

# Agenda: Newton City Council

Regular Meeting: Agenda  
February 19, 2018  
6:00 pm

City Hall Council Chambers  
101 West 4<sup>th</sup> Street South  
Newton, Iowa 50208

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- |                              |     |  |
|------------------------------|-----|--|
| <b>Pledge</b>                |     | Pledge of Allegiance   |
| <b>Call to Order</b>         | 1.  | Roll Call  |
| <b>Citizen Participation</b> | 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. 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.  |
| <b>Consent Agenda</b>        | 3.  | February 05, 2018 Regular City Council Meeting Minutes   |
|                              | 4.  | February 05, 2018 Budget Workshop Minutes  |
|                              | 5.  | February 12, 2018 Special City Council Meeting Minutes   |
|                              | 6.  | Approve Liquor License Class C Liquor and Sunday Sales for Cardinal Lanes, 1300 S 5th Ave E, pending completion of State Requirements; Liquor License Special Class C for Burrito Torpedo, 103 W 2nd St N, pending completion of State Requirements and staff approval; Liquor License Class B Wine Permit, Class C Beer Permit, Sunday Sales and Ownership Change for Dollar General Store #3032, 2617 1st Ave E.; Liquor License Class B Wine, Class C Beer Permit (Carryout Beer), Class E Liquor and Sunday Sales for New Star Mart, 7012 1st Ave E.; Liquor License Class B Native Wine Permit, Class C Beer Permit (Carryout Beer), Class E Liquor and Sunday Sales for Casey's General Store #2341, 3104 1st Ave E S.   |
|                              | 7.  | Resolution approving application for exemption in the city-wide urban revitalization area. (Council Report 18-039)   |
|                              | 8.  | Resolution accepting a Real Estate Easement for the 2018-01 Demolition Project. (Council Report 18-040)  |
|                              | 9.  | Approval of Bills  |
| <b>Resolutions</b>           | 10. | Resolution approving single performance agreements for both the 2018 Summer Concert Series at the Maytag Bowl and the July 4th activities at Agnes Patterson Park. (Council report 18-041) <ul style="list-style-type: none"><li>• The 2018 Summer Concert Series at the Maytag Bowl will be held on Thursdays running from May 31, 2018 through August 2, 2018; with no concert scheduled for Thursday, July 5<sup>th</sup>.</li><li>• On February 5<sup>th</sup> council approved performance agreements for seven of these eight dates. This resolution is a performance agreement for the remaining act, Damon Dotson, on August 2, 2018. Also included is a performance agreement with Faculty Lounge for a performance on July 4<sup>th</sup> at Agnes Patterson Park.</li><li>• Staff recommends approval of the resolution totaling \$3850 from the Parks summer concert series budget and the fireworks budget.</li></ul> |
|                              | 11. | Resolution awarding contract for the Demolition 2018-01 Project. (Council Report 18-042)   |

- The City acquired 523 & 525 W 4th St S, and 319 & 321 E 8th St S, with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program.
  - The Community Services Division prepared plans and specifications for the proposed Demolition 2018-01 Project that included abatement and demolition at all properties.
  - City staff recommends that Council award a contract to Con-Struct of Marshalltown, Iowa based on the low responsive, responsible bid received in the amount of \$129,744.55
12. Resolution approving a Professional Services Agreement with Bolton & Menk, Inc. to provide a preliminary topographic survey and preliminary boundary survey for the proposed Barton Property subdivision development. (Council Report 18-043)
- To further expand the residential subdivision area in northeast Newton, the City has partnered with the Newton Housing Development Corporation in efforts to secure approximately 71 acres from the Barton family estate. Prior to any subdivision platting, preliminary survey information is needed to prepare concept or staging plans for initial plat layouts.
  - Bolton & Menk’s proposal includes a topographic survey of the Barton property for \$6,800, and a preliminary boundary survey for \$3,400. This initial survey work would encompass the entire 71 acres, thereby reducing the need or extent of future site surveys as later stages of the 71 acre parcel are platted and developed. Staff recommends approval of the Resolution.

**New Business**                    13.

**Old Business**                    14.

**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  
FEBRUARY 05, 2018, 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 4<sup>th</sup> Street South. Mayor Pro-Tem Trotter presided. Present Council Members: George, Stonner, Trotter, Mullan, Kulis. Absent: None.

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

Candidates for the Ward 1 seat appointment, Melanie Humphrey and Mark Hallam, introduced themselves to council and answered various questions presented to them. Katrina Davis, City Clerk, presented council with ballots in order to get a consensus on the candidate appointee. Mark Hallam received four votes and Melanie Humphrey received 1. Moved by Stonner, seconded by Kulis to adopt the Resolution approving appointment of Mark Hallam to vacant Ward 1 council seat. AYES: Five. NAYS: None. Resolution 2018-030 adopted. Davis swore in Ward 1 council member Mark Hallam.

