoning district at one time. Commissioners discussed how they recognized this as a possibility but also how they felt strongly about the fact that most other eligible properties and/or owners would not be interested in such a use at their property. Fareway and Park Center were offered as examples, and Commissioners reviewed the fact that a few of the eligible properties were owned by either Jasper County or the City of Newton.

With no further discussion, Chair Woody entertained a motion. **Motion** by Cantu to recommend approval of ZOA21-1 to allow overnight camping as a conditional use within the C-CBD: Central Business District with the appropriate revisions to the listed eligibility requirements including the change to 24-hour restroom access and a clarification to the limitations of recreational activity as reviewed during the June 22, 2021, meeting, **seconded** by Johnson. Approved 6-0.

B) Discussion – review of nuisance code.

Dunkelberger reviewed the prepared memorandum and introduced a discussion of potential nuisance and zoning code updates relating to semi/tractor units parking on residentially zoned properties. Chair Woody asked if there were any members of the audience who wished to comment on the matter.

Fran Henderson, 1101 South 13th Avenue West, stated that she stood in opposition to any changes that would allow semi/tractor parking in residential neighborhoods in Newton. She reviewed recent community survey results which highlighted how curb appeal was a priority for Newton residents. While curb appeal doesn't have a precise definition, Henderson opined that it tied directly to aesthetics of properties. She then paraphrased quotes from the comprehensive plan relating to aesthetic value in neighborhoods. Henderson commented that she had personally observed semi/tractor units parking in residential areas more and more even though it was not allowed. She encouraged the Commissioners to stick with the existing code language and requirements. She closed by saying it may be even more appropriate to tighten the restrictions, and loosening them would prove to be highly problematic.

G. Berndt stated that he respected Mrs. Henderson's comments, but that he disagreed and outlined his feelings regarding the matter. He commented on the trucking industry and how truckers' jobs depend on them coming and going frequently. He pointed out how he supported the idea of allowing semi parking in residential areas, but also recognized the need for compromise if necessary. He discussed a few options including limitations to time parked (24 hours), on-street versus on private property, etc.

Repp stated that she agreed with Mrs. Henderson and expressed how it was already difficult to navigate some residential streets. She shared that she had great respect for the trucking industry, but that such parking was more appropriate and even expected within industrial areas of the community. She described how truckers had already accepted the established rules in Newton, and that if said rules were changed then she would have serious concerns for the safety and wellbeing of Newton residents.

Johnson mentioned that she had an opportunity to visit with others including a neighbor who drove a semi for Dollar General. One individual suggested that semi/tractor units are a place of work. That individual questioned the idea because if other residents are required to drive to their place of work, then why should truck drivers be an exception and bring their work to their home and impact neighbors? The neighbor who Johnson visited with who hauled inventory for Dollar General told her "Absolutely no." He shared details regarding how residential streets are not typically constructed for high weight, designated truck routes already exist, concerns with inexperienced drivers causing damage to property or utilities, and many other reasons why he felt that it could prove to be highly problematic.

That same neighbor did expound on his position by describing three key issues that truck drivers face in Newton. First, there are not enough alternative semi parking spaces in or around Newton. He offered Love's Travel Stop in southeast Newton along I-80 as an example and explained how whenever there aren't enough spaces there, he has to park in Grinnell and either call his parents or pay for a cab ride. Second, he expressed a strong desire for a local place designated for truck parking. While he didn't support the idea of semi-trucks parking in residential neighborhoods, the issue could be solved with a viable alternative location dedicated to semi/tractor parking. Third, security was a major concern for drivers parking and leaving their trucks at another location, so if alternative parking was to be created then it should be secured in some fashion.

Cantu reiterated an earlier point in that it would only take one inexperienced driver to clip an overhead electrical line or drive over an in-ground utility pedestal to have an immediate negative impact on an entire neighborhood or maybe even the entire city. However, he did state that he feels like the trucking industry was not supported enough at that time. He emphasized the idea of influencing viable alternatives for semi parking rather than any code language for parking in residential neighborhoods.

