

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.

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

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

- | | |
|------------------------------|---|
| 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 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 policies 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 | <ol style="list-style-type: none">3. October 18, 2021 Regular City Council Meeting Minutes4. Approve Liquor Licenses for: Veterans of Foreign Wars Post No 1655, Renewal, LC0026734, 315 1st Ave W, Class C Liquor License, Outdoor Service, Sunday Sales; Hy-Vee Market Café, Renewal, LC00410095. Certify Firefighter Candidate List6. Resolution Approving the 2020-2021 Annual City Street Financial Report. (Council Report 21-279)7. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-08). (Council Report 21-280)8. Resolution accepting completion of the 2021 Maytag Park Sidewalk Project. (Council Report 21-281)9. Resolution to provide free golf and pool passes for inclusion in the Newton Housing Development Corporation’s (NHDC) 2022 Get to Know Newton Welcome Package. (Council Report 21-282)10. Resolution appointing the Community Services Director and City Planner to serve on the Central Iowa Regional Transportation Planning Alliance Committees in 2022. (Council Report 21-283) |

11. Resolution accepting completion of the 2021 Streetscape Light Pole Refinishing Project. (Council Report 21-284)
12. Resolution accepting electric line easements for the downtown H-structure removal. (Council Report 21-285)
13. Resolution for the City of Newton to retain Liebl Marketing Group services for marketing management services. (Council Report 21-286)
14. Resolution revising the vendor's name for two park equipment purchases approved earlier by Resolution 2021-128. (Council Report 21-287)
15. Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment for the East-Mart Economic Development Area. (Council Report 21-288)
16. Resolution returning the block party late fee to Fellowship of Christian Athletes (FCA) a non-profit organization. (Council Report 21-289)
17. Approve Bills

Public Hearing

18. Public Hearing on a Resolution Approving Development Agreement with Nehring Auto Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. (Council Report 21-290)
 - Nehring Auto Inc. is improving the property at 1800 1st Avenue East.
 - The development agreement establishes a minimum assessment of \$205,000.00 for the property and provides a 10 year tax rebate on the new value. The maximum total amount of the tax rebates over 10 years is \$15,000.00.
19. Resolution Approving Development Agreement with Nehring Auto Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement. (Council Report 21-290)
20. Public Hearing on an Ordinance Amending and Updating the Code of Ordinances, City Of Newton, Iowa Title XV: Land Usage, Chapter 158: Zoning, to add campgrounds to the C-CBD: Central Business District List Of Conditional Uses. (Council Report 21-291)
 - The Planning and Zoning Commission reviewed and recommended approval of campgrounds as a conditional use within the C-CBD: Central Business District.
 - Staff has provided additional detail and recommends that the Council should not approve this proposed change.
21. First Consideration of an Ordinance Amending and Updating the Code of Ordinances, City Of Newton, Iowa Title XV: Land Usage, Chapter 158: Zoning, to add campgrounds to the C-CBD: Central Business District List Of Conditional Uses. (Council Report 21-291)

Motion to Reconsider

22. 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.

Ordinances

23. Third 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.
24. Third 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.
25. Second 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 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 recommended the City explore alternative parking for semi-trucks and trailers.
 - During the September 20, 2021 meeting, City Council approved an amendment to the proposed ordinance allowing semi-tractors to park on privately owned residential property for a 72 hour period on 3 days of a 7 day period while on a hard service and not continuously idling.

Resolutions

26. Resolution approving the granting of Downtown Improvement Grant Funds for 216 1st Avenue West. (Council Report 21-292)
- The Downtown Improvement Grant Program provides assistance for small rehabilitation or renovation projects in the Downtown. Julie Fitzgerald, Headlines Hair & Tanning, plans to improve the rear of her building with a brick wall reconstruction and painting.
 - At their meeting on October 20, 2021, the Downtown Grant Review Board recommended approval of a façade grant in a total amount not to exceed \$6,695.50.
27. Resolution to promote retail through a Shop Local marketing campaign using radio, targeted streaming radio and OTT/mobile video. (Council Report 21-293).
- The City of Newton and Liebl marketing group have put together a strategy to promote retail in Newton. These two pushes will complement other advertising being done by partner agencies, as well as promote our community.
 - Retailers need support as they move forward and continue to recover. The ‘Shop Local’ campaign for the City of Newton will bring a spotlight to Newton’s retailers, November 8 – December 23.
 - The overall budget for this campaign total \$7,500 with the goal of increasing both local awareness of the impact ‘staying local’ with your holiday shopping can have; and increasing regional visitors and transactions from our neighboring communities.

Staff Report

28. Community Development Update – Erin Chambers Community Development Director

Mayor/Council Comments

29.

Closed Session

30. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2021

Return to Open Session

31.

Closed Session

32. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2021

Return to Open Session

33.

Adjourn

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

REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 18, 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 Pro Tem Hallam presided. Present Council Members: Hallam, George, Ervin, Trotter, Mullan. Absent: Stonner.

Mayor Pro Tem Hallam asked everyone present to join in saying the Pledge of Allegiance.

During citizen participation, Jon Dunwell, 912 S 11th Ave W, stated that he looks forward to working with and for the City of Newton in his new position in Iowa House District 29. Bev Price, 1600 W 28th St N, spoke in favor of consent item 10, the study of local housing development standards and to review recommendations from the citizen formed housing committee.

Moved by Trotter, seconded by George to approve consent agenda items 3-11.

3. October 04, 2021 Regular City Council Meeting Minutes
4. October 11, 2021 Goal Setting Workshop Minutes
5. Approve Liquor Licences for: Your Private Bar, 5 -Day License Wedding 10/22/21, Alta House Event Center, 1600 E 36th St S, License Number TBD, Class C Liquor License; Pit Stop Liquors, Renewal, LE0002050, 1324 1st Ave E, Class E Liquor License, Sunday Sales; Capitol II Theatre, Renewal, WCN000220, 116 1st St N, Class C Native Wine Permit, Living Quarters, Sunday Sales; Alta House Event Center, New, License No TBD, 1600 E 36th St S, Class C Liquor License, Sunday Sales, Outdoor Service; Love's Travel Stop #361, Renewal, BC0029110, 4400 S 22nd Ave E, Class C Beer Permit, Class B Wine Permit, Sunday Sales; Shop N Save, Renewal, LE0003589, 404 S 11th Ave W, Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales
6. Resolution Fixing the Amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 21-08). Resolution 2021-263 adopted.
7. Resolution approving agreement with the property owner of 1307 W 4th St S for non-standard improvements in the City right-of-way. Resolution 2021-264 adopted.
8. Resolution awarding contract for the Demolition 2021-03 Project. Resolution 2021-265 adopted.
9. Resolution Setting a Date of Meeting at which it is proposed to approve a Development Agreement with Nehring Auto Inc., Including Annual Appropriation Tax Increment Payments. Resolution 2021-266 adopted.
10. Resolution directing the Planning and Zoning Commission to study local housing development standards and review recommendations from a citizen formed housing committee. Resolution 2021-267 adopted.
11. Approve Bills

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

It was moved by Ervin, seconded by Trotter to postpone the 3 ordinances, items 12-14 to a later meeting when the full council is available to discuss:

12. Third 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)
13. Third 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)
14. Second 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)

AYES: Five. NAYS: None. Motion passed.

Moved by Trotter, seconded by Mullan to adopt the Resolution approving a reimbursable agreement with the Federal Aviation Administration (FAA) for costs related to the adjustment and reinstatement of the FAA's Runway End 14 visual approach slope indicators (VASI) to accommodate construction of the Newton Airport Taxiway Relocation Project. AYES: Five. NAYS: None. Resolution 2021-268 adopted.

Moved by Ervin, seconded by Trotter to adopt the Resolution approving an Exclusive Electric Vehicle Charging Services Agreement with Blink Network, LLC. AYES: Five. NAYS: None. Resolution 2021-269 adopted.

Moved by George, seconded by Trotter to adopt the Resolution accepting a grant from the Iowa Homeland Security Grant Program and awarding the purchase of a FTIR Chemical Analyzer. AYES: Five. NAYS: None. Resolution 2021-270 adopted.

Moved by George, seconded by Ervin to adopt Resolution Approving Storm Sewer Agreement with Vernon Company. AYES: Five. NAYS: None. Resolution 2021-271 adopted.

Moved by Trotter, seconded by Mullan to adopt Resolution adopting the 2021 - 2023 Council Goals for the City of Newton. AYES: Five. NAYS: None. Resolution 2021-272 adopted.

Fire Chief Jarrod Wellik presented the Fire Department Annual Report including calls for services, Covid update, and the staffing issues.

During Mayor/Council comments George indicated that we need to re-address downtown paring during a snow occurrence and back in parking. Mullan asked for clarification on ADA sidewalk ramps. Community Services Director, Brian Laube indicated that if any construction is done to the road then ADA ramps are required. Ervin indicated that Friday night was the last football game of the year.

Moved by Trotter, seconded by Mullan to adjourn the meeting at 7:03 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Approving the 2020-2021 Annual City Street Financial Report

Summary: This required annual report documents the City's use of the Road Use Tax received from the State of Iowa

Financial Impact:

No financial impact, as this report summarizes past actions.



Report Number: 21-279

Date: November 1, 2021

Lead Department:
Administration

Recommendation:
Approval

Background:

Annually, the Iowa Department of Transportation requires the City to file a City Street Financial Report that accounts for the use of Road Use Tax funding during the past fiscal year. The report for fiscal year 2020-21 shows that the City began with a fund balance of \$602,532 in the Road Use Tax Fund. The unaudited ending balance in the Road Use Tax Fund as of June 30, 2021 was \$2,967,178.

Revenues from the Road Use Tax Fund for the fiscal year were \$4,336,461, which includes \$2,282,948 in Road Use Tax from the State of Iowa and the 2021D RUT Revenue Bond Proceeds in the amount of \$2,053,513. Expenses in the Road Use Tax fund were \$1,971,815 which includes \$152,210 of capital outlay.

Recommendation:

Staff recommends approval of the attached Resolution and Report.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

**RESOLUTION APPROVING THE FISCAL YEAR 2020-2021
ANNUAL CITY STREET FINANCIAL REPORT**

WHEREAS, the Iowa Department of Transportation requires the City Council to annually approve the “City Street Financial Report,” which documents the receipt and usage of Road Use Tax; and,

WHEREAS, said report has been prepared by the Administration and Public Works Departments and is attached to this Resolution;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa that the 2020-21 “City Street Financial Report” is hereby approved; and City Staff is hereby directed to submit the report to the Iowa Department of Transportation by the December 1st deadline.

PASSED this 1st day November, 2021.

APPROVED this ____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis,
City Clerk



City Street Finance Report

Fiscal Year 2021

Bureau of Local Systems

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Expenses

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Salaries - Roads/Streets		\$425,304					\$425,304
Benefits - Roads/Streets		\$180,661	\$59,039				\$239,700
Training & Dues		\$2,825					\$2,825
Building & Grounds Maint. & Repair		\$21,019					\$21,019
Road Beautification		\$40,892					\$40,892
Vehicle & Office Equip Operation and Repair		\$88,936					\$88,936
Street Lights		\$230,205					\$230,205
Other Utilities	\$17,517	\$28					\$17,545
Other Maintenance and Repair	\$25,775						\$25,775
Payments to othe agencies		\$4,491					\$4,491
Printing		\$156					\$156
Other Professional Services		\$26,605					\$26,605
Other Equipment		\$284					\$284
New Posts & Signs		\$15					\$15
Replacement Posts & Signs		\$4,432					\$4,432
Other Supplies	\$42,789	\$101,172					\$143,961
Street - New Roadway					\$1,254,680		\$1,254,680



City Street Finance Report

Fiscal Year 2021

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	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Street - Preservation		\$116,895			\$1,071,852		\$1,188,747
Other Capital Outlay		\$152,210					\$152,210
Principal Payment				\$1,392,377			\$1,392,377
Interest Payment				\$209,891			\$209,891
Bond Registration Fees				\$341			\$341
Transfer Out		\$62,599					\$62,599
Traffic Control/Safety		\$54,511					\$54,511
Snow Removal		\$420,929					\$420,929
Highway Engineering	\$40,953						\$40,953
Street Cleaning		\$37,646					\$37,646
Total	\$127,034	\$1,971,815	\$59,039	\$1,602,609	\$2,326,532		\$6,087,029



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City Street Finance Report

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Revenue

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Levied on Property	\$21,646		\$59,039	\$375,331			\$456,016
TIF Revenues				\$1,227,278			\$1,227,278
State Revenues - Road Use Taxes		\$2,282,948					\$2,282,948
Other State Grants - IDOT	\$40,454						\$40,454
Charges/fees						\$0	\$0
Contributions	\$2,335						\$2,335
Proceeds from Debt		\$2,053,513			\$70,751		\$2,124,264
Transfer In	\$62,599						\$62,599
Total	\$127,034	\$4,336,461	\$59,039	\$1,602,609	\$70,751	\$0	\$6,195,894



City Street Finance Report

Fiscal Year 2021

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Bonds/Loans

Bond/Loan Description	Principal Balance As of 7/1	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance As of 6/30
2018A GO Bond	\$1,875,000	\$55,000	\$57,712	\$2,750	\$2,886	\$1,820,000
2019A GO Bond	\$4,210,000	\$170,000	\$142,237	\$104,674	\$87,580	\$4,040,000
2017B GO Bond	\$1,586,000	\$105,000	\$33,306	\$62,891	\$19,949	\$1,481,000
2015B Bonds	\$3,080,000	\$520,000	\$71,487	\$210,496	\$28,938	\$2,560,000
2017C GO Bond	\$2,118,000	\$145,000	\$72,230	\$20,523	\$10,224	\$1,973,000
2021A	\$2,740,000	\$0	\$0	\$0	\$0	\$2,740,000
2020C Refinance	\$5,745,000	\$1,070,000	\$69,578	\$927,530	\$60,314	\$4,675,000
2021D RUT Revenue Bond	\$2,053,513	\$63,513	\$0	\$63,513	\$0	\$1,990,000



