



Newton City Council Agenda

December 18, 2023 - 6:00 PM

View the City Council Meeting:

In Person

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

Television

Mediacom Channel
12/85/121.12

Online

newtongov.org/cablecast

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Citizen Participation

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

Consent Agenda

3. December 04, 2023, Regular City Council Meeting Minutes
4. December 04, 2023, Budget Workshop Minutes
5. Approve Liquor Licenses for the following: MEGAGRIS INC-LC0038865, DBA-Sombrero, 1130 1ST AVE E, Class C Retail Alcohol License, Outdoor Service; Montana Mike's Steakhouse- LC0041393, 1400 W 18th St S, Class C Retail Alcohol License, Catering; Cardinal Lanes-LC0046802, 1300 S 5th Ave E, Class C Retail Alcohol License; Levy @ Iowa Speedway, 3333 Rusty Wallace Drive, Class C Retail Alcohol License, Outdoor Service
6. Resolution appointing City Clerk and Deputy City Clerks
7. Resolution appointing members to the Animal Review Committee
8. Resolution reappointing Rachelle Tipton, Jeff Osby, and Melanie Humphrey to the Newton Park Board for varying term expirations
9. Resolution reappointing William Yeager, Sr. to serve on the Newton Building Trades board for a term ending December 31, 2026
10. Resolution reappointing Jack Topp to serve on the Newton Building Trades Board for a term ending December 31, 2026
11. Resolution appointing Matthew Roberts to the Downtown Grant Review Board for an unexpired term ending December 31, 2026

12. Resolution approving a 28E agreement with the State of Iowa Alcoholic Beverage Division supporting the I-Pledge Tobacco, Alternative Nicotine and Vapor Product Enforcement Program for FY2024
13. Resolution accepting completion of the Westwood Clubhouse Asbestos Abatement Project
14. Resolution approving the reimbursement of legal fees and expenses
15. Resolution accepting completion of the 2023 Ceiling Installation Project - Community Services
16. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 23-11)
17. Resolution accepting completion of the 2023 Water Service Project
18. Resolution accepting completion of the Roof Repair Project 2023-02 – Utilities
19. Resolution approving a letter of support for Newton Main Street's application to T-Mobile's Hometown Grant for the Downtown Splash Pad Park
20. Resolution authorizing the purchase of pickup for Water Distribution
21. Resolution approving a Telecommunications Licensing Agreement with Mediacom Communications Corporation
22. Resolution ordering bids, approving plans, specifications and form of contract and notice to bidders, and ordering clerk to publish notice and fixing a date for receiving same, and for a public hearing on plans, specifications, form of contract and estimate of costs for the W 4th St S 200-400 Block Reconstruction Project
23. Approve Bills

Public Hearing

24. Public Hearing on a Resolution Approving the Minor Plat for Eastgate Plaza Plat 2 in the City of Newton, Jasper County, Iowa
 - Eastgate Plaza Plat 2 is a 1-lot commercial subdivision located in the 300 block of Iowa Speedway Drive and does not include any public improvements.
 - At their meeting on November 7, 2023, the Planning and Zoning Commission recommended approval of the subdivision.
25. Resolution Approving the Minor Plat for Eastgate Plaza Plat 2 in the City of Newton, Jasper County, Iowa
26. Public Hearing on an Ordinance Amending the City of Newton Official Zoning Map for the west 101 feet of Eastgate Plaza Plat 2 (in the 300 block of Iowa Speedway Drive) from R-2: One- and Two-Family Residential to C-A: Arterial Commercial
 - The applicants have requested a rezoning of the subject property to accommodate the development of a new ALDI grocery store.
 - In addition to this rezoning application, a request for easement vacations and a minor plat on the subject property were also submitted for consideration.

- At their meeting on November 7, 2023, the Planning and Zoning Commission reviewed and unanimously recommended approval of this rezoning application.
27. First Consideration of an Ordinance Amending the City of Newton Official Zoning Map for the west 101 feet of Eastgate Plaza Plat 2 (in the 300 block of Iowa Speedway Drive) from R-2: One- and Two-Family Residential to C-A: Arterial Commercial
28. Public Hearing on a Resolution Approving the Vacation of Easements located within Lots 3 and 4 of Eastgate Plaza Plat 1, City of Newton, Jasper County, Iowa
- This is a proposal to formally vacate two public utility easements, a 24' wide private cross easement, and a 40' wide reserved frontage road easement, all within Lots 3 and 4 of Eastgate Plaza Plat 1.
 - No utilities are located within the previously platted easements, and the easement vacation coincides with the other development approvals (rezoning and minor plat) related to the new Aldi store development.
29. Resolution Approving the Vacation of Easements located within Lots 3 and 4 of Eastgate Plaza Plat 1, City of Newton, Jasper County, Iowa
30. Public Hearing on a resolution awarding contract for the Westwood Clubhouse Demolition Project
- On September 13, 2022, Newton residents approved a park bond referendum, which included the construction of a new clubhouse at the Westwood Golf Course.
 - With the asbestos abatement work completed, the Community Services Department prepared plans and specifications, and received bids for the proposed demolition work.
 - City Staff recommends that Council award the project to Midwest Demolition Contractors, Inc. of Walford, Iowa in the amount of \$23,815.00.
31. Resolution Awarding Contract for the Westwood Clubhouse Demolition Project
32. Public hearing on a resolution awarding contract for the Downtown Spray Park and Gathering Space Project
- On September 6, 2022, City Council passed Resolution 2022-249 that spelled out the City's commitment to take the lead on the design and construction of the Downtown Spray Park & Gathering Space.
 - On November 6, 2023, City Council approved a resolution ordering bids, and approved plans and specifications that had been prepared by Bolton & Menk.