Chair Woody considered her personal perspective on the matter and how it was already a challenge to see around pick-up trucks parked on her street and that she couldn't imagine some of the potential safety hazards with sight lines around semi-trucks. She highlighted the fact that she came from a long line of long-haul truckers and that it was an essential occupation, but that there was a better solution to the issue at hand. Repp pointed out that if semi-trucks were allowed to park on a street and it impeded access to a mailbox, that could result in deliveries not being delivered for a day or possibly even longer. Johnson and Cantu asked if anyone was aware of how many long-haul drivers lived in Newton. Both highlighted the value and importance of supporting them and their occupation.

Hearing no additional discussion, Staff reminded the Commission that this was just the introduction of the conversation and that they should expect to revisit the topic at their next meeting. Commissioners expressed a desire to continue the dialogue, and also requested that Staff research an estimated number of long-haul drivers in Newton and viable alternative parking locations within or near Newton. The discussion was tabled and will continue at the next scheduled meeting.

C) Discussion – Comprehensive Plan Steering Committee

Commissioners and Staff discussed the upcoming Comprehensive Plan project and the need to establish a steering committee to assist and provide feedback for the public input and planning process. Staff reviewed a list of potential stakeholders, and several additional ideas were suggested. The Mayor will appoint specific individuals and City Council will make the final decision.

Old Business: None.

Hearing no further discussion, Chair Woody called for a motion to adjourn. **Motion** by Cantu to adjourn the meeting, **seconded** by Johnson. Approved 6-0. Meeting was adjourned at 6:30 PM.

Minutes of Meeting
Newton Planning and Zoning Commission
Formal Meeting
July 20, 2021

ROLL CALL: Board members present: G. Berndt, Cantu, Johnson, Poynter, Repp, Woody

 Board members absent: J. Berndt

STAFF PRESENT: Brian Dunkelberger, City Planner
 Erin Chambers, Community Development Director
 Matt Muckler, City Administrator

A quorum being present, Chair Woody called the meeting to order at 5:01 PM.

In accordance with the Americans with Disabilities Act, Chair Woody questioned if there was anyone present that may require special assistance in being able to participate in this public meeting. There was no response.

Minutes. Minutes of the previous meeting of June 22, 2021 were reviewed. **Motion** by Johnson, **seconded** by Poynter to approve the minutes as written for the previous meeting. Voice Vote: Approved 6-0.

Public Hearing.

- A) PP21-1: Preliminary Plat for Meadow Run (approximately between the 300 blocks of E 29 St S and E 30 St S), Bloomfield Acres LLC, Applicant.

Dunkelberger reviewed the prepared staff report and also reviewed comments submitted by neighbors who requested they be included in the staff report. Alex Kingery, 2803 S 4th Ave E, submitted his opposition to high-density development and did not support duplexes on the 14 lots proposed by the developer. He felt that the layout was appropriate for the neighborhood if it was single-family homes. Kaycie Shea, 2900 S 3rd Ave E, opposed the development entirely due to concerns relating to potential negative impacts on traffic in the area, preservation of the quiet/peaceful neighborhood, the quality of the homes produced by the developer would not align with the existing neighborhood and she believed they would have a negative impact on existing property values. General feedback from several neighbors who inquired before the meeting focused on density and limiting development of the 14 lots to single-family homes only. Staff offered a suggestion that might involve a plat note to indicate the developer's intention for building single-family homes on the 14 lots.

Johnson asked Staff about the proposed street width and whether or not it was wide enough for emergency vehicles to access individual properties. Dunkelberger confirmed that the proposed street matched and would align with the existing roadway. That is, Public Works approved the 26-foot-wide roadway to match the existing roadway in the neighborhood, but the right-of-way width would be 60 feet which meets the subdivision code requirement. Dunkelberger acknowledged that the developer had provided a short presentation if the Chair would like to recognize them.

Mark Lee, Lee Chamberlin Consultant Engineers, presented a colorized rendition of the preliminary plat and reviewed design details. Those details included dimensions of the right-of-way and the 14 lots, the dedicated detention area and capability to hold snow storage, utility connections, and drainage. Lee offered to answer any questions if necessary and introduced Carrie Woerdeman from Kading Properties at the meeting.

Chair Woody opened the meeting to public comment, but Dunkelberger suggested that questions from Commissioners for Mark Lee should be asked first. Johnson asked about the dedicated detention area and if it would be a city-owned park. Dunkelberger answered that it would be privately-owned and maintained, and

that it could serve as a greenspace but the true intention for the space was a detention area for the 14 lots. Mark Lee commented that it would be a grassy area and kids could engage in any other recreational activities on the property. Cantu asked if ownership of the space would eventually be transferred to the city. Dunkelberger answered that the intention for the space would be to remain under the applicant's ownership.