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City Street Finance Report

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Equipment

Description	Model Year	Usage Type	Cost	Purchased Status
Chevrolet 4x4 2500 Silverado Pickup	2003	Purchased	\$19,913	No Change
Maclander Trailer	2000	Purchased	\$3,175	Sold
Graco Line Lazer Pavement Stripper	2004	Purchased	\$3,902	Sold
Targe Pro Concrete Saw	2004	Purchased	\$10,449	Sold
Chevrolet 3/4 Ton Pickup 4 x 4	2003	Purchased	\$19,913	No Change
Int 7300 with Sander,Plowbox,Prewet System	2005	Purchased	\$89,496	No Change
Hull Trailer	2011	Purchased	\$4,399	Sold
International Dump Truck 4x2 & Sander	1999	Purchased	\$53,000	No Change
International Dump Truck 4x2 & Sander	1999	Purchased	\$53,000	No Change
Caterpillar IT28G Loader	2002	Purchased	\$83,762	Sold
International 4x2 w/plow and sander	2005	Purchased	\$63,058	No Change
Model #3900 Graco Line Striper	2017	Purchased	\$6,271	Sold
John Deere 310SJ Backhoe	2012	Purchased	\$100,062	No Change
Model 310 SL John Deere Backhoe	2017	Purchased	\$98,263	No Change
3/4 Ton 4x4 Chevy Pickup	2016	Purchased	\$27,566	No Change
3/4 Ton 4x4 Chevy Pickup	2015	Purchased	\$26,865	No Change
3/4 ton 4x4 Chevy Pickup	2011	Purchased	\$24,880	No Change
H&H Enclosed Cargo Trailer 14 Tandem	2014	Purchased	\$4,081	Sold
International 7300 Truck w/Plow, Wing & Prewet	2015	Purchased	\$148,762	No Change
International 7300 Truck w/plow, wing & prewet	2013	Purchased	\$143,601	No Change
Cimline ECO Patcher	2015	Purchased	\$27,600	Sold



City Street Finance Report

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Description	Model Year	Usage Type	Cost	Purchased Status
Johnston VT-801 Street Sweeper	2014	Purchased	\$231,420	No Change
Landpride Batwing Mower	2014	Purchased	\$11,714	Sold
Volvo L70F Loader	2014	Purchased	\$180,765	No Change
John Deere 310SJ Backhoe	2012	Purchased	\$82,760	Sold
F-150 Crew Cab	2012	Purchased	\$26,284	Sold
International 4x2 w plow and sander	2005	Purchased	\$61,000	Sold
Vermeer Bursh Chipper	1997	Purchased	\$15,726	Sold
Fair Snowblower D842SI	2002	Purchased	\$44,676	Sold
International 4700 4x2 Single Axle Dump Truck	2001	Purchased	\$56,934	No Change
Crack Sealer SS125 DCR	2002	Purchased	\$48,000	Traded
John Deere 5410 Tractor	2000	Purchased	\$26,768	No Change
Arrow Paving Breaker	1980	Purchased	\$21,000	Sold
Chevrolet K3500 L5 Truck w/Dump Box & U Plow	2001	Purchased	\$24,516	No Change
Ingersoll Rand P185W JD Air Compressor	2001	Purchased	\$10,000	Sold
Caterpillar 120G Motorgrader	1992	Purchased	\$86,269	No Change
ingersol Rand P185WJD Air Compressor	2001	Purchased	\$11,000	Sold
International Tandem Truck	2001	Purchased	\$123,443	No Change
International 4700 4x2 w/plow and sander	2016	Purchased	\$148,762	No Change
International HV507 4x2 w/plow and sander	2018	Purchased	\$160,694	No Change
Dodge Aerial Bucket Truck	2017	Purchased	\$97,063	No Change
Ford 4x4 F-250 Pickup 6976	2020	Purchased	\$28,411	New
Volvo L70H Serial #12693862	2021	Purchased	\$184,518	New



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City Street Finance Report

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Street Projects

Project Description	Contract Price	Final Price	Contractor Name
IA Speedway Dr 400-1400 Block / .994 Miles	\$1,281,155	\$1,413,319	Manatt's Inc
Remoal and replacement of 20 light fixtures	\$79,320	\$84,213	Van Maanen Electric, Inc



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City Street Finance Report

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Summary

	General Fund Streets (001)	Road Use (110)	Other Special Revenues	Debt Service (200)	Capital Projects (300)	Utilities (600 & U0)	Grand Total
Begining Balance	\$0	\$602,532	\$0	\$0	\$2,837,531	\$0	\$3,440,063
SubTotal Expenses (-)	\$127,034	\$1,909,216	\$59,039	\$1,602,609	\$2,326,532		\$6,024,430
Transfers Out (-)		\$62,599					\$62,599
Subtotal Revenues (+)	\$64,435	\$4,336,461	\$59,039	\$1,602,609	\$70,751	\$0	\$6,133,295
Transfers In (+)	\$62,599						\$62,599
Ending Balance	\$0	\$2,967,178	\$0	\$0	\$581,750	\$0	\$3,548,928

Resolution Number:

Execution Date:

Signature:

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-08).

Report Number: 21-280

Date:

November 1, 2021

Summary:

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

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

Cost Recovery: \$755.00

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$755.00. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

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

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 21-08).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 21-08)**

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City of Newton, after the property owner's failure upon being given notice and opportunity to cure, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached Schedule No. 21-08 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 21-08, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for the collection in the same manner as a property tax.

BE IT FURTHER RESOLVED, that said assessments shall be payable in 1 annual installment and shall bear interest at the rate of 3.88 percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council shall become due and payable on December 1, 2021, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

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

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 21-08: 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
Linda Rice	835402011	514 E 20th St S	Newton	\$110,550	\$60.00	\$75.00	\$135.00	AURORA HEIGHTS SD LOT 11 BLK E	8/25/2021
RC Homes LLC	827477009	901 N 6th Ave E	Newton	\$53,570	\$60.00	\$100.00	\$160.00	LONG'S SD LOT 21	8/25/2021
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	9/2/2021
Allen Majors	834327004	518 E 2nd St S	Newton	\$124,220	\$60.00	\$75.00	\$135.00	CLAUSSEN'S SD LOT 4 BLK 2	9/9/2021
Dean Patterson	833178017	1203 Monroe Drive	Newton	\$97,890	\$60.00	\$75.00	\$135.00	HOLMES' SD N 30' LOT 2 & ALL LOT 3 BLK 5 EX HIWAY	9/13/2021
Total							\$755.00		

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2021 Maytag Park Sidewalk Project

Report Number: 21-281

Date:

November 1, 2021

Summary:

Accept completion of contract to construct a sidewalk in Maytag Park

Lead Department:

Community Services

Financial Impact:

Council previously approved a contract for \$15,971.00 on September 20, 2021; and this action would accept the project and authorize payment of the retainage amount of \$798.55.

Recommendation:

Approve

Background:

Maytag Park did not have a separate sidewalk for pedestrians walking to Maytag Pool. Pedestrians were forced to share the roadway with vehicles which is unsafe. This project extended the existing sidewalk from the park entrance to the Maytag Pool entrance. Along with the new sidewalk, ADA compliant sidewalk ramps were constructed where the new sidewalk meets the park roads.

City Council passed a resolution on September 20, 2021 awarding a contract to Pillar Inc., Nevada, Iowa in the amount of \$15,971.00. The Community Services Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is \$15,971.00.

Recommendation:

City staff recommends accepting the completion of the 2021 Maytag Park Sidewalk Project, and authorizing the retainage amount of \$798.55 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING COMPLETION OF 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 Council of the City of Newton awarded a contract to Pillar, Inc of Nevada, Iowa in the amount of \$15,971.00 on September 20, 2021 for the 2021 Maytag Park Sidewalk Project; and

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

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is \$15,971.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Community Services Director to execute payment of the retainer in the amount of \$798.55 to Pillar, Inc. no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using 2021 Bond proceeds.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item:

Resolution to provide free golf and pool passes for inclusion in the Newton Housing Development Corporation's (NHDC) 2022 Get to Know Newton Welcome Package.

Report Number: 21-282

Date:

November 1, 2021

Summary:

Proposed free passes add to the value of the Get to Know Newton Welcome Package, while also getting potential future customers to use Westwood Golf Course and Maytag Pool.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

The combined value of the passes is \$328.00 per welcome package. It is estimated that most of those receiving these non-transferrable passes would not normally buy them, so minimal negative impact on annual sales revenue is expected.

Background:

As part of the NHDC's Get to Know Newton Welcome Package, those people purchasing new homes have received a package in prior years that included passes to the Iowa Speedway, a membership to the YMCA, gift cards to local retailers, and a subscription to Newton Daily News. This proposal would add the following items to the Get to Know Newton Welcome Package:

- An eighteen-hole, ten-punch pass card to Westwood Golf Course (\$128 value)
- Four season passes to Maytag Pool (\$200 value)

To help grow the future customer base at Westwood Golf Course and Maytag Pool, providing free passes as part of this welcome package allows the recipients to use and become familiar with these recreational facilities.

It is estimated that most of those receiving these non-transferrable passes, which have a combined value of \$328.00, would not normally buy them. Because of this, any initial negative impact of this giveaway is expected to be minimal. The potential increased usage of the pool and golf course, both short and long-term by the recipients of this welcome package, could generate additional revenue in sales of concessions, cart rentals, and future season passes.

Recommendation:

City Staff recommends acceptance of this resolution authorizing the Community Services Department to provide the free golf and pool passes noted above to the Newton Housing Development Corporation's (NHDC) Get to Know Newton Welcome Package through December 31, 2022.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

RESOLUTION TO PROVIDE FREE GOLF AND POOL PASSES FOR INCLUSION IN THE NEWTON HOUSING DEVELOPMENT CORPORATION'S (NHDC) 2022 GET TO KNOW NEWTON WELCOME PACKAGE

WHEREAS, as part of the NHDC's Get to Know Newton Welcome Package, those people purchasing new homes have received a package in prior years that included passes to the Iowa Speedway, a membership to the YMCA, gift cards to local retailers, and a subscription to Newton Daily News; and

WHEREAS, this resolution would add the following items to the Get to Know Newton Welcome Package:

- An eighteen-hole, ten-punch pass card to Westwood Golf Course (\$128 value)
- Four season passes to Maytag Pool (\$200 value); and

WHEREAS, to help grow the future customer base at Westwood Golf Course and Maytag Pool, providing free passes as part of this welcome package allows the recipients to use and become familiar with these recreational facilities; and

WHEREAS, it is estimated that most of those receiving these non-transferrable passes would not normally buy them, so any initial negative impact of this giveaway is expected to be minimal; and

WHEREAS, the potential increased usage of the pool and golf course, both short and long-term by the recipients of this welcome package, could generate additional revenue in sales of concessions, cart rentals, and future season passes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that this resolution is approved authorizing the Community Services Department to provide the free golf and pool passes noted above to the Newton Housing Development Corporation's (NHDC) 2022 Get to Know Newton Welcome Package through December 31, 2022.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution appointing the Community Services Director and City Planner to serve on the Central Iowa Regional Transportation Planning Alliance Committees in 2022.

Report Number: 21-283

Date:

November 1, 2021

Summary:

Member governments are required to annually appointment or renew representatives to CIRTPA, the regional transportation planning organization.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact: none

Background:

The City of Newton is a member of the Central Iowa Regional Transportation Planning Alliance (CIRTPA), which carries out federally required transportation planning for the eight counties in central Iowa (Boone, Dallas, Jasper, Madison, Marion, rural Polk, Story, and Warren) and includes those county governments and designated cities located within those counties. Newton receives an allocation of approximately \$350,000 each year in federal Surface Transportation Program (STP) funds through CIRPTA.

Annually, CIRTPA requests that its member governments appoint representatives to the CIRTPA Technical and Policy Committees. The proposal is to have Community Services Director Brian Laube continue to serve as the City's 2022 primary representative to the Technical and Policy Committees, and to have City Planner Brian Dunkelberger serve as the 2022 alternate representative to both committees.

Recommendation:

Staff recommends approval of the attached resolution.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

RESOLUTION APPOINTING THE COMMUNITY SERVICES DIRECTOR AND CITY PLANNER TO SERVE ON THE CENTRAL IOWA REGIONAL TRANSPORTATION PLANNING ALLIANCE COMMITTEES IN 2022

WHEREAS, the Central Iowa Regional Transportation Planning Alliance (CIRTPA) was formed in 1994 representing an eight-county area consisting of Boone, Dallas, Jasper, Madison, Marion, rural Polk, Story, and Warren Counties; and

WHEREAS, the City of Newton is a member of the CIRTPA, as organized under Iowa Code Chapter 28E; and

WHEREAS, CIRTPA annually requests that its member governments appoint representatives to the CIRTPA Technical and Policy Committees.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that Community Services Director Brian Laube is designated as the 2022 representative to the CIRTPA Technical Committee, and that City Planner Brian Dunkelberger is designated as the 2022 alternate representative to the CIRTPA Technical Committee.

NOW THEREFORE, BE IT FURTHER RESOLVED that Community Services Director Brian Laube is designated as the 2022 representative to the CIRTPA Policy Committee, and that City Planner Brian Dunkelberger is designated as the 2022 alternate representative to the CIRTPA Policy Committee.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting completion of the 2021 Streetscape Light Pole Refinishing Project

Report Number: 21-284

Date:

November 1, 2021

Summary:

Accept completion of contract to repaint 50 existing streetscape lights in downtown Newton.

Lead Department:

Public Works

Financial Impact:

Council previously approved a contract for \$20,000.00 on August 16, 2021; and this action would accept the project and authorize payment of the retainage amount of \$1,100.00.

Recommendation:

Approve

Background:

Existing streetscape lights in the central business district are approaching 30 years old and have begun to show their age. This project would see 50 light poles power washed and repainted to improve their appearance.