Public Works Director, Jody Rhone presented on the condition of the Southwest Force Main presenting a piece of the rusted infrastructure.

During citizen participation Bob O'Brien, SSMID Chair presented council on the importance of continuing the SSMID along with accomplishments. As President of Thunder Nights, O'Brien spoke on Thunder Nights moving to the DMACC location due to the ability to have bigger bands, more convenience, and a power source.

Moved by Kulis, seconded by Mullan to approve consent agenda items 6-18.

6. January 15, 2018 Regular City Council Meeting Minutes

7. January 15, 2018 Budget Workshop Minutes

8. January 22, 2018 Special City Council Meeting Minutes

9. January 22, 2018 Budget Workshop Minutes

10. Approve Liquor License Class C Liquor License and Sunday Sales for Newton Post No.111, The American Legion, 1101 W 4th St S.

11. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 18-02). Resolution 2018-031 adopted.

12. Resolution accepting completion of the 2017 Outdoor Warning Siren Replacement Project. Resolution 2018-032 adopted.

13. Resolution accepting completion of the ADA compliance city hall restroom Project. Resolution 2018-033 adopted.

14. Resolution Approving 28E Project Agreement Reimbursement #3 to the Des Moines Area Community College Relating to the DMACC Newton Campus Expansion Project. Resolution 2018-034 adopted.

15. Resolution awarding contract for the 2018 Streetscape Lighting Installation Project. Resolution 2018-035 adopted.

16. Resolution setting a public hearing for establishing the Newton Downtown Self-Supported Municipal Improvement District in Newton, Jasper County, Iowa. Resolution 2018-036 adopted.

17. Resolution accepting completion of the video surveillance and door security system for the fire station and other administration areas. Resolution 2018-037 adopted.

18. Approval of Bills

AYES: Five. NAYS: None. ABSTAINED: Hallam due to lack of knowledge on the subject. Consent agenda items approved.

Mayor Pro-Tem Trotter stated that this is the time and place for a Public Hearing on Proposal to Enter into an Essential Purpose Loan Agreement. There were no written comments. It was moved by George, seconded by Mullan to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.

Mayor Pro-Tem Trotter stated that this is the time and place for a Public Hearing on Proposal to Enter into an Urban Renewal Loan Agreement. There were no written comments. It was moved by Kulis, seconded by Mullan to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.

Mayor Pro-Tem Trotter stated that this is the time and place for a Public Hearing on Proposal to Enter into a General Purpose Loan Agreement. There were no written comments. It was moved by George, seconded by Stonner to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.

Moved by Mullan, seconded by Kulis to approve a Resolution Taking Additional Action on Proposals to Enter into Loan Agreements and Combining Loan Agreements. AYES: Five, NAYS: None. ABSTAINED: Hallam due to lack of knowledge on the subject. Resolution 2018-038 adopted.

Moved by George, seconded by Kulis to approve the third Consideration of an Ordinance providing for the Division of Taxes Levied on Taxable Property in the 2018 Fairmeadows North Housing Urban Renewal

Area Addition, Pursuant to Section 403.19 of the Code of Iowa. AYES: Six, NAYS: None. Third consideration was approved. Moved by Stonner, seconded by George to adopt the ordinance. AYES: Six, NAYS: None. Ordinance 2325 adopted.

Moved by George, seconded by Trotter to approve a Resolution approving four separate performance agreements for the 2018 Summer Concert Series at the Maytag Bowl. AYES: Five, NAYS: None. ABSTAINED: Stonner due to a conflict of interest. Resolution 2018-039 adopted.

Moved by Kulis, seconded by Stonner to approve a Resolution awarding the contract for the installation of overhead garage doors for the fire station. AYES: Six. NAYS: None. Resolution 2018-040 adopted.

Moved by Kulis, seconded by Trotter to approve a Resolution adopting the 2017-2019 Council Goals for the City of Newton. AYES: Six. NAYS: None. Resolution 2018-041 adopted.

There was no new business.

There was no old business.

Moved by Stonner, seconded by George to adjourn the meeting at 7:09 P.M. Motion unanimously carried by voice vote.

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Michael L. Hansen, Mayor

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Katrina Davis, CMC City Clerk

BUDGET WORKSHOP MEETING MINUTES  
FEBRUARY 05, 6:10 PM  
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session for a budget workshop immediately following the Special City Council Meeting at approximately 7:10 pm, on the above date at Council Chambers at 101 West 4<sup>th</sup> Street South. Mayor Pro-Tem Trotter presided. Present: Council Members, George, Hallam, Stonner, Trotter, Mullan, Kulis. Absent: None.