Dana Simbro, 2912 S 3rd Ave E, thanked her neighbors for attending the meeting. Simbro identified that the applicant, Bloomfield Acres LLC, was actually Kading Properties. She described other developments constructed by Kading and stated that they all had the same appearance, use, and quality of construction. She provided examples of other Kading subdivisions and asked that they be used as references for this project. Simbro commented that the properties are marketed to low-income housing individuals and that she had little faith they would be designed for single families as it doesn't match their "M.O." She stated that even though the purpose of the subdivision does technically meet the requirements of the zoning classification, the quality of the build would not meet the standards of the existing neighborhood and its property values. Simbro said that low-income housing next to an established neighborhood is not in the best interest of the city and community members deserve better. She emphasized that the existing neighborhood would not allow for the additional traffic the development would bring, and that it would be a struggle to market the two commercial lots directly to the east. Simbro concluded by recognizing her neighbors and their feedback, and that they were requesting that the Planning & Zoning Commission deny the development.

Pat Sullivan, 604 E 28th St S, opposed the proposal because all existing homes in the area are single-family dwellings. Sullivan described a break-in at his property and described how they did not need or want multi-family housing in their neighborhood.

Bob Hauber, 508 E 28th St S, opposed the lots because of the type of housing – rental housing. He said it doesn't fit the area because the existing neighborhood is full of home-owners who take care of their properties and he encouraged everyone to drive through to see it for themselves.

Marcia Berndt, 2810 S 2nd Ave E, stated that she had lived in her home for over 40 years and that it was a close neighborhood. She commented that the existing streets would not support the additional traffic flow caused by the development. Berndt mentioned that she expected a park in the subject area, and that she was opposed to the development.

Jewel Gullett, 410 E 28th St S, said she highly opposed the development. She described an interaction she had with a surveyor who told her they needed to locate property lines in case of runaway vehicles causing damage. Gullett stated that the housing planned for this development would not draw in people who take care of their properties like the current neighbors. She mentioned that she was told the homes would match the existing single-family homes, but that it was not correct.

Dennis Harrelson, 302 E 29th St S, commented on the good neighbors within the existing neighborhood and how they would support additional new, good neighbors. He stated that their dilemma was that multi-family living spaces bring additional vehicles and would cause congestion. Harrelson concluded by saying they see a problem with multi-family residences.

Carrie Woerdeman, Director of Development for Kading Properties, offered some clarification based on comments from neighbors in the meeting. She spoke on the difference between Kading's proposed project which was workforce housing, not low-income/income-restricted housing. Workforce housing built and maintained by Kading typically houses residents with incomes between \$35,000 - \$75,000 per year which is usually 80-120% of the area median income. Regarding parking and traffic, Kading allows no more than two vehicles per household and they have the ability to issue a notice of non-compliance or not renew a lease. Woerdeman went on to describe construction of the residences, materials used, and details about with how Kading manages the properties after that fact which translates to better control.

Jennifer Shepherd, 308 E 29th St S, voiced her opposition of the development. She described her family choosing to move to the edge of town for a quiet neighborhood. Shepherd stated that she was against multi-family due to the transient traffic resulting from renters coming and going in the neighborhood. She felt this would not be conducive to their established neighborhood if renters were in and out every 6 months or so.

Brookelyn Shepherd, 308 E 29th St S, added to her mother's comments by supporting new homes and that everyone deserves a place to live regardless of income. However, she worried about the safety of young children and/or elderly in the neighborhood due to the added traffic from the new homes.

Alex Kingery, 2803 S 4th Ave E, stated that he came into the meeting with an open. He agreed that the lot layout appeared to be good, but did not agree with rental or multi-family housing in the neighborhood. He didn't oppose additional traffic from a new development, but he did oppose in-and-out neighbors. Kingery reiterated that rental and multi-family housing could damage the cohesiveness of the neighborhood. He felt that Kading has a poor track record and should be considered, and that he would sell his home if this development happened. Kingery shared his wife's comment about how new, quality housing was needed in Newton, and that other builders should develop the area instead.