City Council passed a resolution on August 16, 2021 awarding a contract to Pole Painting Plus Inc. of Maple Lake, MN in the amount of \$20,000.00. The Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract. The final contract amount, based on actual measured quantities of work completed, is \$22,000.00 as five additional poles were added.

Recommendation:

City staff recommends accepting the completion of the 2021 Streetscape Light Pole Refinishing Project, and authorizing the retainage amount of \$1,100.00 to be paid to the contractor no sooner than 30 days after approval of this resolution should no claims be on file.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING COMPLETION OF THE
2021 STREETSCAPE LIGHT POLE REFINISHING PROJECT**

WHEREAS, existing streetscape lights in the central business district are approaching 30 years old and have begun to show their age. This project would see 50 streetscape light poles power washed and repainted to improve their appearance, and

WHEREAS, the City Council of the City of Newton awarded a contract to Painting Plus Inc. of Maple Lake, MN in the amount of \$20,000.00 on August 16, 2021 for the 2021 Streetscape Light Pole Refinishing Project; and

WHEREAS, Painting Plus Inc. has completed their work, and the Public Works Director has signed the Statement of Completion Form stating that the project has been substantially completed in general compliance with the terms, conditions and stipulations of said contract.

WHEREAS, the final contract amount, based on actual measured quantities of work completed, is \$22,000.00, as five additional poles were painted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa that the City of Newton hereby accepts completion of the project; and authorizes the Public Works Director to execute payment of the retainer in the amount of \$1,100.00 to Painting Plus Inc. no sooner than 30 days after approval of this resolution should no claims be on file, with said payment to be made using 2021 North Central TIF bonds.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution accepting electric line easements for the downtown H-structure removal.

Report Number: 21-285

Date:

November 1, 2021

Summary:

Acceptance of permanent easements in downtown alleys for Electrical utility relocation.

Lead Department:

Public Works

Financial Impact:

None

Recommendation:

Approve

Background:

To accommodate the removal of the H-structures downtown, overhead utilities will need to be placed underground through city alley right-of-ways. Alliant energy has requested multiple easements from the City to allow them to place the overhead primary lines on City property underground and or electrical equipment, such as ground mounted transformers.

The easements are on or adjacent to the following properties: 123 N 3rd Ave E, 214 W 2nd St N, 216 W 2nd St N, and 101 N 3rd Ave W. These easements are for and in consideration of the sum of One Dollar. Maps of easement locations are attached to the easement documents.

Recommendation:

City Council accept and approve the easements noted above.

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION ACCEPTING ELECTRIC LINE EASEMENTS
FOR THE DOWNTOWN H-STRUCTURE REMOVAL**

WHEREAS, to accommodate the removal of the H-structures downtown, overhead utilities will need to be placed underground through city owned property and alley right-of-ways; and

WHEREAS, Alliant energy has requested multiple easements from the City to allow them to place the overhead primary lines and electrical infrastructure on or underground City property; and

WHEREAS, The easements are adjacent to the following properties: 123 N 3rd Ave E, 214 W 2nd St N, 216 W 2nd St N, and 101 N 3rd Ave W. These easements are for and in consideration of the sum of One Dollar; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the above referenced easements are hereby approved.

BE IT FURTHER RESOVLED, that the Mayor and City Clerk are authorized to execute the Electric Line Easement documents for the affected properties.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **City of Newton** ("Grantor(s)"), ADDRESS: **123 N 3 Ave E Newton, Iowa** do(es) hereby warrant and convey unto **Interstate Power and Light Company, an Iowa Corporation**, its successor and assigns, ("Grantee") a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, expand, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment) and construction (collectively, the "*Line*" or "*Lines*") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of **Jasper**, and the State of Iowa:

See Attached Exhibit A, page 3

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

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

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

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

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

Signed this _____ day of _____, 20__.

GRANTOR(S):
City of Newton

By: _____

By: _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

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

_____ to me personally known

or _____ provided to me on the basis of satisfactory
evidence

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

NOTARY SEAL _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

My Commission Expires: _____

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL

CORPORATE
Title(s) of Corporate Officers(s):

N/A

Corporate Seal is affixed

No Corporate Seal procured

PARTNER(s)

Limited Partnership

General Partnership

ATTORNEY-IN-FACT

EXECUTOR(s),

ADMINISTRATOR(s),

or TRUSTEE(s):

GUARDIAN(s)

or CONSERVATOR(s)

OTHER

SIGNER IS REPRESENTING:
List name(s) of persons(s) or entity(ies):

EXHIBIT 'A'

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

Grantor's Parcel:

Lots 1 and 2 in Block 10 of the Original Town of Newton, in the City of Newton, Jasper County, Iowa.

SUBJECT TO EASEMENTS, RESTRICTIONS, COVENANTS, ORDINANCES AND LIMITED ACCESS PROVISIONS OF RECORD.

ALL IN PARCEL 0834134006 DESCRIBED BELOW

N 3rd Ave E



10'X20' EASEMENT AREA

DRAFTED BY: MI-TECH SERVICES, INC
NJC

N
NOT TO SCALE
ALLIANT #4235828

ELECTRIC LINE EASEMENT

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

See Attached Exhibits A and B, pages 3 and 4

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

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

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

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

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

Signed this _____ day of _____, 20__.

GRANTOR(S):
City of Newton

By: _____

By: _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

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

_____ to me personally known

or _____ provided to me on the basis of satisfactory
evidence

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

NOTARY SEAL _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

My Commission Expires: _____

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL

CORPORATE
Title(s) of Corporate Officers(s):

N/A

Corporate Seal is affixed

No Corporate Seal procured

PARTNER(s)

Limited Partnership

General Partnership

ATTORNEY-IN-FACT

EXECUTOR(s),

ADMINISTRATOR(s),

or TRUSTEE(s):

GUARDIAN(s)

or CONSERVATOR(s)

OTHER

SIGNER IS REPRESENTING:

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

Exhibit "A"

Easement area being a strip of land 5 feet in width, being 2.5 feet each side of the centerline of facilities, or extensions thereof, along the North 106 feet of the East line; and an Easement area being a strip of land 5 feet in width, being 2.5 feet each side of the centerline of facilities, or extensions thereof, commencing approximately 14.5 feet South of the Northwest corner, thence East to the East property line of Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

AND

Easement area 10 feet by 10 feet, for placement of facilities approximately 116 feet South of the Northeast corner along the East line of Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

Grantor's Parcel:

The North/South alley between lots 1 and 2, and 3 and 4 of Block 9 of the Original Plat of Newton, Jasper County, Iowa.

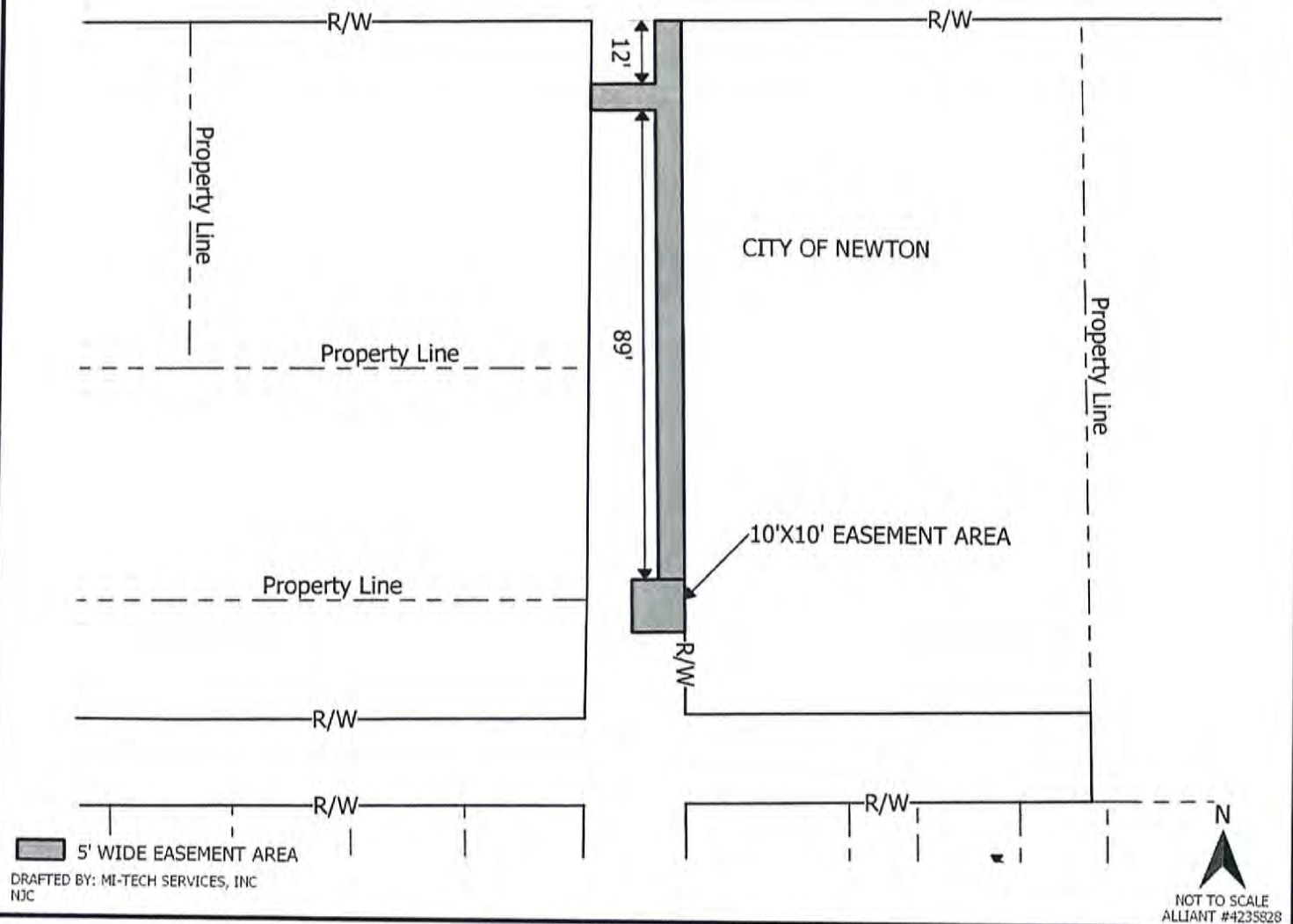
Subject to easements, restrictions, covenants, ordinances and limited access provisions of record.

EXHIBIT 'B'

SUBJECT TO EASEMENTS, RESTRICTIONS, COVENANTS, ORDINANCES AND LIMITED ACCESS PROVISIONS OF
RECORD.

ALL IN PARCEL DESCRIBED BELOW

N 3rd Ave W



ELECTRIC LINE EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, **City of Newton** ("Grantor(s)", ADDRESS: **214 and 216 W 2nd Street N. and 101 N 3rd Ave W., Newton, Iowa** do(es) hereby warrant and convey unto **Interstate Power and Light Company, an Iowa Corporation**, its successor and assigns, ("Grantee") a perpetual easement with the right, privilege and authority to construct, reconstruct, maintain, expand, operate, repair, patrol and remove an underground electric and telecommunications line or lines, consisting of wires, transformers, switches and other necessary fixtures, appurtenances and equipment, (including associated surface mounted equipment) and construction (collectively, the "*Line*" or "*Lines*") for transmitting electricity, communications and all corporate purposes of Grantee together with the power to extend to any other party the right to use, jointly with the Grantee, pursuant to the provisions hereof, upon, under, and across the following described lands located in the County of **Jasper**, and the State of Iowa:

See Attached Exhibits A and B, pages 3 and 4

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

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

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

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

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

Signed this _____ day of _____, 20____.

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

By: _____

By: _____

ALL PURPOSE ACKNOWLEDGMENT

STATE OF _____)

COUNTY OF _____) ss:

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

_____ to me personally known

or _____ provided to me on the basis of satisfactory
evidence

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

NOTARY SEAL _____
(Sign in Ink)

(Print/type name)

Notary Public in and for the State of _____

My Commission Expires: _____

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL

CORPORATE
Title(s) of Corporate Officers(s):

N/A

Corporate Seal is affixed

No Corporate Seal procured

PARTNER(s)

Limited Partnership

General Partnership

ATTORNEY-IN-FACT

EXECUTOR(s),

ADMINISTRATOR(s),

or TRUSTEE(s):

GUARDIAN(s)

or CONSERVATOR(s)

OTHER

SIGNER IS REPRESENTING:
List name(s) of persons(s) or entity(ies):

Exhibit "A"

Easement area being a strip of land 5 feet in width, being 2.5 feet each side of the centerline of facilities, or extensions thereof, which centerline commences approximately 16.5 feet East of the Southwest corner of Lot 4 Blk 9, thence North to the North property line of the Lot 4 Blk 9 of Original Town of Newton, being the point of terminus; And An Easement area being a strip of land 5 feet in width, being 2.5 feet each side of the centerline of facilities, or extension thereof, which centerline commences 2 ½ feet South of the Northwest corner of Lot 4 Blk 9 of Original Town of Newton, thence East to a point 2 ½ feet South of the Northeast corner of Lot 2, Block 9 of Original Town of Newton, Jasper County, Iowa, and the point of terminus, Grantor's property described below and more particularly described by placement of the facilities at the time of construction on or adjacent to the following described property.

Grantor's Parcel:

Lots 2 and 4 and the North/South alley between Lots 1 and 2, and 3 and 4 of Block 9 of the Original Town of Newton, Jasper County, Iowa.

Subject to easements, restrictions, covenants, ordinances and limited access provisions of record.