Lisa Frasier, Finance Officer, presented a draft of the current budget. It is proposed that the levy rate remain at \$17.14. Staff will evaluate any open positions within the City to close the gap in the Employee Benefits Fund. It is proposed that Newton Development Corporation receive \$100,000 from Hotel/Motel Tax and TIF Funds; that Newton Housing Development Corporation receive \$32,000 from Hotel/Motel Tax, North Central TIF Funds, and Housing Initiative; that Main Street receive \$25,000 from North Central TIF Funds; HIRTA, YMCA, RSVP, and United Way receive a total of \$60,500 from Local Option Sales Tax; and Newton Fest \$15,000 via North Central TIF. Frasier identified various Capital Projects and reviewed the budget for Local Option Tax and the Hotel/Motel Tax.

Moved by Kulis, seconded by Mullan to adjourn the meeting at 7:55 PM. Motion unanimously carried by voice vote.

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Michael L. Hansen, Mayor

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Katrina Davis, CMC City Clerk

SPECIAL CITY COUNCIL MEETING MINUTES  
FEBRUARY 12, 2018, 6:00 PM  
CITY COUNCIL CHAMBERS

The City Council of Newton, Iowa met in special session at 6:00 P.M. on the above date in the Council Chambers at 101 West 4<sup>th</sup> Street South. Mayor Hansen presided. Present Council Members: George, Hallam arrived at 6:02 p.m., Stonner, Trotter, Mullan, Kulis. Absent: None.

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

Moved by Stonner, seconded by Kulis to approve consent agenda items 1-2.

1. Approve Special Event on February 18, 2018 Liquor License Class C Liquor and Sunday Sales for Fore Seasons Golf, 3333 Rusty Wallace Drive, pending completion of State requirements.
2. Resolution setting a public hearing and inviting proposals for the sale of property at 921 West 22<sup>nd</sup> Street South in Newton. Resolution 2018-042 adopted.

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

Moved by Trotter, seconded by Mullan to approve a Resolution supporting a proposal for professional services to develop a preferred design concept for the Des Moines Area Community College (DMACC) Greenspace with OPN Architects, Inc. Jeff Davidson with Hometown Pride and Kim Didier with DMACC spoke on the goal of creating a destination and the impact of the greenspace. AYES: Six. NAYS: None. Resolution 2018-043 adopted.

Moved by Kulis, seconded by George to approve a Resolution approving amended Grant Agreement for demolition and site preparation of the 1200-1300 blocks of 1<sup>st</sup> Ave E and advertising the property for future commercial development. AYES: Six. NAYS: None. Resolution 2018-044 adopted.

Moved by Stonner, seconded by Kulis to approve a Resolution approving the purchase of 26 handguns, holsters and accessories from various vendors for \$12,000. AYES: Six. NAYS: None. Resolution 2018-045 adopted.

Moved by Trotter, seconded by Mullan to approve a Resolution Setting a Public Hearing Date to Approve the 2018-19 Operating Budget for the City of Newton. AYES: Six. NAYS: None. Resolution 2018-046 adopted.

Moved by Trotter, seconded by Mullan to adjourn the meeting at 6:11 PM. Motion unanimously carried by voice vote.

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Michael L. Hansen, Mayor

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Katrina Davis, City Clerk

## City of Newton Council Report

**Item: Resolution Approving Applications for Exemption in the City-Wide Urban Revitalization Area**



### **Summary:**

Each year, the City considers the tax abatement applications from the prior year's completed construction activity.

**Report Number:** 18-039

**Date:** February 19, 2018

### **Financial Impact:**

Over \$3.4 million of permit valuation would be abated as part of this incentive program for new construction.

**Lead Department:**

Finance and Development

**Recommendation:**

Approval

### **Background:**

The City of Newton has had a City-wide Tax Abatement program for over twenty years. The Newton City Council adopted the abatement program by ordinance in 1993 and adopted a partially new schedule on December 19, 2016. The residential abatement program is two years of 100% abatement, followed by three years of 50% abatement. With the implementation of the Housing Initiative's \$10,000 cash incentive in May 2014, the abatement program was discontinued for new home construction but remained in place for residential additions and renovations. Commercial and industrial projects are also still eligible for a three-year, 100% abatement or a ten-year sliding scale of partial abatement.

The City-wide Urban Revitalization Plan states that each year's applications for tax abatement require City Council approval prior to March 1<sup>st</sup>. The attached Resolution lists all qualifying building improvements completed in the past year.

In order to actually receive tax abatement, improvements must meet a threshold of increased value for the property. For residential properties, the improvements must increase the property value by at least 10% to be eligible for abatement. For commercial and industrial properties, the threshold is at least a 15% increase. The actual percentage increases will be finalized by the County Assessor next month.

### **Recommendation:**

Staff recommends approval of the Resolution.