Pat Sullivan, 604 E 28th St S, responded to Carrie Woerdeman and agreed that Kading could send a notice or evict a tenant, but the neighbors would still have to live there in the meantime. He described how they were homeowners, taxpayers, and they had skin in the game. He emphasized his opposition to rental properties.

Stacey Simbro, 2912 S 3rd Ave E, voiced his opposition to the development not because of extra people moving in. Instead, he stated his desire to sustain the plat with low-density, grow new families into a stable neighborhood, and foster new development – all identified by the comprehensive plan. He stated that he had not heard good feedback about Kading Properties and their management style. Simbro did not want to oppose anyone from pursuing success in Newton. However, he did not feel Kading could accomplish that and the development to be pursued by the right people and the right way to support a long-term future.

Bev Price, Newton Housing Development Corporation, shared that NHDC hadn't had an opportunity to review the plans closely as of yet. She acknowledged the need for single-family rental properties in Newton, but shared some general concerns that had been discussed in the past. Those included issues caused by private roads, ongoing maintenance, and overall standards of development.

Brian Dunkelberger, City Planner, offered some clarification about the review being considered at that meeting which was exclusive to the 14-lot subdivision. Feedback about the entire project based on the master concept plan should be noted, though. He went on to describe how the next phase of development would be reviewed at a future meeting. Dunkelberger pointed out that Staff would be recommending that E 28th St S should not wrap eastward and connect to Iowa Speedway Drive and instead the developer should consider a cul-de-sac. With that, he reiterated that those details would be considered at a future meeting.

Cantu asked for clarification about the Staff recommendation regarding the cul-de-sac and Dunkelberger pointed to the subject area on the concept plan. Johnson asked about traffic flow if the public roadway did not connect to E 28th St S. Dunkelberger answered that the plat being reviewed at the meeting had no proposed connection to the next phase. He showed how traffic would then not flow through the existing residential neighborhood from Iowa Speedway Drive. Johnson asked about a turn-lane from Iowa Speedway Drive, and he answered that he did not believe one would be necessary. Cantu asked about the 14 lots and how the existing residential neighborhood would still be subjected to traffic flow from the new housing units. Dunkelberger confirmed and showed how the first phase being reviewed at the meeting enclosed that neighborhood but would be separated from the future phase(s).

Dana Simbro, 2912 S 3rd Ave E, commented that if the first phase went through, then the next phase would go through as well no matter what. She pointed out that the 14-lot subdivision would add more traffic to the area due to the higher-density development. She suggested that the question about conforming to the

comprehensive plan should be a sticking point for anyone making decisions for the entire City. Simbro said that it should follow what was already started and that it should take care of them.

Bob Hauber, 508 E 28th St S, again mentioned that the proposed development does not fit the area and that it should match the area that was created 30+ years ago.

Alex Kingery, 2803 S 28th Ave E, felt that the concept plan shows a density that doesn't fit. He agreed that if the first phase passed, then the next phase(s) could not be stopped. Even though the layout looked good, he felt that the developer was attempting to wedge in too much to get what they want because they stand to gain from the next phases. Kingery said that if the rest of the development was similar to the plat being reviewed at that meeting, then it might be different, but the rest of the development shows a lack of caring for the existing neighborhood.

Hearing no additional comments, Chair Woody called for a motion to close the public hearing. **Motion** by G. Berndt, **seconded** by Cantu. Approved 6-0.

Chair Woody opened the floor up to the Commissioners for discussion and evaluation of the proposed zoning ordinance amendment. G. Berndt shared that he had received some phone calls in opposition of the development and that he visited the neighborhood before the meeting. He described the neighborhood and agreed with comments about it being very quiet.

Johnson commented that she also received phone calls and drove through the neighborhood. She stated that she knew several individuals who live in the area and had been in their homes. Her biggest concern was the fact that these would be rental properties. She said she was not opposed to rental properties, but instead, her concern was with adding rental properties to a neighborhood such as this one. Johnson shared that she understood why people were upset due to the developer, the quality of their other developments, and their management. She stated that she was not in favor of this development because the rental properties would not be compatible with the existing neighborhood.

Repp stated that she also drove through the neighborhood and that she felt it was lovely and well-maintained. She pointed out how Iowa Speedway Drive is a main entrance to the city of Newton, and that quality single-family homes should be constructed in the area. Repp did not feel that rentals were appropriate for the area and thanked the neighbors for expressing their concerns.