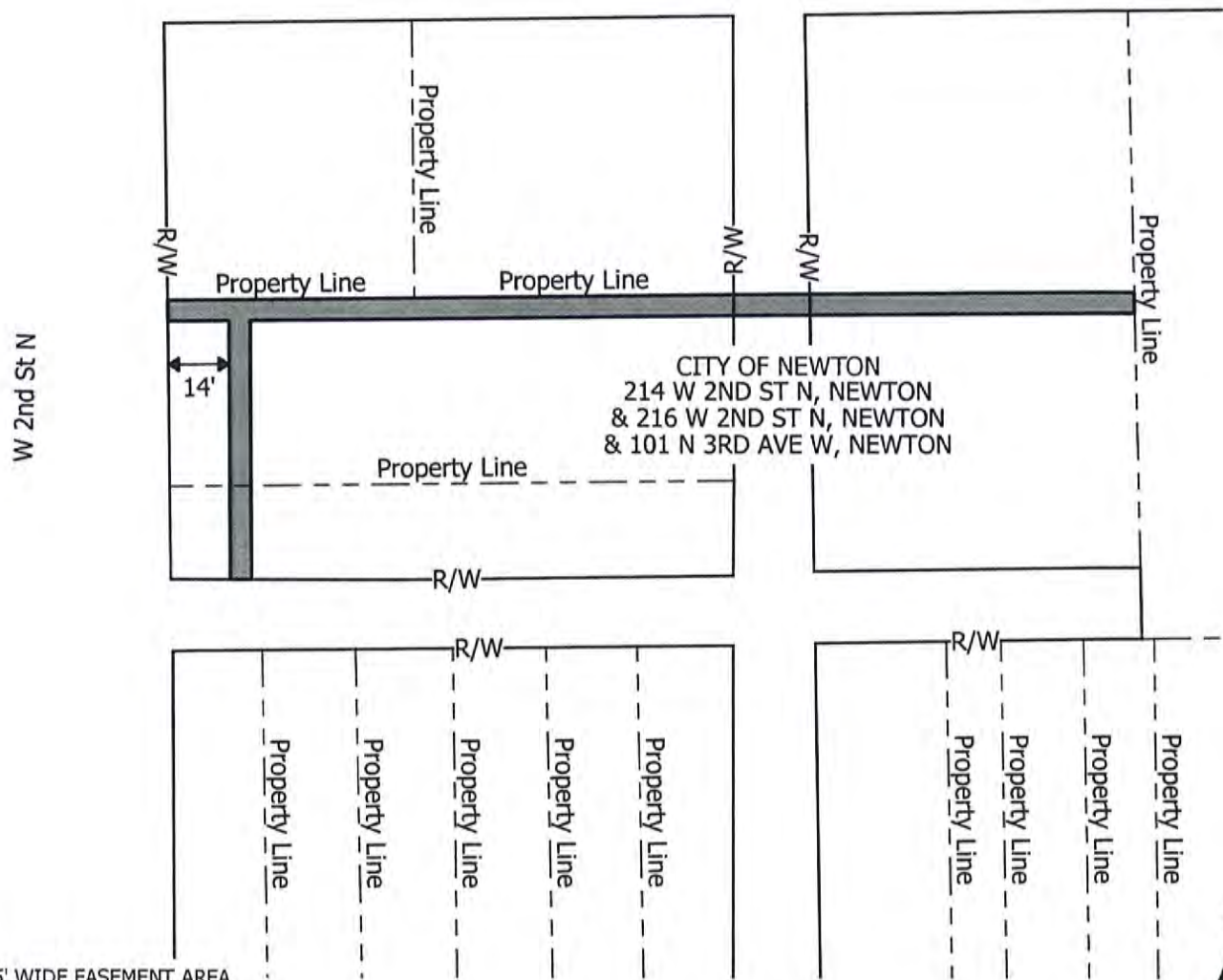
ALL IN PARCELS 0834110002, 0834110003 and 0834110004 DESCRIBED BELOW.

EXHIBIT 'B'

SUBJECT TO EASEMENTS, RESTRICTIONS, COVENANTS, ORDINANCES AND LIMITED ACCESS PROVISIONS OF RECORD.

ALL IN PARCEL 0834110002 & 0834110003 & 0834110004 DESCRIBED BELOW

N 3rd Ave W



5' WIDE EASEMENT AREA

DRAFTED BY: MI-TECH SERVICES, INC
NJ

N
NOT TO SCALE
ALLIANT #4235828

Untitled Map
Write a description for your map.

N 3rd Ave W

Proposed transformer location

80 ft



Legend



City of Newton Council Report

**Item:**

Resolution for the City of Newton to retain Liebl Marketing Group services for marketing management services.

Report Number: 21-286

Date:

November 1, 2021

Summary:

The City of Newton has retained the services of Liebl Marketing Group for media buying, agency of record status, and creative services to assist the Community Marketing Manager and the City's marketing efforts. This resolution would extend these services through December 31, 2022.

Lead Department:

Community Development

Recommendation:

Approve

Financial Impact:

\$3,420

Background:

In May 2018, the City of Newton retained the services of Liebl Marketing Group (LMG). Over the years, the partnership has led to campaigns that showcase Newton as a place to live, work and play. The City has also worked with LMG on several successful radio campaigns for retail and housing that have aired on regional radio stations as well as online services such as Spotify.

Staff would like to continue to retain the services of LMG for assistance in development of marketing program and creative ideation, copywriting services, research and planning, marketing proposal development, media buying and campaign oversight, radio commercial production, agency representation and vendor management. LMG has again offered these marketing management services at a reduced price of \$285/month (billed quarterly -no increase from 2021) through December 31, 2022.

Recommendation:

Staff recommends extending the marketing management services agreement with LMG through December 31, 2022.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021- _____

**RESOLUTION TO RETAIN LIEBL MARKETING GROUP SERVICES FOR
MARKETING MANAGEMENT SERVICES.**

WHEREAS, the City's Comprehensive Plan calls for the City to create a unique identity and build a new community brand; and

WHEREAS, the City's Comprehensive Plan calls for the City to build the "Newton Brand" through coordinated public and private marketing efforts, and

WHEREAS, on February 17, 2014, Newton City Council adopted "Get to Know Newton" as the official City of Newton brand, and

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

WHEREAS, Liebl Marketing Group is a full-service marketing and media agency in serving the needs of middle-marketing businesses in all aspects of marketing, branding, and advertising needs,

WHEREAS, the Community Marketing Manager works closely with Liebl Marketing Group for media buying, radio commercial production, video production, agency representation, vendor manager management,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes City Staff to retain Liebl Marketing Group for marketing management services for \$285/month or \$3,420/year through December 31, 2022.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton

Marketing Management Services (2022 Renewal)

This document outlines renewal of Marketing Management Services for the City of Newton, for calendar year 2022. We have enjoyed our relationship with the City and consider it our privilege to work with City leaders and continue to represent the City's marketing efforts. The 2022 Marketing Management Services will renew at the same previous year(s) calendar rate. The services available to City of Newton include, but are not limited to:

- o Copywriting, Content + Creative Ideation
- o Audio Commercial / Services Production
- o Agency of Record Status
- o Marketing plan development and oversight
- o Strategy and Planning
- o Commercial Marketing and Media Buying
- o Digital Marketing Services (Creative, Placement)
- o Vendor Management and fulfillment

o **\$285 /month** for LMG Marketing Management Services | **(Billed Quarterly)**

Thank you for the continued trust and opportunity to work with the City of Newton.

Accepted For **City of Newton | 2022 Renewal**

_____ Date: ____/____/____

_____ Printed Name

City of Newton Council Report

**Item:**

Resolution revising the vendor's name for two park equipment purchases approved earlier by Resolution 2021-128.

Report Number: 21-287

Date:

November 1, 2021

Summary:

Council approved the purchase of a tractor and a 72" mower in May 2021, and the original resolution incorrectly listed who payment was to be made to.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

No change to the earlier approved total item cost of \$53,468.18 for the two pieces of equipment.

Background:

On May 17, 2021 City Council approved Resolution 2021-128 authorizing the purchase of a \$30,640.86 John Deere 5052R tractor and a \$22,827.32 John Deere 72" mower both for parks operations from Van Wall Equipment of Madrid, Iowa. With the equipment being purchased through a state bid price, the invoices for said purchases are from Deere and Company instead of Van Wall Equipment.

To process the invoices for payment, Resolution 2021-128 must be revised to reflect Deere and Company as the vendor.

Recommendation:

City Staff recommends approval of the Resolution revising the vendor for the purchase of the above noted pieces of equipment approved by Resolution 2021-128 from Van Wall Equipment to Deere and Company.

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

Matt Muckler
City Administrator

RESOLUTION 2021- _____

**RESOLUTION REVISING THE VENDOR'S NAME FOR TWO PARK EQUIPMENT
PURCHASES APPROVED EARLIER BY RESOLUTION 2021-128**

WHEREAS, on May 17, 2021 City Council approved Resolution 2021-128 authorizing the purchase of a \$30,640.86 John Deere 5052R tractor and a \$22,827.32 John Deere 72" mower both for parks operations from Van Wall Equipment of Madrid, Iowa; and

WHEREAS, with the equipment being purchased through a state bid price, the invoices for said purchases are from Deere and Company instead of Van Wall Equipment; and

WHEREAS, to process said invoices for payment, Resolution 2021-128 must be revised to reflect Deere and Company as the vendor.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that this resolution is approved revising the vendor name for the earlier purchase of both the \$30,640.86 John Deere 5052R tractor and a \$22,827.32 John Deere 72" mower approved by Resolution 2021-128.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the originally approved payments totaling \$53,468.18 from 2021 bond funds for the said two pieces of equipment shall be made to Deere and Company instead of Van Wall Equipment.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment for the East-Mart Economic Development Area

Summary: Setting a public hearing for December 6, 2021 to amend the East-Mart Urban Renewal Area Plan

Financial Impact:
No Financial Impact, only sets a Public Hearing



Report Number: 21-288

Date: November 1, 2021

Lead Department:
Administration

Recommendation:
Approval

Background: The City Council of the City of Newton Iowa has created the East-Mart Urban Renewal Area and has approved an urban renewal plan for the Urban Renewal Area. Chapter 403 of the Code of Iowa requires that, before a city approves any new urban renewal project within an urban renewal area, a city must amend the existing Urban Renewal Plan to describe that new project.

An amendment to the Plan has been prepared which consists of updates as follows:

- Theisen Real Estate L.L.C. Redevelopment Project, 3021 First Avenue East
 - o 5-year tax rebate on new value created (with minimum assessment agreement). The tax rebate schedule would be as follows: 3 years at 100%, one year at 65%, and one year at 60%
 - o Provision of a reimbursement curb appeal grant provided a 1:1 match is met, not to exceed \$50,000.

It is now necessary that a date be set for a public hearing on the Amendment.

Recommendation:

Staff recommends approval of the Resolution setting a Public Hearing on December 6, 2021 to amend the East-Mart Urban Renewal Plan.

Matt Muckler
City Administrator

RESOLUTION NO. 2021-_____

Resolution Setting Date for Public Hearing on Urban Renewal Plan Amendment
for the East-Mart Economic Development Area

WHEREAS, the City Council of the City of Newton, Iowa by resolution previously established the East-Mart Economic Development Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of initiatives and projects therein; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which authorizes the undertaking a new urban renewal project in the Urban Renewal Area consisting of providing tax increment financing support to Theisen Real Estate, L.L.C. in connection with the redevelopment of an existing building for use in the business operations of a retail store; and

WHEREAS, it is now necessary that a date be set for a public hearing on the Amendment;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Newton, Iowa, as follows:

Section 1. This City Council will meet at the City Hall Council Chambers, Newton, Iowa on December 6, 2021, at six o’clock p.m., at which time and place it will hold a public hearing on the proposed Amendment.

Section 2. The City Clerk shall publish notice of said hearing, the same being in the form attached hereto, which publication shall be made in a legal newspaper of general circulation in the City, which publication shall be not less than four (4) and not more than twenty (20) days before the date set for hearing.

Section 3. Pursuant to Section 403.5 of the Code of Iowa, the City Administrator, the City Clerk and/or the Community Development Director are hereby designated as the City’s representatives in connection with the consultation process which is required under that section of the urban renewal law.

Passed and approved this November 1, 2021.

Mayor

Attest:

City Clerk

NOTICE OF PUBLIC HEARING ON PROPOSED URBAN RENEWAL PLAN
AMENDMENT

Notice Is Hereby Given: That at six o'clock p.m., at the City Hall Council Chambers, Newton, Iowa, on December 6, 2021, the City Council of the City of Newton, Iowa, will hold a public hearing on the question of amending the urban renewal plan for the East-Mart Economic Development Area (the "Urban Renewal Area") in order to authorize the undertaking of a new urban renewal project in the Urban Renewal Area consisting of providing tax increment financing support to Theisen Real Estate, L.L.C. in connection with the redevelopment of an existing building for use in the business operations of a retail store. A copy of the amendment is on file for public inspection in the office of the City Clerk.

At said hearing any interested person may file written objections or comments and may be heard orally with respect to the subject matters of the hearing.

Katrina Davis
City Clerk

CITY OF NEWTON, IOWA
URBAN RENEWAL PLAN AMENDMENT
EAST-MART ECONOMIC DEVELOPMENT AREA

December, 2021

The Urban Renewal Plan (the “Plan”) for the East-Mart Economic Development Area (the “Urban Renewal Area”) is being amended for the purpose of identifying new urban renewal projects to be undertaken within the Urban Renewal Area.

1) Identification of Projects. By virtue of this amendment, the list of authorized urban renewal projects in the Plan is hereby amended to include the following project description: 48

Name of Project: Theisen Real Estate L.L.C. Redevelopment Project

Name of Urban Renewal Area: East-Mart Economic Development Area

Date of Council Approval of Project: December 6, 2021

Description of the Project: Theisen Real Estate L.L.C. (the “Company”) has undertaken the redevelopment of an existing building (the “Project”) on certain real property situated at 3021 First Avenue East in the Urban Renewal Area (the “Redevelopment Property”) for use in the business operations of a retail store.

It has been requested that the City provide tax increment financing assistance to the Company in support of the efforts to complete, operate and maintain the Project.

The costs incurred by the City in providing tax increment financing assistance to the Company will include legal and administrative fees (the “Admin Fees”) in an amount not to exceed \$8,000.

Description of Public Infrastructure to be Constructed in Connection with the Project: It is not anticipated that the City will undertake any public infrastructure improvements in connection with the Project.