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

Matt Muckler  
City Administrator

RESOLUTION NO. 2018- \_\_\_\_\_

RESOLUTION APPROVING APPLICATION FOR EXEMPTION IN THE CITY-WIDE URBAN REVITALIZATION AREA

**WHEREAS**, the City Council on March 1, 1993 approved Ordinance No. 1743 establishing the City-Wide Urban Revitalization Area and a resolution adopting the City-Wide Revitalization Plan to promote residential, commercial and industrial improvements in the designated area; and

**WHEREAS**, on October 21, 2002, by Resolution No. 2002-146, the City Council amended the abatement schedule for the City-Wide Urban Revitalization Area and adopted a partially new schedule on December 19,2016; and

**WHEREAS**, the City-Wide Urban Revitalization Plan provides that the City Council shall approve all applications for exemption that have been timely filed.

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

That the applications identified below for exemption allowed by the City-Wide Urban Revitalization Plan are hereby approved and the applications shall be forwarded to the County Assessor for determination of the amount of the exemption and approval:

OWNER	PROPERTY ADDRESS	TYPE OF IMPROVEMENT	PERMIT#	PERMIT VALUE
Jason Dalton	924 E 8 <sup>th</sup> St N	66X44 Addition	046117	\$80,000
McDonald's	726 1 <sup>st</sup> Ave E	New McDonald's restaurant	045806	\$1,600,000
John Gretlein	1707-1721 1 <sup>st</sup> Ave E	New commercial building	045764	\$830,000
Top Line Warehousing, Inc.	1310 E 36 <sup>th</sup> St S	New building	15-044475	\$198,800
John Gretlein	1730 1 <sup>st</sup> Ave E	Addition	16-045237	\$200,000
Shannon James	205 E 17 <sup>th</sup> St Pl N	Additional bedroom 12X16	045805	\$8,000
Steven Parsons	1119 S 5 <sup>th</sup> Ave E	20X24 garage	045769	\$4400
Gwen Gosselink	816 W 11 <sup>th</sup> St S	Renovation & Addition to the residence	045394	\$200,000
Jerry & Jan Broyles	937 E 10 <sup>th</sup> St S	24X30 garage	045696	\$28,000
Kelly Kiamas	523 E 10 <sup>th</sup> St S	New 24X36 Garage	045827	\$19,646.16
Gary & Connie Grimes	703 W 9 <sup>th</sup> St N	40X30 Building	045190	\$24,900
Woodlands Construction Company	315 E 12 <sup>th</sup> St S	New single family dwelling	045590B	\$100,000
Rick Lyman	517 E 8 <sup>th</sup> St S	Two new garages	15-044174	\$34,500
Woodlands Construction Company	1124 S 5 <sup>th</sup> Ave E	New single family dwelling	045590C	\$130,000

**PASSED** this \_\_\_\_\_ day of February, 2018.

**APPROVED** this \_\_\_\_\_ day of February, 2018.

BY \_\_\_\_\_  
Michael L. Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Davis, City Clerk



# City of Newton Council Report

**Item:** Resolution accepting a Real Estate Easement for the 2018-01 Demolition Project.

**Summary:** Acceptance of a temporary easement at 315 E 8<sup>th</sup> St S for work associated with the demolition of the structure(s) at 319 E 8<sup>th</sup> St S.

**Financial Impact:** None



**Report Number:** 18-040

**Date:** February 19, 2018

**Lead Department/Division:**  
Community Services

**Recommendation:** Approve

### Background:

The award of contract for the 2018-01 Demolition Project is to be considered at the February 19, 2017 City Council meeting. This resolution is related to said 2018-01 Demolition Project.

The existing layout of the structure(s) being demolished by the City at 319 E 8<sup>th</sup> St S will require work to take place on part of private property at 315 E 8<sup>th</sup> St S. Work will include, but not be limited to, site access, structure demolition, and site grading. A temporary construction easement is needed from the owner of 315 E 8<sup>th</sup> St S to perform this work. Community Services staff have prepared Real Estate Easement documents for the property, contacted the affected property owner, and secured signatures on said documents. The easement subject to City Council approval and now on file with the City Clerk is:

<u>Easement Number</u>	<u>Property Owner(s)</u>	<u>Easement Address</u>
2017-12	Kenneth L. Johnson	315 E 8 <sup>th</sup> St S

The easement has been granted by the owner at no cost to the City.

### Recommendation:

City Staff recommends that City Council accept, approve, and execute the Real Estate Easement noted above.

Matt Muckler  
City Administrator

Attachment

**RESOLUTION NO. 2018-\_\_\_\_\_**

**RESOLUTION ACCEPTING A REAL ESTATE EASEMENT FOR THE  
2018-01 DEMOLITION PROJECT**

**WHEREAS**, as part of the 2018-01 Demolition Project, a temporary construction easement is required from the owner of 315 E 8<sup>th</sup> St S to access the site, demolish the structure, and perform final grading at 319 E 8th St S; and

**WHEREAS**, Community Services staff prepared Real Estate Easement documents, contacted the affected property owner, and secured signatures on said documents for the project easement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Newton, Iowa, that the following identified Easement, as represented by Real Estate Easements executed by the property owner subject to City Council approval and now on file with the City Clerk, are hereby approved:

<u>Easement Number</u>	<u>Property Owner(s)</u>	<u>Easement Address</u>
2017-12	Kenneth L. Johnson	315 E 8th St S

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are authorized to execute the Real Estate Easement documents for the affected property. The easement has been granted by the owner at no cost to the City.