Woody agreed in thanking the neighbors for participating and voicing their opinions about the proposal. She originally thought the development would involve owner-occupied single-family homes, but then learned it would be renter-occupied duplexes at the meeting so she was not in favor of the proposal. She then shared an idea about a local developer building single-family dwellings.

Chair Woody asked if anything needed to be closed. Dunkelberger confirmed that the Commission was ready for a vote. Cantu interjected and suggested that in the future they should review the entire project rather than rely on a concept plan and review only a portion of a project. He then asked about the proposal and how it worked with the existing zoning of the property and whether or not something needed to be addressed in regards to the different zoning classifications. Dunkelberger described how the developer originally planned to rezone the parcel, but then changed course and would be pursuing a separate preliminary plat to subdivide the larger parcel to meet the existing zoning and their maximum densities. Cantu asked if that was the reason why they were reviewing the smaller plat separately. Dunkelberger confirmed.

Cantu asked if there was anything needing to be addressed for the private roads from a zoning standpoint. Dunkelberger stated that it would be a design detail reviewed by Staff to ensure it met minimum code requirements and that it would be considered at a future meeting. Cantu asked about the definition of low-density residential according to the comprehensive plan and asked if it was pretty loose. Dunkelberger answered that it was fairly general, but the definition listed one-to-two family style housing.

With no further discussion, Chair Woody entertained a motion. **Motion** by Cantu to recommend approval of PP21-1: Preliminary Plat for Meadow Run (approximately between the 300 blocks of E 29 St S and E 30 St S), Bloomfield Acres LLC, Applicant. Woody asked if there was a second, and informed the Commission that they should offer a second. Cantu stated that no one had to second, and Dunkelberger confirmed. He asked Cantu to verify his motion to recommend approval, and Cantu confirmed. Dunkelberger then described the next steps: if there was a second, then a vote would be called, or if there was no second, the motion would not carry and another Commissioner could introduce a separate motion. **Seconded** by G. Berndt.

Audience member asked if that meant it was approved to go to Council. Cantu responded that it was approved for them to vote and Woody said they needed to vote. Woody called for a roll call vote. Repp asked for clarification about what they were voting for. Dunkelberger answered that this was the motion for the Commission's recommendation that would be sent to Council and the public hearing was already closed. Their vote would determine their recommendation. Their options were to approve, approve with conditions, deny, or table the discussion. Johnson asked if this motion was opposed, could they submit another motion. Dunkelberger confirmed. Repp asked if the original motion was for approval of the rental property development. Dunkelberger clarified that the motion was for approval of the 14-lot subdivision as designed.

Cantu commented that they couldn't say for sure what would be developed on the 14 lots, but that everyone had the idea. He asked if the plat, as it was designed and its specifications, was what they were voting on. Dunkelberger confirmed. Cantu added that the zoning classification of the subject property and others around Newton should be reviewed to determine the types of development that are appropriate for specific neighborhoods. Dunkelberger responded that their motion could include direction for Staff to explore the idea. Cantu said that his intent was to get a vote so that they could discuss all three of the available options.

Woody asked if the Commission were to recommend approval, does that mean Bloomfield Acres could automatically move forward with the project. Dunkelberger emphasized that the Planning & Zoning Commission was a recommending body to City Council and then described the entire development process if Council chose to approve the preliminary plat.

Repp asked if they voted "yes" then Bloomfield Acres would be "in." An audience member asked if that's what they were recommending. It was stated that the public hearing was closed and that a vote would be sent to Council. Dunkelberger reiterated the purpose of the Planning & Zoning Commission's review. Repp commented that if they voted no, another developer could choose to build homes there. Dunkelberger responded that it depended on the ownership and that it was a private matter. Dunkelberger clarified the details that should be included in a final motion and provided examples of motions to recommend approval, denial, and to table the discussion to a future meeting to offer the developer an opportunity to mitigate concerns of the surrounding neighborhood if that would be appropriate. Johnson stated that they needed to deal with the original motion from Cantu and seconded by G. Berndt. **Roll call vote**, failed 0-6.