Description of Properties to be Acquired in Connection with the Project: It is not anticipated that the City will acquire real property in connection with the Project.

Description of Use of TIF for the Project: The City intends to enter into a Development Agreement with the Company with respect to the construction and use of the completed Project and to provide (i) annual appropriation economic development payments (the “Payments”) and (ii) an economic development grant (the “Grant”) to the Company thereunder.

The Payments, in an amount not to exceed \$210,000, will be funded with incremental property tax revenues to be derived from the Redevelopment Property.

The Grant, in an amount not to exceed \$50,000, will be funded with either borrowed funds and/or an internal advance of funds on-hand. In any case, the City's obligations (the "Obligations") entered into to fund the Grant may be repaid with incremental property tax revenues to be derived from the Urban Renewal Area.

It is anticipated that the City's total commitment of incremental property tax revenues with respect to the Project, including the Payments, the Grant, and the Admin Fees will not exceed \$268,000, plus any interest expense incurred by the City on any borrowing undertaken for the funding of the Grant.

2) Required Financial Information. The following information is provided in accordance with the requirements of Section 403.17 of the Code of Iowa:

Constitutional debt limit of the City:	<u>\$45,967,721</u>
Outstanding general obligation debt of the City:	<u>\$31,466,200</u>
Proposed maximum indebtedness to be incurred in connection with this December, 2021 Amendment:	<u>\$ 268,000*</u>

*It is anticipated that some or all of the debt incurred hereunder will be subject to annual appropriation by the City Council.

City of Newton Council Report

**Item:**

Resolution returning the block party late fee to Fellowship of Christian Athletes (FCA) a non-profit organization.

Report Number: 21-289

Date:

November 1, 2021

Summary:

Reimburses \$25 late fee to a non-profit organization.

Lead Department:

Administration Department

Recommendation:

Approve

Financial Impact:

\$25.00

Background:

In August of 2019 the City Council approved a Resolution separating street closing permits into three (3) separate permit requests. The street closing permits now include residential block parties, construction closures, and special events/parades. The new block party permits implemented a late fee of \$25.00 (when requested less than 10 days in advance).

The extra \$25.00 late fee hinders the support and encouragement of community block parties sponsored by local non-profit groups. Prior to the next summer season, staff will be updating the street closing permit policies by waiving the block party late fee of \$25.00 for non-profit organizations.

The Fellowship of Christian Athletes, a Newton Community School organization, requested a block party event on October 15, 2021, and staff would like to reimburse the late fee to this non-profit organization in advance of the block party policy resolution changes.

Recommendation:

Staff recommends the \$25.00 late fee be reimbursed to the Fellowship of Christian Athletes in advance of the block party policy resolution changes.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021 – _____

**RESOLUTION RETURNING THE BLOCK PARTY LATE FEE TO
FELLOWSHIP OF CHRISTIAN ATHLETES (FCA) A NON-PROFIT
ORGANIZATION**

WHEREAS, in August of 2019 the City Council approved a Resolution separating street closing permits into three (3) separate permit requests; and

WHEREAS, the street closing permits now include residential block parties, construction closures, and special events/parades; and

WHEREAS, the new block party permit implemented a late fee of \$25.00 (when requested less than 10 days in advance); and

WHEREAS, the extra \$25.00 late fee hinders the support and encouragement of community block parties sponsored by local non-profit groups; and

WHEREAS, prior to the next summer season, staff will be updating all three street closing permits and requesting the waiver of the block party late fee of \$25.00 for non-profit organizations; and

WHEREAS, the Fellowship of Christian Athletes a Newton Community School organization requested a block party event on October 15, 2021.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the \$25.00 late fee be reimbursed to the Fellowship of Christian Athletes in advance of the block party policy resolution changes.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Vendor	Department	Description	Amount
Ag-Grow Plus Lawn Care	Airport	Service	\$ 159.00
Airgas USA LLC	Fire	Service	\$ 237.59
Alliant Energy/IPL	All	Utilities	\$ 487.44
Amazon Capital Services	All	Supplies	\$ 1,622.19
Ambassador Steel	Street	Supplies	\$ 1,500.00
American Business Phones	Police	Service	\$ 25.00
Arrowhead Forensics	Police	Supplies	\$ 102.68
ATC Group Services LLC	D&D Program	Service	\$ 1,900.00
Baker & Taylor	Library	Supplies	\$ 3,430.43
Baker & Taylor Entertainment	Library	Supplies	\$ 175.33
Baker Group	City Center	Service	\$ 614.50
BARCO Municipal Product	Street	Supplies	\$ 203.27
Blackstone Publishing	Library	Supplies	\$ 79.91
Bolton & Menk Inc	All	Service	\$ 45,209.48
Bound Tree Medical LLC	Fire	Supplies	\$ 855.54
Capital One	All	Supplies	\$ 574.13
Carl's Window Service	Library	Service	\$ 540.00
Cengage Learning	Library	Supplies	\$ 234.31
Center Point Large Print	Library	Supplies	\$ 208.36
Central Iowa Distributing Inc	Water Pollution Control	Supplies	\$ 175.00
Central Salt	Snow Removal	Supplies	\$ 5,431.55
Cintas	All	Service	\$ 444.57
City of Des Moines	Fire	Training	\$ 50.00
Classic Car Wash	Police	Service	\$ 492.75
Cleveland Golf/Srixon	Golf	Merchandise	\$ 447.27
Dannen, Shannon	D&D Program	Service	\$ 1,100.00
DC Sports	Fire	Supplies	\$ 1,178.00
Deere & Company	Parks	Capital Equipment	\$ 22,827.32
Demco Inc	Library	Supplies	\$ 120.43
Digium Cloud Services LLC	All	Utilities	\$ 402.00
DMACC - Ankeny Campus	Comm Dev/Comm Serv/PW	Rent	\$ 1,895.75
Dodd Trash Hauling & Recycling	Cemetery/Solid Waste	Service	\$ 61,805.16
Eckert, Bernard	Police	Reimbursement	\$ 76.45
Emergency Apparatus Maintenance Inc	Fire	Service	\$ 9,538.32
Financial Forms & Supplies	Fire	Supplies	\$ 82.26
Fire & Police Selection	Fire	Service	\$ 1,087.00
Forbes Office Solutions	All	Supplies	\$ 404.57
Galls LLC	Fire/Police	Supplies	\$ 768.61
Golden Rule Creations	Police	Supplies	\$ 335.02
Graff, Missy	Police	Reimbursement	\$ 61.04
Grainger Inc	City Garage/WPC	Supplies	\$ 113.92
Gralnek-Dunitz	Storm Water/WPC	Supplies	\$ 150.25
Gregg Young Auto Center	Police	Service	\$ 603.02
Heisdorffer, Michele	Finance	Reimbursement	\$ 73.92
Hornung's	Golf	Merchandise	\$ 113.99

HQI	Parks	Supplies	\$ 2,092.50
Hy-Vee Inc	Executibe/Fire/P&Z	Supplies	\$ 622.23
Image Trend Inc	Fire	Supplies	\$ 1,758.00
In-Roads LLC	RUT 2021 Revenue Bonds	Service	\$ 933,389.71
Interstate All Battery Center	Fire	Supplies	\$ 152.90
Iowa Department of Transportation	Snow Removal	Supplies	\$ 4,576.26
Iowa Pump Works	Water Pollution Control	Supplies	\$ 842.50
IPMA-HR	Fire	Service	\$ 489.00
Isolved Benefit Services	Finance	Service	\$ 98.03
ISU Extension & Outreach Jasper County	Street	Training	\$ 105.00
J & M Roofing & Maintenance	Administration	Service	\$ 227.00
Jasper County Emerg Serv-Honor Guard	Fire	Service	\$ 1,000.00
Johnson Aviation	Airport	Service	\$ 3,075.60
Keystone Labs	Water Pollution Control	Service	\$ 3,948.16
Kinetic Edge Physical Therapy	Street/WPC	Service	\$ 378.00
Lakeshore Learning Materials	Library	Supplies	\$ 83.11
Liberty Tire Services LLC	Landfill	Supplies	\$ 135.00
Lyman, Rick	Parks/Police	Service	\$ 6,470.88
M2C Inc	Water Pollution Control	Supplies	\$ 131.22
Magnum Automotive	Police	Service	\$ 178.73
Manatts - D.M.	Comm Beautification/Storm Water	Supplies	\$ 2,397.05
Martin's Flag Company	Fire	Supplies	\$ 212.27
Mediacom	Golf	Utilities	\$ 188.53
MG Laundry Corporation	City Center/Fire	Service	\$ 113.20
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 951.50
Midwest Alarm	Library	Service	\$ 221.64
Midwest Lawn Services	Library	Service	\$ 900.00
Mobotrex	Traffic Control	Supplies	\$ 1,800.00
MTI Distributing Inc	Parks	Supplies	\$ 525.27
Murphy, Jamie	Parks	Reimbursement	\$ 390.68
NAPA Auto Parts	All	Supplies	\$ 2,661.78
News Printing Company	All	Service	\$ 408.84
Newton News	Library	Subscription	\$ 132.00
O'Halloran International	City Garage	Supplies	\$ 67.57
O'Reilly Auto Parts	Parks/Police	Supplies	\$ 157.55
Peter, Phyllis	Library	Reimbursement	\$ 85.40
Pillar Inc	Parks	Service	\$ 15,172.45
Pitney Bowes	All	Supplies	\$ 161.48
Portner, Brad	Housing Demolitions/Parks	Service	\$ 400.00
Preferred Pest Control Inc	Library	Service	\$ 350.00
Premier Office Equipment	Finance/Police	Service	\$ 282.14
Quill Corporation	All	Supplies	\$ 134.91
Rockmount	City Garage	Supplies	\$ 510.29
Schakel, Brandon	Landfill/Street/WPC	Reimbursement	\$ 175.00
Scholastic Library Publishing	Library	Supplies	\$ 567.50
SchoolLife	Library	Supplies	\$ 158.45
Sign Pro	Police	Service	\$ 1,200.00
Smith Quality Rental	Fire	Merchandise	\$ 399.26
Spahn & Rose Lumber Co	All	Supplies	\$ 1,393.48

Springer Professional Home Services	Golf/Library	Service	\$ 95.00
Superior Welding Supply	City Garage	Supplies	\$ 127.09
Terminal Supply Company	Storm Water	Supplies	\$ 198.76
Terry, Nicole	Library	Reimbursement	\$ 402.64
Theisen's	All	Supplies	\$ 470.90
Theisen's Marshalltown	Street	Supplies	\$ 23.99
Truck Equipment	Street Cleaning	Supplies	\$ 552.50
True Value Hardware	All	Supplies	\$ 1,075.55
Trusted Media Brands Inc	Library	Supplies	\$ 32.98
Unified Contracting Services Inc	Airport	Service	\$ 1,200.00
Unique Management Services	Library	Service	\$ 50.00
United Way of Jasper County	Executive	Service	\$ 500.00
Valley Environmental	City Garage	Supplies	\$ 30.00
Van Maanen Electric Inc	D&D Program	Service	\$ 4,471.35
Vernon Co	Police	Supplies	\$ 2,880.58
Warnick & Reeves Mechanical	Airport/City Center/Library	Service	\$ 836.52
Water Department	All	Service	\$ 295.18
Zoll	Fire	Supplies	\$ 664.20
Total:			\$ 1,173,716.64

Pre-Authorized Payments

Alliant Energy	All	Utilities	\$ 2,299.92
AT & T Mobility	Landfill	Utilities	\$ 140.06
Black Hills Energy	All	Utilities	\$ 2,994.78
Dish Network	Airport	Utilities	\$ 137.05
Federal Aviation Admin (Reso 2021-268)	Airport	Service	\$ 163,645.72
Mediacom	Administration	Utilities	\$ 296.90
United States Cellular	All	Utilities	\$ 1,079.82
Verizon Wireless	Disaster Services	Utilities	\$ 35.01
Total:			\$ 170,629.26

City of Newton Council Report



Item: Resolution Approving Development Agreement with Nehring Auto Inc., Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Summary: Approval of the development agreement with Nehring Auto Inc. which establishes a minimum assessment & tax rebate and acknowledges previously approved grant

Financial Impact: Maximum of \$15,000 in rebates total over 10 years.

Report Number: 21-290

Date: November 1, 2021

Lead Department:
Community Development

Recommendation:
Approval

Background:

The City Council of the City of Newton Iowa has created the 1st Avenue Urban Renewal Area, which creates a mechanism to assist economic development projects in targeted areas.

Earlier this year, City Council approved a grant to Nehring Auto Inc for curb appeal improvements to be made at 18001st Avenue East. In addition, a previously approved resolution of intent also recognized the desire to enter into a minimum assessment and tax rebate agreement at a later date to provide a more efficient approach to amending the urban renewal area plan. It is now time to move forward with the minimum assessment and rebate agreement.

The development agreement establishes a minimum assessment of \$205,000.00 for the property and provides a 10 year tax rebate at 100% for Years 1-3, 80% for Years 4-6, and 50% for Years 7-10.

Recommendation: Staff recommends approval.

Matt Muckler
City Administrator



RESOLUTION 2021-_____

Resolution Approving Development Agreement with Nehring Auto Inc.,
Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain
Tax Increment Revenues to the Payment of the Agreement

WHEREAS, the City of Newton, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this City Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa, which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, a certain development agreement (the “Agreement”) between the City and Nehring Auto Inc. (the “Company”) has been prepared in connection with the redevelopment of an existing building by the Company for use in its business operations in the Urban Renewal Area (the “Project”); and

WHEREAS, under the Agreement, the City would provide annual appropriation incremental property tax payments to the Company in a total amount not exceeding \$15,000; and

WHEREAS, this City Council, pursuant to Section 403.9 of the Code of Iowa, has published notice, has held a public hearing on the Agreement on November 1, 2021, and has otherwise complied with statutory requirements for the approval of the Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa (“Chapter 15A”) declares that economic development is a public purpose for which a City may provide grants, loans, tax incentives, guarantees and other financial assistance to or for the benefit of private persons; and

WHEREAS, Chapter 15A requires that before public funds are used for grants, loans, tax incentives or other financial assistance, a City Council must determine that a public purpose will reasonably be accomplished by the spending or use of those funds; and

WHEREAS, Chapter 15A requires that in determining whether funds should be spent, a City Council must consider any or all of a series of factors;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Newton, Iowa, as follows:



Section 1. Pursuant to the factors listed in Chapter 15A, the City Council hereby finds that:

(a) The Project will add diversity and generate new opportunities for the Newton and Iowa economies;

(b) The Project will generate public gains and benefits, particularly in the creation of new jobs, which are warranted in comparison to the amount of the proposed financial incentives.