**PASSED** this \_\_\_\_\_ day of February 2018.

**APPROVED** this \_\_\_\_\_ day of February 2018.

\_\_\_\_\_  
Michael L. Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Davis, City Clerk

Prepared By: City of Newton Community Services - 1700 N 4th Ave W - Newton, IA 50208 - phone: 641-792-6622

Easement Grantee: City of Newton – 1700 N 4th Ave W – Newton, IA 50208

Taxpayer/Easement Grantor: Kenneth L. Johnson – 8720 NE 46th Ave – Altoona, IA 50009

Legal Description of Affected Lots(s): All of Lot 8, and that party of Lot 7 described as commencing at a point located on the South line of said Lot 7, a distance of 13.92 feet West of the Southeast corner of said Lot 7, thence run East to the said Southeast corner of said Lot 7, thence North to the Northeast corner of said Lot 7, thence West along the North line of said Lot 7, a distance of 9.92 feet, thence in a Southerly direction to the point of beginning, said Lot 8 and said part of Lot 7 hereinbefore described, all being in Block 1, of the Sub-division of Block 2, of Southeast Addition, being in and forming a part of the City of Newton, Jasper County, Iowa as the same appears on Plat recorded in Book 167 at page 415 in the office of the County Recorder of Jasper County, Iowa.

Parcel No: 0834253036

Project: Demolition Project 2018-01

Easement No: 2017-12

### **REAL ESTATE EASEMENT**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, the undersigned, Kenneth L. Johnson (hereinafter called "Property Owner") in consideration of the sum of One Dollar (\$1.00), do hereby convey unto City of Newton (hereinafter called "Grantee") an EASEMENT on, under, over, through and across the following described real estate, subject to the terms and conditions specified herein:

### **TEMPORARY CONSTRUCTION EASEMENT**

1. GRANT OF EASEMENT. A temporary easement is hereby granted on, under, over, through and across the following described property:

The West 15' and the South 30' of the North 66' of the following described real estate; All of Lot 8, and that part of Lot 7 described as commencing at a point located on the South line of said Lot 7, a distance of 13.92 feet West of the Southeast corner of said Lot 7, thence run East to the said Southeast corner of said Lot 7, thence North to the Northeast corner of said Lot 7, thence West along the North line of said Lot 7, a distance of 9.92 feet, thence in a Southerly direction to the point of beginning, said Lot 8 and said part of Lot 7 hereinbefore described, all being in Block 1, of the Sub-division of Block 2, of Southeast Addition, being in and forming a part of the City of Newton, Jasper County, Iowa as the same appears on Plat recorded in Book 167 at page 415 in the office of the County Recorder of Jasper County, Iowa, hereinafter called temporary easement property.

2. TERM OF EASEMENT. The rights granted herein shall be possessed and enjoyed by Grantee, the City of Newton and their contractor, and its successors and assigns; from and after the execution of this easement agreement to and including the day of substantial completion, and acceptance of the work by the Grantee and the City of Newton, relative to the project giving rise to the temporary construction easement granted herein.

3. PURPOSE OF EASEMENT. This grant of easement shall be for purposes including but not limited to aiding in demolishing existing structures, plugging and removal of existing utility services and site grading on, over, through and across the temporary easement property.

4. ERECTION OF STRUCTURES PROHIBITED. Property Owner shall not erect any structure on, under, over, through, across or within the temporary easement property during the term of the easement without obtaining the prior written consent of the Grantee.
5. PERMANENT IMPROVEMENTS. Property Owner agrees that no permanent improvement shall be built or placed upon the temporary easement property during the term of the easement, nor shall Property Owner permit any change of grade, elevation or contour of any part of the temporary easement property during the term of the easement, and that if such improvements are built or constructed or changes made in violation of this grant of easement, said improvements or changes shall be promptly removed or eliminated by Property Owner at Property Owner's expense.
6. RIGHT OF ACCESS AND THIRD PARTY CLAIMS. Grantee, along with the City of newton and their contractor, shall have the right of ingress and egress over and across the temporary easement property for any and all purposes necessary or convenient to said work as it deems necessary.
7. REPRESENTATION OF OWNERSHIP. Property Owner does hereby covenant with the Grantee that Property Owner holds title to said temporary easement property in fee simple; that Property Owner has good and lawful authority to convey the same.
8. RESTORATION OF LAND. Grantee shall restore the temporary easement property to substantially the same condition it was in prior to Grantee's entry.