- City Staff recommends that Council award the base bid project contract to Brothers Concrete of Des Moines, Iowa in the amount of \$550,812.00.

Resolution

33. Resolution awarding contract for the Downtown Spray Park and gathering Space Project
34. Resolution approving a service agreement with Flock Safety for LPR cameras
 - The Police Department currently uses a number of public safety cameras around the community and proposes to expand the use of technology further with the addition of license plate reader (LPR) cameras.
 - 10 Flock Safety brand LPR cameras would be installed in key locations around the community to capture license plate and vehicle information to increase public safety, deter criminal activity, and enhance the effectiveness of criminal investigations.
 - The total cost for the project would be an amount not to exceed \$67,300 for a 2-year agreement.
35. Resolution accepting a Byrne JAG Criminal Justice Enhancement Grant for the proposed LPR project
 - The Police Department applied for the Byrne JAG Criminal Justice Enhancement Grant in July to fund law enforcement technology.
 - Out of 34 applications, Newton was one of twenty-eight applicants that were awarded a grant.
 - The City was awarded \$13,600 for the LPR project.
36. Resolution opposing Alliant Energy's proposed electric rate increase
 - Interstate Power and Light Company (dba Alliant Energy) has asked the Iowa Utilities Board to approve a two-year phased-in rate increase that the company estimates will increase the electric bills of residential customers by 13.4%, small businesses by 20%, and large general service customers by 17.4% - 20%. A 15%-20% increase to the City of Newton's current electricity purchases would result in an increased expense of \$108,000 to \$144,000.
 - This resolution would oppose Alliant Energy's proposed electric rate increase.
37. Resolution approving a memorandum of agreement with Clean Energy Districts of Iowa
 - Clean Energy Districts of Iowa is a non-profit organization who intends to intervene in opposition to Alliant Energy's proposed

rate increase to the Iowa Utilities Board regarding Docket No. RPU-2023-0002. Clean Energy Districts of Iowa will represent its member energy districts as well as the interest of communities in Alliant Energy's service territory, including Newton, Iowa in opposition of Alliant Energy's proposed energy rate increase.

- This resolution would support a Memorandum of Agreement with Clean Energy Districts of Iowa in opposition to Alliant Energy's proposed energy rate increase.

38. Resolution authorizing the submission of a pre-application for federal airport improvement program funding and certifying eligibility requirements

- The Federal Aviation Administration (FAA) requires airports to submit an Airport Improvement Program (AIP) pre-application for upcoming airport capital improvement projects, which enables the FAA to plan for future project funding.
- The pre-application includes anticipated projects during the next five Federal fiscal years, and does not commit the City to fund or complete any of the listed projects.
- City Staff recommends approval of this resolution accepting and authorizing submission of an Airport Improvement Program pre-application as-required by the FAA.

39. Resolution Amending the City of Newton Parks Fee Schedule

- The various fees charged for rentals and passes at Newton's parks, Maytag Pool, and for other park offerings are reviewed each year.
- The recommendation to increase shelter rental fees as shown in this resolution was approved by a 5-0 vote by the Newton Park Board at their meeting on November 15, 2023.
- City Staff recommends approval of this resolution amending the City of Newton's Parks Fee Schedule.

40. Resolution Approving Amended Development Agreement with Hotel Maytag Investors, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

- The development agreement stipulated that Hotel Maytag Investors would pay the entire tax liability on the base value of \$515,370 and that anything over the base value would be abated through FY31. The assessment of the property has unexpectedly increased beyond the benefit of the tax abatement.
- To address the difference, an amendment to the development agreement has been prepared and provides a property tax rebate on the remainder.

- A public hearing on this matter was held on October 16th with action on the resolution postponed.

41. Resolution relating to the financing of proposed projects to be undertaken by the City of Newton, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

- The City Council approved the construction of Arbor Estates, Phase 2 at the September 18, 2023 meeting in the amount of \$2,689,109.12. At that time, construction was not anticipated to begin until the spring of 2024 when the bond proceeds would be received by the City.
- With the weather conditions being mild this fall and early winter, substantial work has been completed by the contractor which requires payment by the City. In order to remain in compliance with the Internal Revenue Service regulation dealing with the issuance of bonds, the City Council must approve a reimbursement resolution if funds are expended before bonding.

42. Resolution approving employment agreement with the Police Chief for the City of Newton

- It is the desire of the City to provide certain benefits, establish certain conditions of employment, and set the working conditions of the Chief of Police.

Mayor/Council Comments

43. Mayor and Council Comments

Adjourn

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

Find us online: www.newtongov.org