Section 2. The City Council further finds that a public purpose will reasonably be accomplished by entering into the Agreement and providing the incremental property tax payments and the forgivable loan to the Company.

Section 3. The Agreement is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver the Agreement on behalf of the City, in substantially the form and content in which the Agreement has been presented to this City Council, and such officers are also authorized to make such changes, modifications, additions or deletions as they, with the advice of bond counsel, may believe to be necessary, and to take such actions as may be necessary to carry out the provisions of the Agreement.

Section 4. All incremental property tax payments made to the Company by the City under the Agreement shall be subject to annual appropriation by the City Council, in the manner set out in the Agreement. As provided and required by Chapter 403 of the Code of Iowa, the City's obligations under the Agreement shall be payable solely from a subfund (the "Nehring Auto Inc. Subfund") which is hereby established, into which shall be paid that portion of the income and proceeds of the Urban Renewal Tax Revenue Fund attributable to property taxes derived from the property as described as follows:

Certain real property situated in the City of Newton, Jasper County, State of Iowa bearing Jasper County Property Tax Parcel Identification Number 0835133022.

Section 5. The City hereby pledges to the payment of the Agreement the Nehring Auto Inc. Subfund and the taxes referred to in Subsection 2 of Section 403.19 of the Code of Iowa to be paid into such Subfund, provided, however, that no payment will be made under the Agreement unless and until monies from the Nehring Auto Inc. Subfund are appropriated for such purpose by the City Council.

Section 6. After its adoption, a copy of this resolution shall be filed in the office of the County Auditor of Jasper County to evidence the continuing pledging of the Nehring Auto Inc. Subfund and the portion of taxes to be paid into such Subfund and, pursuant to the direction of Section 403.19 of the Code of Iowa, the County Auditor shall allocate the taxes in accordance therewith and in accordance with the tax allocation ordinance referred to in the preamble hereof.



Section 7. All resolutions or parts thereof in conflict herewith are hereby repealed.
Passed and approved November 1, 2021.

Mayor

Attest:

City Clerk

DEVELOPMENT AGREEMENT

This Agreement is entered into between the City of Newton, Iowa (the “City”) and Nehring Auto Inc. (the “Company”) as of the ____ day of _____, 2021 (the “Commencement Date”).

WHEREAS, the City has established the 1st Avenue East Urban Renewal Area (the “Urban Renewal Area”), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Company owns certain real property which is situated in the Urban Renewal Area and is more specifically described on Exhibit A hereto (the “Property”); and

WHEREAS, the Company has undertaken the redevelopment of an existing building (the “Project”) for use in its business operations on the Property; and

WHEREAS, the Company has requested that the City provide financial assistance in the form of incremental property tax payments to be used by the Company in paying the costs of undertaking the Project; and

WHEREAS, for purposes of calculating Incremental Property Tax Revenues (as herein defined) under this Agreement and Section 403.19 of the Code of Iowa, the base valuation (the “Base Valuation”) of the Property is \$_____; and

WHEREAS, Chapter 403 of the Code of Iowa authorizes cities to establish urban renewal areas and to undertake economic development projects; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW THEREFORE, the parties hereto agree as follows:

A. Company’s Covenants

1. Project. The Company agrees to undertake the Project on the Property. The Company agrees that the Project will minimally include the improvements (the “Required Improvements”) as set forth on Exhibit B hereto. The Company agrees to construct the Project, including the Required Improvements, in substantial conformance with the City’s zoning, land use, building and safety codes and regulations. The Company further agrees to substantially complete such construction by no later than December 31, 2021.

The Company agrees to use the completed Project in its business operations throughout the Term (as hereinafter defined) of this Agreement (the “Business Operations Requirement”).

Further, the Company agrees to maintain, preserve, and keep the Property, including but not limited to the Project, useful and in good repair and working order, ordinary wear and tear excepted, and from time to time will make all necessary repairs, replacements, renewals, and additions.

2. **Ownership of Property; Use of Project; Developer's Annual Report.** The Developer agrees to submit an annual report (the "Annual Report") to the satisfaction of the City by no later than each October 1 during the Term (as hereinafter defined) commencing October 1, 2022, demonstrating that (i) the Business Operations Requirement is being met; and (ii) the Developer owns the Property, including the Project. The Developer agrees to provide such supporting documentation as may be requested by the City as an accompaniment to the Annual Report. The first Annual Report submitted by the Developer shall also include documentation demonstrating, to the satisfaction of the City, that the Developer has completed the Required Improvements.

3. **Minimum Assessment Agreement.** The Company agrees to enter into an assessment agreement (the "Assessment Agreement"), pursuant to Section 403.6 of the Code of Iowa fixing the minimum assessed valuation of the Property, in contemplation of the improvements to be constructed thereon, at not less than Two Hundred Five Thousand Dollars (\$205,000) (the "Minimum Assessed Valuation") as of January 1, 2022 (the "First Valuation Date"). It is intended by the Company that the Minimum Assessed Valuation shall be established on the Jasper County property tax rolls as of the First Valuation Date regardless of the then-current degree of completion or incompleteness of the Project. The Assessment Agreement shall be in substantially the form attached hereto as Exhibit C and shall remain in effect throughout the Term (as hereinafter defined) of this Agreement.

4. **Property Taxes.** The Company agrees to make timely payment of all property taxes as they come due with respect to the Property with the completed Project thereon throughout the Term (as hereinafter defined) and to submit a receipt or cancelled check in evidence of each such payment.

5. **No Abatement; No Property Tax Exemption.** The Company agrees that it will not seek any tax exemption or abatement either presently or prospectively authorized under any State, federal or local law with respect to taxation of the Property throughout the Term (as hereinafter defined) including causing or allowing the property to be leased, sold, transferred to or otherwise used by an entity that is exempt from property taxes under the laws of the State of Iowa.

6. **Property Tax Payment Certification.** For purposes of this Agreement, "Annual Percentage" shall mean the annual percentage in effect from time to time as set forth in the following table:

Payment Year	Annual Percentage
First through Third Payment Years	100%
Fourth through Sixth Payment Years	80%
Seventh through Tenth Payment Years	50%

The Company agrees to certify to the City by no later than October 15 of each year, commencing October 15, 2022, an amount (the "Company's Estimate") equal to the estimated

Incremental Property Tax Revenues anticipated to be paid in the fiscal year immediately following such certification with respect to the taxable valuation of the Property factored by the Annual Percentage. In submitting each such Company's Estimate, the Company will complete and submit the worksheet attached hereto as Exhibit D.

The City reserves the right to review and request revisions to each such Company's Estimate to ensure the accuracy of the figures submitted. For purposes of this Agreement, Incremental Property Tax Revenues are calculated by: (1) determining the consolidated property tax levy (city, county, school, etc.) then in effect with respect to taxation of the Property; (2) subtracting (a) the debt service levies of all taxing jurisdictions, (b) the school district instructional support and physical plant and equipment levies and (c) any other levies which may be exempted from such calculation by action of the Iowa General Assembly; (3) multiplying the resulting modified consolidated levy rate times any incremental growth in the taxable valuation of the Property, as shown on the property tax rolls of Jasper County, above and beyond the Base Valuation; and (4) deducting any property tax credits which shall be available with respect to the incremental valuation of the Property.

Upon request, the City staff shall provide reasonable assistance to the Company in completing the worksheet required under this Section A.6.

7. Insurance.

(a) The Company, and any successor in interest to the Company, shall obtain and continuously maintain insurance on the Property and the completed Project and, from time to time at the request of the City, furnish proof to the City that the premiums for such insurance have been paid and the insurance is in effect. The insurance coverage described below is the minimum insurance coverage that the Company must obtain and continuously maintain, provided that the Company shall obtain the insurance described in clause (i) below prior to the commencement of construction of the Project (excluding excavation and footings):

- (i) Builder's risk insurance, written on the so-called "Builder's Risk—Completed Value Basis," in an amount equal to one hundred percent (100%) of the insurable value of the Project at the date of completion, and with coverage available in non-reporting form on the so-called "all risk" form of policy.
- (ii) Comprehensive general liability insurance (including operations, contingent liability, completed operations when substantially completed and contractual liability insurance) together with an Owner's/Contractor's Policy naming the City, as an additional insured, with limits against bodily injury and property damage of not less than \$2,500,000 for each occurrence (to accomplish the above-required limits, an umbrella excess liability policy may be used), written on an occurrence basis.
- (iii) Workers compensation insurance, with statutory coverage limited to employees of the Company.

(b) All insurance required in this Section shall be obtained and continuously maintained in responsible insurance companies selected by the Company or its successors that are authorized under the laws of the State of Iowa to assume the risks covered by such policies.

Unless otherwise provided in this Section, each policy must contain a provision that the insurer will not cancel nor modify the policy without giving written notice to the insured at least thirty (30) days before the cancellation or modification becomes effective. Not less than fifteen (15) days prior to the expiration of any policy, the Company, or its successors or assigns, must renew the existing policy or replace the policy with another policy conforming to the provisions of this Section. In lieu of separate policies, the Company or its successors or assigns, may maintain a single policy, blanket or umbrella policies, or a combination thereof, having the coverage required herein.

(c) The Company, or its successors or assigns, agrees to notify the City promptly in the case of damage exceeding \$250,000 in amount, or destruction of the Project resulting from fire or other casualty. Furthermore, the Company agrees to apply the proceeds from any and all casualty claims against the insurance detailed in this Section to the restoration and improvement of the Property and/or the Project.

8. Indemnification. The Company agrees to indemnify, defend and hold harmless the City, its officers, employees and departments, from and against any and all losses, liabilities, penalties, fines, damages, and claims (including taxes), and all related costs and expenses (including reasonable attorneys' fees and disbursements and costs of investigation, litigation, settlement, judgments, interest and penalties) arising from or in connection with any of the following, except to the extent caused by the negligent acts or omissions of the City, its officers, employees and departments:

a) Any claim, demand, action, citation or legal proceeding arising out of or resulting from the construction of the Project.

b) Any claim, demand, action, citation or legal proceeding arising out of or related to occurrences that the Company is required to insure against under this Agreement in connection with the Project and/or the Property; and

c) Any claim, demand, action, citation or legal proceeding arising out of or resulting from an act or omission of the Company or any of its agents in its or their capacity as an employer of a person.

9. Default Provisions.

a. **Events of Default.** The following shall be "Events of Default" under this Agreement, and the term "Event of Default" shall mean, whenever it is used in this Agreement (unless otherwise provided), any one or more of the following events:

- I. Failure by the Company to complete construction of the Project pursuant to the terms and conditions of this Agreement.
- II. Failure by the Company to maintain compliance with the Business Operations Requirement pursuant to the terms and conditions of this Agreement.

- III. Failure by the Company to fully and timely remit payment of property taxes when due and owing.
- IV. Failure by the Company to enter into the Assessment Agreement.
- V. Failure by the Company to maintain compliance with Sections A.2, A.5, A.6, A.7, and A.8 of this Agreement.
- VI. Failure by the Company to observe or perform any other material covenant on its part, to be observed or performed hereunder.

b. Notice and Remedies. Whenever any Event of Default described in this Agreement occurs, the City shall provide written notice to the Company describing the cause of the default and the steps that must be taken by the Company in order to cure the default. The Company shall have thirty (30) days after receipt of the notice to cure the default or to provide assurances satisfactory to City that the default will be cured as soon as reasonably possible. If the Company fails to cure the default or provide assurances, the City shall then have the right to:

- I. Pursue any action available to it, at law or in equity, in order to enforce the terms of this Agreement.
- II. Withhold the Payments provided for under Section B.1 below.

10. Legal and Administrative Costs. The Company hereby acknowledges that the City will cover the initial payment of legal fees and administrative costs (the “Actual Admin Costs”) incurred by the City in connection with the drafting, negotiation and authorization of this Agreement, including the necessary amendment to the Urban Renewal Area. Furthermore, the Company agrees that the City shall withhold an amount (the “Admin Withholding Amount”) equal to the lesser of (1) \$3,500 or (2) the Actual Admin Costs from the initial Payments, as hereinafter set forth in order to recover some or all of the Actual Admin Costs.

B. City’s Obligations

1. Payments. In recognition of the Company’s obligations set out above, the City agrees to make ten (10) annual economic development tax increment payments (the “Payments” and, individually each, a “Payment”) to the Company during the Term (as hereinafter defined) pursuant to Chapters 15A and 403 of the Code of Iowa, provided however that the aggregate, total amount of the Payments to be made under this Agreement during the Term (as hereinafter defined) shall not exceed \$15,000 (the “Maximum Payment Total”). All Payments under this Agreement shall be subject to annual appropriation by the City Council, as provided hereunder.

The Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues received by the City from the Jasper County Treasurer attributable to the taxable valuation of the Property.

Prior to funding any Payments hereunder, the City shall retain an amount equal to the Admin Withholding Amount from the Incremental Property Tax Revenues received with respect to the Property. Once such amount has been withheld, the Payments shall be funded as described herein.

Each Payment shall not exceed an amount which represents the then-current Annual Percentage factored against the Incremental Property Tax Revenues available to the City with respect to the Property during the twelve (12) months immediately preceding each Payment date.

Payments will be made on June 1 of each fiscal year following an affirmative appropriation decision as provided under section B.2 below, beginning on June 1, 2024 and continuing to, and including, June 1, 2033, or until such earlier date upon which total Payments equal to the Maximum Payment Total have been made.