#### **GENERAL PROVISIONS**

- A. APPROVAL BY GRANTEE. The easement(s) granted herein shall not be binding until final approval and acceptance by the Grantee.
- B. DOWER RIGHTS. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share, if any, in and to the interests granted and conveyed hereby.
- C. RULES OF CONSTRUCTION. Words and phrases herein including acknowledgment hereof shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

INDIVIDUAL FEE TITLE PROPERTY OWNERS

Kenneth Johnson 12/21/17  
Property Owner DATE  
8220 NE 46th - Altoona, Ia  
Address

\_\_\_\_\_  
Property Owner DATE  
\_\_\_\_\_  
Address

STATE OF IOWA :  
:SS  
JASPER COUNTY:

On this 21 day of December, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kenneth Johnson and \_\_\_\_\_, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Shanna Ridgway  
Notary Public in and for the State of Iowa  
(Typed Name) Shanna Ridgway  
My Commission Expires: 1-27-19



ACCEPTANCE, APPROVAL AND EXECUTION BY GRANTEE

Dated: \_\_\_\_\_ GRANTEE  
By: \_\_\_\_\_

ATTEST:  
\_\_\_\_\_

STATE OF IOWA :  
:SS  
JASPER COUNTY:

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared \_\_\_\_\_ to me personally known, who being by me duly sworn, did say that he is the \_\_\_\_\_ of \_\_\_\_\_; that the seal affixed thereto is the seal of said \_\_\_\_\_; that said instrument was signed and sealed on behalf of said corporation by authority of the Grantee; and that the said \_\_\_\_\_ as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

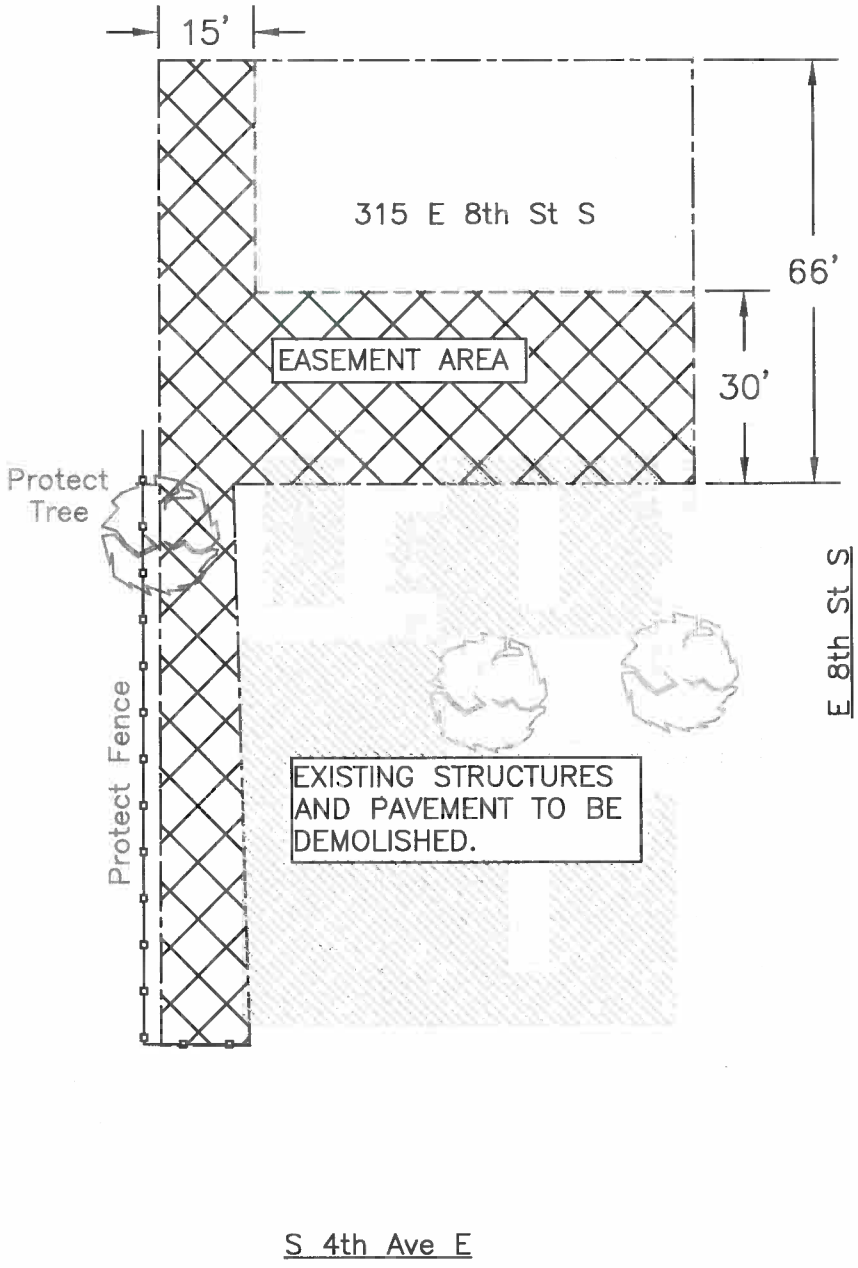
\_\_\_\_\_  
(Printed Name) \_\_\_\_\_  
Notary Public in and for the State of Iowa  
My Commission Expires: \_\_\_\_\_