Woody called for a separate motion. Johnson felt the Commission was not ready to make a decision that evening, and wondered what would happen if both the Commission and Council voted against the development. Dunkelberger answered that Council has the final say, but Commissioners could decide if an opportunity should be extended to the developer to pursue a different plan. Woody stated that she felt there was no problem with the 14 lots, but instead the problem was with the builder. She thought it fit with the comprehensive plan because it brought more housing, more people/workforce, edge-of-town development, etc. However, the concern was with the quality of the properties. She asked how a motion could be made to reflect that. Dunkelberger answered that a motion could include details about the proposed subdivision meeting minimum standards, if it conformed to the comprehensive plan concept map, if it met other objectives from the comprehensive plan, and/or if it was compatible with the surrounding neighborhood.

Woody stated that she did not want their recommendation going to City Council and misunderstood as the Commission fully supporting the development. She supported tabling the discussion to a future meeting. Cantu suggested that they needed to provide direction for a future meeting, which should involve the zoning

of the property and density maximums, conformity with the comprehensive plan, updating the master concept plan to merge phases 1 & 3, and to edit the layout to address concerns.

Motion by Johnson to table the decision to a future meeting, **seconded** by G. Berndt. Roll call vote, approved 6-0. This final motion was recognized as the standing action/direction of the Planning & Zoning Commission.

As neighbors were leaving the Council Chambers, Johnson asked for clarification about zoning requirements. Dunkelberger confirmed that the zoning code does not disallow a type of housing. Instead, he clarified that zoning focuses on the use of a property. Commissioners discussed the zoning classifications located in the subject area and the proposed project. Dunkelberger pointed out that there was a second item on the agenda and that those questions and comments should be brought up at the next meeting.

Old Business – B) Review of nuisance code.

Dunkelberger reviewed the prepared memorandum and reintroduced the discussion of potential nuisance and zoning code updates relating to semi/tractor units parking on residentially-zoned properties. Johnson and Woody asked about the on-street parking on East 8th Street North. Johnson asked about how many trucks could be parked there and if it infringes on nearby properties using the spaces. Dunkelberger clarified that this was public right-of-way so anyone could utilize this parking area, and that he would estimate 8-10 trucks could fit but wasn't totally sure about that answer. Woody agreed and commented that she didn't think anyone really parked there. Dunkelberger agreed and said that local drivers may not be aware that parking trucks was allowed on that street. Johnson asked if trailers were allowed, and Dunkelberger did not know. They determined that a driver could ask the Newton Police Department for that answer.

Repp shared a story about witnessing a truck parking at Wal Mart and the driver being picked up by his wife one evening but then it was gone the next morning. Johnson commented that some drivers are only off for 12 hours, so that might be why it was gone so quickly. Dunkelberger stated that Staff has sent violation notices in the past for overnight parking. Erin Chambers, Community Development Director, clarified that overnight *camping* was not allowed and that overnight parking on the private commercial property was unregulated. Dunkelberger apologized for misspeaking and confirmed that the overnight *camping* wasn't allowed.

Motion by Cantu to close the public hearing, **seconded** by Johnson. Approved 6-0.

Repp commented that she remained opposed to semi-tractor units parking in residential neighborhoods due to concerns such as obstructions to visibility, aesthetics, etc. She emphasized her respect for the trucking industry, but that they needed strategies to beautify the city and also strongly evaluate safety concerns.

G. Berndt asked Dunkelberger about options the Council considered when they initially reviewed the matter in March 2021 and how it was enforced. Dunkelberger answered that it is enforced by the Newton Police Department on a complaint-by-complaint basis. G. Berndt suggested the language should be left alone and described a friend who was a long-haul driver. He supported a motion to leave the language as it was. Dunkelberger explained that the suggested edits originally proposed by the City Attorney did not involve new regulations - only to clarify existing language. Discussion about different semi-tractor parking scenarios.

Commissioner Poynter exited the meeting at 6:47 PM.

Motion by Johnson to recommend denial of both Zoning and Nuisance code amendments, thus disallowing semi-tractor parking in residential zoning districts in Newton and in support of the previously submitted code amendments from the City Attorney to clear up any discrepancies within the nuisance code requirements and additionally to direct the City to explore additional parking alternatives for local long-haul drivers to park their trucks and trailers and possibly their personal vehicles, **seconded** by G. Berndt. Approved 5-0.

Motion by Johnson to adjourn the meeting, **seconded** by G. Berndt. Approved 5-0. Meeting was adjourned at 6:50 PM.