2. Annual Appropriation. Each Payment shall be subject to annual appropriation by the City Council. Prior to December 1 of each year during the Term (as hereinafter defined) of this Agreement, beginning in calendar year 2022, the City Council of the City shall consider the question of obligating for appropriation to the funding of the Payment due in the following fiscal year, an amount (the “Appropriated Amount”) of Incremental Property Tax Revenues to be collected in the following fiscal year equal to or less than the most recently submitted Company’s Estimate.

In any given fiscal year, if the City Council determines to not obligate the then-considered Appropriated Amount, then the City will be under no obligation to fund the Payment scheduled to become due in the following fiscal year, and the Company will have no rights whatsoever to compel the City to make such Payment or to seek damages relative thereto or to compel the funding of such Payments in future fiscal years. A determination by the City Council to not obligate funds for any particular fiscal year’s Payment shall not render this Agreement null and void, and the Company shall make the next succeeding submission of the Company’s Estimate as called for in Section A.6 above, provided however that no Payment shall be made after June 1, 2033.

3. Payment Amounts. Each Payment shall be in an amount equal to the corresponding Appropriated Amount (for example, for the Payment due on June 1, 2024, the amount of such Payment would be determined by the Appropriated Amount determined for certification by December 1, 2022) provided, however, that no Payment shall exceed an amount which represents the Annual Percentage of Incremental Property Tax Revenues available to the City with respect to the Property during the twelve (12) months immediately preceding each Payment date.

4. Certification of Payment Obligation. In any given fiscal year, if the City Council determines to obligate the then-considered Appropriated Amount, as set forth in Section B.3 above, then the City Clerk will certify by December 1 of each such year to the Jasper County Auditor an amount equal to the most recently obligated Appropriated Amount.

C. Administrative Provisions

1. Amendment and Assignment. Neither party may cause this Agreement to be amended, assigned, assumed, sold or otherwise transferred without the prior written consent of the other party. However, the City hereby gives its permission that the Company’s rights to receive the Payments hereunder may be assigned by the Company to a private lender, as security on a credit facility taken with respect to the Project, without further action on the part of the City.

2. **Successors.** This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

3. **Term.** The term (the “Term”) of this Agreement shall commence on the Commencement Date and end on June 1, 2033 or on such earlier date upon which the aggregate sum of Payments made to the Company equals the Maximum Payment Total.

4. **Choice of Law.** This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

The City and the Company have caused this Agreement to be signed, in their names and on their behalf by their duly authorized officers, all as of the day and date written above.

CITY OF NEWTON, IOWA

By: _____
Mayor

Attest:

City Clerk

NEHRING AUTO INC.

By: _____

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

Certain real property situated in the City of Newton, Jasper County, State of Iowa bearing Jasper County Property Tax Parcel Identification Number 0835133022.

EXHIBIT B
REQUIRED IMPROVEMENTS

1. Concrete Parking Lot – A concrete parking lot will be constructed, which will cover all the area west of the building with exception of a small strip of gravel parking area along the western border of the property, on which new gravel will be added.
2. Siding – New metal siding on all walls with the exception of the northeast block wall. Metal siding will be 29 gauge siliconized polyester colored metal, white on top with a matching color on the lower 3 feet of the walls.
3. Windows & Doors – Remove and replace two windows on the west side of the building, one window on the southeast side of the building. Wrap all windows and doors with white aluminum (three walk-in doors, four overhead doors and three windows).
4. Gutters – Remove and replace with 6” commercial gutters and downspouts. Color to match siding.
5. Demolition Work – The old light posts/planters along 1st Avenue side of the property must be removed.

EXHIBIT C
MINIMUM ASSESSMENT AGREEMENT

**MINIMUM ASSESSMENT AGREEMENT
Recorder's Cover Sheet**

Preparer Information: (name, address and phone number)

Amy M. Bjork, Esq., Dorsey & Whitney LLP, 801 Grand Avenue, Suite 4100, Des Moines, IA 50309; Phone: 515-699-3285

Return Document To:

Erin Chambers, Community Development Director, City of Newton, Iowa, 403 W 4th St N, Suite 501, Newton, IA, 50208; Phone: 641-792-6622 Ext: 2301

City:

City of Newton, Iowa

Property Owner:

Nehring Auto Inc.

Legal Description:

Book & Page Reference if applicable:

MINIMUM ASSESSMENT AGREEMENT

THIS AGREEMENT, dated as of the ____ day of _____, 2021, by and among the City of Newton, Iowa (the “City”), Nehring Auto Inc. (the “Property Owner”), and the County Assessor of Jasper County, Iowa (the “Assessor”).

WITNESSETH

WHEREAS, the Property Owner owns the real property, the legal description of which is contained in Exhibit A attached hereto (the “Property”), which is located in the 1st Avenue East Urban Renewal Area in the City; and

WHEREAS, the Property Owner has undertaken the redevelopment of an existing building on the Property (“the Project”) for use in its business operations; and

WHEREAS, a development agreement (the “Development Agreement”), dated _____, 2021, has been executed between the City and the Property Owner in connection with the Property Owner’s investment in and business operations on the Property; and

WHEREAS, pursuant to Section 403.6(19) of the Code of Iowa, the City and the Property Owner desire to establish a minimum taxable value for the Property and the improvements to be constructed thereon, which shall be effective as of January 1, 2022, and from then until this Agreement is terminated pursuant to the terms herein and which is intended to reflect the minimum market value of the land and improvements;

NOW, THEREFORE, the parties to this Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Effective January 1, 2022, the minimum actual value which shall be assessed for the Property, taking into account the improvements to be constructed thereon, shall be Two Hundred Five Thousand Dollars (\$205,000) until termination of this Agreement.

2. The Property Owner hereby agrees that the assessed valuation (hereinafter referred to as the “Minimum Actual Value”) set forth in Section 1 above shall become and remain effective as of January 1, 2022, and throughout the term of this Agreement, regardless of the actual degree of completion or incompleteness of the Project, even if construction of the Project is not commenced by such date. Furthermore, the Property Owner acknowledges that the City has changed its position in reliance on the timeliness of such increase in valuation as set forth in the Development Agreement.

3. The Property Owner agrees to pay when due, all taxes and assessments, general or special, and all other charges whatsoever levied upon or assessed or placed against the Property, subject to any limitations set forth in the Development Agreement. The Property Owner further agrees that until this Agreement is terminated they will not seek administrative or judicial review

of the applicability, enforceability, or constitutionality of this Agreement or the obligation to be taxed based upon the Minimum Actual Value or to raise any such argument by way of defense in any proceedings, including delinquent tax proceedings.

4. This Agreement, and the minimum assessed valuation established herein, shall be effective until such time as the City's obligations to make Payments (as defined in the Development Agreement) have been satisfied in-full.

5. Nothing herein shall be deemed to waive the Property Owner's rights under Section 403.6(19) Code of Iowa, (2021) or otherwise, to contest that portion of any actual value assignment made by the Assessor in excess of the Minimum Actual Value.

6. This Agreement shall be promptly recorded with the Jasper County Recorder, along with a copy of Iowa Code Section 403.6.

7. Neither the preamble nor provisions of this Agreement are intended to, nor shall they be construed as, modifying the terms of any other contract between the City and the Property Owner, including the Development Agreement.

[Remainder of page intentionally left blank.]

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

CITY OF NEWTON, IOWA

By: _____
Mayor

Attest:

City Clerk

NEHRING AUTO INC.

By: _____

STATE OF IOWA)
)
JASPER COUNTY) SS:

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Michael Hansen and Katrina Davis, the Mayor and City Clerk, respectively, of Newton, Iowa, a municipal corporation of the State of Iowa, on behalf of the City.

Notary Public

STATE OF IOWA)
)
JASPER COUNTY) SS:

 The foregoing instrument was acknowledged before me this ____ day of _____,
2021 by _____ the _____ of Nehring Auto
Inc., a _____ corporation.

Notary Public

EXHIBIT A TO MINIMUM ASSESSMENT AGREEMENT

CERTIFICATION BY ASSESSOR

The undersigned Assessor, being legally responsible for the assessment of the above described property upon completion of improvements to be made on it, hereby certifies that the actual value assigned to such land and improvements upon completion, shall be not less than Two Hundred Five Thousand Dollars (\$205,000) until termination of the Agreement.

County Assessor for Jasper County,
State of Iowa

Subscribed and sworn to before me this ____ day of _____, 2021.

Notary Public

LIENHOLDER'S CONSENT, IF ANY

In consideration of one dollar and other valuable consideration, the receipt of which is hereby acknowledged, and notwithstanding anything in any loan or security agreement to the contrary, the undersigned ratifies, approves, consents to and confirms the Assessment Agreement entered into between the parties, and agrees to be bound by its terms. This provision shall be binding on the parties and their respective successors and assigns.

[NAME OF LIENHOLDER]

By: _____
Signature

Date: _____

STATE OF IOWA)
) SS:
COUNTY OF JASPER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____ the _____ of _____.

Notary Public

[Add additional pages for each Lienholder]

[If no Lienholders exist, this consent will not be completed]

EXHIBIT C

COMPANY'S ESTIMATE WORKSHEET

- (1) Date of Preparation: October ____, 20__.
- (2) Assessed Taxable Valuation of Property as of January 1, 20__:
\$_____.
- (3) Base Taxable Valuation of Property:
\$_____.
- (4) Incremental Taxable Valuation of Property (2 minus 3):
\$_____ (the "TIF Value").
- (5) Current City fiscal year consolidated property tax levy rate for purposes of calculating Incremental Property Tax Revenues (the "Adjusted Levy Rate"):
\$_____ per thousand of value.
- (6) The TIF Value (4) factored by the Adjusted Levy Rate (5).
\$_____ x \$_____/1000 = \$_____ (the "TIF Estimate")
- (7) TIF Estimate (\$_____ x Annual Percentage = Company's Estimate (\$_____).

Payment Year	Annual Percentage
First through Third Payment Years	100%
Fourth through Sixth Payment Years	80%
Seventh through Tenth Payment Years	50%

City of Newton Council Report

Item: Public Hearing on amendment to the Code of Ordinances, City of Newton, Iowa, Title XV: Land Usage, Chapter 158: Zoning, C-CBD: Central Business District to allow campgrounds as a conditional use.

Summary: The Planning and Zoning Commission reviewed and recommended approval of campgrounds as a conditional use within the C-CBD: Central Business District. Staff has provided additional detail and recommends that the Council should not approve this proposed change.

Financial Impact: None.



Report Number: 21-291

Date: November 1, 2021

Lead Department: Community Development

Recommendation:
See below

Applicant: Des Moines Area Community College.

Proposal: To amend the Newton zoning code to add “campgrounds” as a conditional use within the C-CBD: Central Business District. The proposed zoning ordinance amendment also includes specific stipulations as prerequisite requirements of the conditional use. Those stipulations were considered by the Planning & Zoning Commission over the course of multiple meetings, and the P&Z Commission voted to recommend approval of the following code language:

Ch. 158.022 (C) *Conditional uses*. ... (2) Campgrounds; provided, the following conditions in addition to the requirements of § [158.178](#) are met:

- (a) The minimum lot area of the property is one acre;
- (b) The maximum duration of stay per camper/travel trailer shall be 24 hours;
- (c) No more than 10 spaces per property shall be dedicated to overnight camping at any given time;
- (d) Authorized camping shall be exclusive to campers / travel trailers that are fully self-contained with personal bathrooms;
- (e) No exterior indication of camping activity shall be permitted (i.e., no open fires, no tents, no recreational activity beyond a designated camping area, etc.).
- (f) Minimum parking requirements established by § [158.139](#) shall not be violated as a result of the conditional use.

Notification of Proposal: In accordance with State Code requirements, notice was published in Newton News on October 22, 2021.

Analysis: Zoning is a key tool used to separate uses thought to be incompatible and to promote the health, safety, and welfare of residents within a community. The intent of the C-CBD: Central Business District “is designed to provide space for a wide variety of retail stores, offices and related

activities which serve the entire city or may even have regional impact. This district is characterized by high intensity and large bulk development. It is intended that this district not be mapped outside the downtown area."

The proposed zoning ordinance amendment would allow 24-hour camping on any property within the C-CBD zoning district, given the property satisfied the aforementioned stipulations, and if a conditional use permit is approved by the Newton Zoning Board of Adjustment.

As a reminder, a conditional use is a use that is determined to be possibly compatible in the zoning district, but because of its unique nature needs to be reviewed on a project by project and property by property basis.

By listing campground as a conditional use, a public hearing review before the Zoning Board of Adjustment, which requires notification of nearby property owners, requires the evaluation of the project with consideration of criteria specific to a given property (e.g., screening requirements, location of camping area, etc.). Citizens have opportunity to participate in the public review process.

Recommendation: City Administrator does not recommend approval of the attached ordinance for the following reasons:

- o Campgrounds are a proposed use that is not compatible with the C-CBD zoning district, which is high density and focused on retail stores, offices and related activities.
- o The City already provides an appropriate zoning district for campgrounds and currently has a quality campground located within this zoning district.
- o Downtown business owners have recently complained about unauthorized camping in the downtown area. The potential unintended consequences of this proposal include making it very challenging for law enforcement to clear unauthorized encampments and an increase in junk vehicles in the C-CBD zoning district.
- o While our Planning & Zoning Commission was well intended and tried to accommodate this request from a partner organization, their discussion on this issue was a textbook example of "how to approve spot zoning." While this may not be illegal, it is not advisable.
- o This change conflicts with all four of the strategic objectives contained within our comprehensive plan. Young families will not be attracted to a downtown district that looks like a campground, rather than a vibrant downtown space. Allowing camping in the downtown area will decrease the City's curb appeal and discourage future investment in our downtown area, thereby decreasing future employment opportunities.
- o This is bad policy that places our Zoning Board of Adjustment in a bad position of having to deny future applicants for a conditional use that should not be available in the downtown commercial district.