EXHIBIT 'A'

TEMPORARY  
CONSTRUCTION  
EASEMENT



NOT TO SCALE



S 4th Ave E

TEMPORARY CONSTRUCTION EASEMENT

The West 15' and the South 30' of the North 66' of the following described real estate; All of Lot 8, and that part of Lot 7 described as commencing at a point located on the South line of said Lot 7, a distance of 13.92 feet West of the Southeast corner of said Lot 7, thence run East to the said Southeast corner of said Lot 7, thence North to the Northeast corner of said Lot 7, thence West along the North line of said Lot 7, a distance of 9.92 feet, thence in a Southerly direction to the point of beginning, said Lot 8 and said part of Lot 7 hereinbefore described, all being in Block 1, of the Sub-division of Block 2, of Southeast Addition, being in and forming a part of the City of Newton, Jasper County, Iowa as the same appears on Plat recorded in Book 167 at page 415 in the office of the County Recorder of Jasper County, Iowa, hereinafter called temporary easement property. Easement contains 0.096 acres ±.

<p>REVISIONS</p>	<p>LEGEND</p> <p>----- PROPERTY LINE</p> <p>XXXXXX EASEMENT AREA</p>	<p>OWNER(S): Kenneth L. Johnson 8720 NE 46th Ave Altoona, IA 50009</p>
<p>DATE 12-21-2017</p>	<p>Demolition Project 2018-01 Newton, Iowa</p>	<p>City of Newton Community Services 1700 N. 4th Ave. W. Newton, Iowa 50208</p> <p>SCALE: none</p> <p>Easement No. 2017-12</p>

## City of Newton Disbursements 2-20-18

Vendor	Department	Description	Amount
A-1 Lock	Parks	Supplies	\$ 431.00
Adidas America Inc	Golf	Merchandise	\$ 57.28
Air Science USA LLC	Police	Supplies	\$ 333.52
Alliant Energy/IPL	All	Utilities	\$ 1,322.31
Alpha Media LLC	Hwy 14/S 12 Ave W TIF	Advertising	\$ 676.00
Animal Rescue League	Animal Control	Service	\$ 2,811.05
Armstrong, Craig	Economic Development	Reimbursement	\$ 88.29
AT & T Mobility	Landfill	Utilities	\$ 85.35
BARCO Municipal Product	Water Pollution Control	Supplies	\$ 49.90
Bert Gurney & Associates Inc	Water Pollution Control	Supplies	\$ 320.11
Bestell Home Services	PW Building	Service	\$ 64.20
Black Hills Energy	Parks/Maytag Pool	Utilities	\$ 476.82
Bolton & Menk Inc	All	Service	\$ 1,190.00
Boss Innovation & Marketing Inc	Police	Supplies	\$ 617.08
Bound Tree Medical LLC	Fire	Supplies	\$ 1,205.53
Brick Gentry P.C.	North Central TIF/Legal Services	Service	\$ 9,700.00
Buena Vista University	Administration	Education	\$ 2,526.00
Capital City Equipment	Parks	Supplies	\$ 82.34
Cappy's Tire & Auto Service	Parks	Service	\$ 172.92
Card Services	All	Supplies	\$ 4,545.43
Carpenter Uniform	Fire	Supplies	\$ 202.97
Clapsaddle-Garber Assoc	Airport	Service	\$ 20,278.70
CompToday	Fire	Insurance	\$ 394.97
Computer Pro	Administration	Supplies	\$ 24.99
Cruthirds, Conrad	Fire	Reimbursement	\$ 25.00
Danko Emergency Equipment	Fire	Supplies	\$ 48.00
Diamond Products Co	WPC/Traffic Control	Supplies	\$ 127.59
Dodd Trash Hauling & Recycling	Solid Waste/Landfill	Service	\$ 7,304.74
Electrical Eng & Equipment	Water Pollution Control	Supplies	\$ 691.28
Fareway	PW Building	Supplies	\$ 4.47
Forbes Office Solutions	All	Supplies	\$ 2,345.71
Fox Engineering	Water Pollution Control	Service	\$ 3,370.00
G&K Services	All	Service	\$ 666.65
Gall's LLC	Fire	Supplies	\$ 141.65
Grainger Inc	WPC/Landfill	Supplies	\$ 234.30
Gralnek-Dunitz	Water Pollution Control	Supplies	\$ 195.27
Grinnell Safe & Lock	City Center	Service	\$ 438.00
Gronewold Bell Kyhnn & Co PC	Finance	Service	\$ 3,500.00
Hammer Medical Supply	Fire	Supplies	\$ 126.75
Harselaar, Tyler	Fire	Reimbursement	\$ 25.00
Hawkins Water Treatment	Water Pollution Control	Supplies	\$ 1,485.00
Heisdorffer, Rex	Fire	Reimbursement	\$ 7.00
HLW Engineering Group	Landfill	Service	\$ 3,500.00
Homeguard Security Alarm	Water Pollution Control	Service	\$ 75.00
Hotsy Cleaning Systems	Snow Removal/Fire	Supplies	\$ 300.00