Matt Muckler
City Administrator

ORDINANCE NO. _____

**ORDINANCE AMENDING AND UPDATING THE CODE OF ORDINANCES,
CITY OF NEWTON, IOWA TITLE XV: LAND USAGE, CHAPTER 158: ZONING,
TO ADD CAMPGROUNDS TO THE C-CBD: CENTRAL BUSINESS DISTRICT
LIST OF CONDITIONAL USES.**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWTON DOES ORDAIN AS FOLLOWS:

Section 1. The Code of Ordinances, City of Newton, Iowa, Title XV: LAND USAGE, Chapter 158: ZONING, is hereby amended by adding or ~~deleting~~ the following:

158.022 C-CBD: CENTRAL BUSINESS DISTRICT.

...

(C) *Conditional uses.* The following uses may be permitted in the C-CBD: Central Business District upon approval of a conditional use permit by the Zoning Board of Adjustment: District on a conditional basis, following approval in the manner prescribed in this chapter: warehousing

(1) Warehousing

(2) Campgrounds; provided, the following conditions in addition to the requirements of § 158.178 are met:

- (a) The minimum lot area of the property is one acre;
- (b) The maximum duration of stay per camper/travel trailer shall be 24 hours;
- (c) No more than 10 spaces per property shall be dedicated to overnight camping at any given time;
- (d) Authorized camping shall be exclusive to campers / travel trailers that are fully self-contained with personal bathrooms;
- (e) No exterior indication of camping activity shall be permitted (i.e., no open fires, no tents, no recreational activity beyond a designated camping area, etc.).
- (f) Minimum parking requirements established by § 158.139 shall not be violated as a result of the conditional use.

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

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

TTHSa-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: 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 holidays and family celebrations cars park on both sides but that's 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:

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:

October 4, 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.

City Council Amendment to Proposed Ordinance

During the City Council meeting on September 20, 2021, a majority of members of the Newton City Council voted in favor of amending the proposed ordinance to allow semi-tractors to be parked on privately owned residential properties for a 72-hour period as evidenced by the observance of a semi-tractor on the property in excess of any three consecutive days in a seven-day period. The semi-tractor must be parked on hard surface and not be allowed to continuously idle.

Changes were made to the original proposed ordinance to reflect the amendments.

Recommendation:

None



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) Parking or storing of semi-tractors upon privately-owned property is prohibited unless parked on an all-weather surface in accordance with division (A) of this section. Semi-tractors shall not be allowed to continuously idle while parked on privately-owned property. Parking is limited to a 72-hour time period and shall be evidenced by the observance of a semi-tractor parked on privately-owned property in excess of any three consecutive days in a seven-day period.

~~(e)~~(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 Trailer parked on any public right-of-way on any three days within a seven-day period.

~~(f)~~(e) Storing and keeping of junk watercraft, Trailers, Travel Trailers or ~~M~~motorhomes is prohibited. Junk units exhibit one or more of the following conditions: broken or loose parts, flat tire(s), unsecured or damaged tarps, units filled with junk/garbage, inoperable, habitat to vermin, covered with natural growths, not registered/licensed, or otherwise unsafe for road travel.

(E) ~~(D)~~ *Exceptions.* The prohibitions of this section shall not apply to the following:

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

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

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

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

APPROVED this ____ day of _____, 2021.

PASSED this ____ day of _____, 2021.

(SEAL)

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

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

Signed: _____
Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution approving the granting of Downtown Improvement Grant Funds for 216 1st Avenue West.

Summary: The Downtown Improvement Grant Program provides assistance for small rehabilitation or renovation projects in the Downtown. Julie Fitzgerald, Headlines Hair & Tanning, plans to improve the rear of her building with a brick wall reconstruction and painting.

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



Report Number: 21-292

Date: November 1, 2021

Lead Department: Community Development

Recommendation:
Approve

Applicant: Julie Fitzgerald, Headlines Hair & Tanning

Proposed Project: The proposed project consists of removal of old brick along the north wall and replacement with new block. If the footing requires replacement after being revealed by the removal of the old brick, that will also be done. Jeff Seals Construction is the applicant's contractor. In addition, the applicant proposes to paint the brick, metal framework around the window, soffit, and door. Painting along the west side of the building as well.

Building History: The subject property is a non-contributing structure to the historic district. The former Neel Duco Refinishing Company is a story-and-a-half, brown brick structure on a stone foundation. The building is rectangular in form, stretching 130 feet to the north from its 33-foot frontage on 1st Avenue West. Typical of commercial buildings, the roof is flat. Sited on a tight parcel of land, this building and the adjacent building on the west present a modern appearance, in contrast to the adjoining building on the east, which retains its traditional early-20th century look.

The upper half of the façade is wrapped in a non-historic material designed to simulate shingles. It is capped with coping of gray steel. The bottom half of the building is surfaced in dark brown, horizontally placed brick that contrasts in color and texture with the upper half of the building. Two pilasters of brown brick frame retrofitted black steel paneling thought to be covering a window. Asymmetrically placed at the east end of the building, the recessed primary entrance is framed by brown brick. A horizontal window near the door is framed by a window box of colorful blooms.

The primary business in the building is advertised by prominent signage mounted flush to the building. Other businesses within are announced on a small canopy placed over the entrance.

When constructed this resource was a one-story building, most likely designed with an open interior space, befitting an auto body shop. This building has been dramatically altered several times. Because the alterations resulting in the present appearance occurred less than fifty years ago, they are considered non-historic and a significant breach of the building's historic integrity as it relates to design, workmanship, and materials. This loss cannot be overcome by any retention of integrity as it relates to the location, association, and setting. As a result, the building does not bear sufficient historic integrity to be considered a contributing resource to the historic district.

Project Alignment with Downtown Design Guidelines: The Downtown Design Guidelines are a bit more flexible when considering a non-contributing structure. The replacement of the bricks on the north side façade will be an improvement to the district. In addition, the painting work to be completed will also result in an improvement to the district.

Funding:

	Total	Grant Amount
Non-Historic Façade Removal:	\$2,000	\$1,000
Façade Rehabilitation:	\$10,900	\$5,000
Painting:	\$1,391	\$695.50
Total	\$14,291	\$6,695.50

Downtown Grant Review Board Action: Recommendation: The Downtown Grant Review Board recommended approval of a grant for the reconstruction and painting of the wall in the alley of Headlines Hair and Tanning in an amount not to exceed \$6,695.50 with a 1:1 match.

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



Matt Muckler
City Administrator

Existing Conditions Photos

Rear



RESOLUTION NO. 2021– _____

Resolution approving the granting of Downtown Improvement Grant Funds for 216 1st Avenue West

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

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

WHEREAS, Julie Fitzgerald submitted an application requesting funds for 216 1st Avenue West from the Downtown Improvement Program; and

WHEREAS, The Downtown Grant Review Board reviewed the application on October 20, 2021 and unanimously approved a motion recommending funds be granted to Julie Fitzgerald for 216 1st Avenue West in an amount up to \$6,695.50 for brick wall reconstruction and painting, provided a 1:1 match is met for each program area (\$695.50 for Painting, \$5,000 for Façade Rehabilitation, and \$1,000 for Non-historic Façade Removal);

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Downtown Improvement Grant Funds be provided to Julie Fitzgerald for 216 1st Avenue West storefront windows and front entry door project.

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

PASSED this _____ day of November 2021.

APPROVED this _____ day of November 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



**Downtown Façade Grant Program Agreement
Between City of Newton and Julie Fitzgerald**

This Agreement made and entered into this ____ day of _____ 2021 by and between the City of Newton, Iowa, hereinafter called "City" and Julie Fitzgerald, owner, 216 1st Avenue West, Newton, Iowa, hereinafter called "Applicant."

WHEREAS, the Applicant submitted an application to receive Downtown Micro Grant for property located at 216 1st Avenue West; and

WHEREAS, the Downtown Grant Review Board unanimously approved the application as follows: reconstruction of alley brick wall, replacing footing if necessary after inspection following demolition and painting of rear wall in a natural/neutral color; and

NOW, THEREFORE BE IT UNDERSTOOD AND AGREED:

- 1.) The Applicant will receive **up to \$6,695.50** in grant funds for the wall reconstruction and painting project at 216 1st Avenue West provided it aligns with the conditions expressed above by the vote of the Downtown Grant Review Board.
- 2.) The project shall be completed before November 1, 2022. The applicant may request an extension.
- 3.) The City of Newton will provide the grant funding as a reimbursement of completed and paid work.
 - a. Copies of all receipts for each project area shall be submitted to the City of Newton, Community Development Department, 403 West 4th Street North, Suite 501, Iowa 50208 for administrative verification of expenditures and applicant match.
- 4.) The applicant will provide a 1:1 match to the grant funds the project.
- 5.) The City will make timely reimbursement payment of grant funds upon completion of the project and verification of project expenses.

Applicant/Owner:

Julie Fitzgerald

Date

For City of Newton:

Michael L. Hansen, Mayor

Date

City of Newton Council Report

**Item:**

Resolution to promote retail through a Shop Local marketing campaign using radio, targeted streaming radio and OTT/mobile video.

Report Number: 21-293

Date:

November 1, 2021

Summary:

The City of Newton and Liebl marketing group have put together a strategy to promote retail in Newton. These two pushes will complement other advertising being done by partner agencies, as well as promote our community.

Lead Department:

Community Development

Recommendation:

Approve

Financial Impact:

\$7,500 in budgeted marketing expenses

Background:

In May 2018, the City of Newton retained the services of Liebl Marketing Group (LMG). Staff and LMG are proposing a strategy to push housing and retail in Newton.

Retail

Retailers need support as they move forward and continue to recover. The 'Shop Local' campaign for the City of Newton will bring a spotlight to Newton's retailers, November 8 – December 23. The campaign will utilize a variety of mediums to spread the Newton holiday shopping message including streaming radio/audio, terrestrial radio and targeted OOT and mobile video.

The overall budget for this campaign total \$7,500 with the goal of increasing both local awareness of the impact 'staying local' with your holiday shopping can have; and increasing regional visitors and transactions from our neighboring communities.

Recommendation:

Staff recommends approval of the advertising campaign.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2021- _____

**RESOLUTION TO PROMOTE RETAIL THROUGH A SHOP LOCAL
MARKETING CAMPAIGN USING RADIO, TARGETED STREAMING
RADIO AND OTT/MOBILE VIDEO.**

WHEREAS, the City's Comprehensive Plan calls for the City to create a unique identity and build a new community brand; and

WHEREAS, the City's Comprehensive Plan calls for the City to build the "Newton Brand" through coordinated public and private marketing efforts, and

WHEREAS, on February 17, 2014, Newton City Council adopted "Get to Know Newton" as the official City of Newton brand, and

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

WHEREAS, Liebl Marketing Group is a full-service marketing and media agency in serving the needs of middle-marketing businesses in all aspects of marketing, branding, and advertising needs,

WHEREAS, the Community Marketing Manager works closely with Liebl Marketing Group for media buying, radio commercial production, video production, and strategic advertising ideation,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes City Staff to spend \$7,500 in budgeted marketing expenses to promote retail through a Shop Local marketing campaign using radio, targeted streaming radio and OTT/mobile video.

PASSED this _____ day of November, 2021.

APPROVED this _____ day of November, 2021.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



GET TO
KNOW

Newton



LIEBLMARKETINGGROUP

The 'Shop Local' campaign for the City of Newton will bring a spotlight to Newton's retailers, November 8 – December 23. While it is tough to compete with on-line shopping and the flurry of a crowded mall's Black Friday deals, it is critical to promote the great shopping options and retailers in Newton; to both residents of our community and those who live outside of Newton and may be unaware of the variety of Newton's retailers. The campaign will utilize a variety of mediums to spread the Newton holiday shopping message.



STREAMING RADIO / AUDIO

We will use popular streaming platforms Spotify and Pandora to target consumers by zipcode, allowing us to serve different messages in hyper-targeted fashion to shoppers both inside and outside of Newton



TERRESTRIAL RADIO

While not as targeted, we will budget on our local radio stations KCOB and KRTI, as well as STAR 102.5 to reach the target consumer we want to attract to Newton.



TARGETED OTT AND VIDEO

OTT (Streaming) and Mobile Video, once again targeted by zipcodes, will allow us to target the local community with an important 'shop local' message, while we can serve an alternate video message to residents in Pella, Grinnell, Knoxville, Marshalltown, and Altoona encouraging them to make the short drive to Newton for a delightful selection of unique shops and retailers.



The overall budget for this campaign total \$7,500. The media outlined below total an estimated budget of \$7,200 with \$300 allocated toward voice talent fees, subject to selection. Upon approval, schedule placement and creative direction will commence with the City of Newton with the goal of increasing both local awareness of the impact ‘staying local’ with your holiday shopping can have; and increasing regional visitors and transactions from our neighboring communities.

STREAMING RADIO / AUDIO Multiple flight dates with varying messages across Spotify and Pandora TOTAL BUDGET: \$2,100	SPOTIFY + PANDORA	FLIGHT DATES
	REGIONAL “Shop Newton”	11/11 – 12/5
	REGIONAL: “Find It in Newton”	12/9 – 12/23
	LOCAL MARKET: “Shop Local”	11/11 – 12/23
TERRESTRIAL RADIO Multiple flight dates with varying messages across KCOB, KRTI, and STAR 102.5 TOTAL BUDGET: \$2,800	TERRESTRIAL RADIO + CAMPAIGN	FLIGHT DATES
	KCOB 95.9: “Shop Local”	11/18 – 12/23
	KRTI Energy 106.7: “Shop Newton”	11/11 – 12/23
	KSTZ Star 102.5: “Shop Newton”	11/18 – 12/19
TARGETED OTT + VIDEO Sourced through Sinclair, zipcode targeted TOTAL BUDGET: \$2,300	TERRESTRIAL RADIO + CAMPAIGN	FLIGHT DATES
	NEWTON: Shop Local	11/18 – 12/23
	REGIONAL: Shop Newton	11/11 – 12/23