Housby Heavy Equipment LLC	Landfill	Supplies	\$ 177.75
Hoya Vision	WPC/Admin	Supplies	\$ 256.00
Image Trend Inc	Fire	Service	\$ 1,132.00
IMFOA	Administration	Membership	\$ 250.00
IMWCA	All	Insurance	\$ 1,657.35
Iowa Department of Transportation	Snow Removal	Supplies	\$ 827.84
Iowa Dept of Natural Resources	Landfill	Service	\$ 16,313.48
Iowa Fire Equipment	Street	Supplies	\$ 38.85
Iowa Fire Marshals Association	Fire	Membership	\$ 50.00
Iowa One Call	WPC/Engineering	Service	\$ 229.50
Iowa State University Registration	Parks/Streets	Training	\$ 430.00
Iowa Tourism Office	Hwy 14/S 12 Ave W TIF	Advertising	\$ 900.00
Jasper County Abstract	Housing Demolitions	Service	\$ 1,715.00
Johnson Aviation	Airport	Service	\$ 48.14
Key Cooperative	All	Supplies	\$ 8,811.89
Kinetic Edge Physical Therapy	All	Service	\$ 546.00
Lechtenberg Janitorial	Water Pollution Control	Supplies	\$ 106.35
Liberty Tire Services LLC	Landfill	Service	\$ 814.18
Lyman, Rick	Building	Service	\$ 120.28
Magnum Automotive	Fire	Service	\$ 77.00
Marsden Bldg Maintenance	City Center	Service	\$ 1,917.34
Martin Marietta Materials	Golf	Supplies	\$ 288.70
Maxim Advertising	Administration	Supplies	\$ 74.95
Mediacom	Golf	Utilities	\$ 147.40
Mercy College of Health Sciences	Fire	Membership	\$ 440.00
Mike's Machine Repair	Water Pollution Control	Service	\$ 150.00
MTI Distributing Inc	Parks	Supplies	\$ 1,017.73
Murphy Tractor & Equipment	Street	Supplies	\$ 54.11
NAPA Auto Parts	All	Supplies	\$ 540.81
National Assoc of School Resource	Police	Membership	\$ 40.00
Newark Element 14	Water Pollution Control	Supplies	\$ 208.98
News Printing Company	All	Service	\$ 1,008.78
Newton Clinic	Police	Insurance	\$ 40.00
Newton Correctional Facility	Street	Service	\$ 190.00
Nichols Equipment LLC	Landfill	Service	\$ 1,039.47
Noble Ford of Newton Inc	Fire/Police	Service	\$ 98.34
Northwestern University Center	Police	Training	\$ 1,000.00
Office Depot	Parks	Supplies	\$ 37.98
OnMedia Advertising Sales	Golf	Advertising	\$ 185.00
O'Reilly Auto Parts	Parks	Supplies	\$ 10.49
Pfander, Steve	Landfill	Reimbursement	\$ 64.00
Quill Corporation	All	Supplies	\$ 222.52
Ragna Soft Inc	Police	Supplies	\$ 408.33
Regal Plastic Supply	Police	Supplies	\$ 156.00
Reserve Account-Pitney Bowes	Finance	Postage	\$ 3,000.00
Riggs Printing Inc	Police	Supplies	\$ 166.80
Royal Arms International	Police	Supplies	\$ 115.00
Smith Quality Rental	Fire/Landfill/WPC	Service	\$ 181.72



Spahn & Rose Lumber Co	Parks/Streets	Supplies	\$ 120.03
Springer Professional Home Services	PW Building/Golf	Service	\$ 103.00
Star Equipment	Traffic Control	Supplies	\$ 335.64
Strauss Lock Company	Police	Supplies	\$ 67.35
Superior	Water Pollution Control	Supplies	\$ 210.98
SupplyWorks	City Garage	Supplies	\$ 360.90
Teledyne Instruments Inc	Water Pollution Control	Supplies	\$ 289.00
Theisen's	All	Supplies	\$ 487.99
Treat America Food Service	Police	Training	\$ 8.51
Truck Equipment	Parks	Supplies	\$ 530.00
True Value Hardware	All	Supplies	\$ 203.70
Two Rivers Cooperative	All	Supplies	\$ 7,939.99
Udelhoven, Hunter	Fire	Reimbursement	\$ 25.00
Ultramax Ammunition	Police	Supplies	\$ 1,616.00
United States Cellular	All	Utilities	\$ 747.05
Unity Point Clinic	Parks/Landfill/WPC/Streets	Service	\$ 148.00
University of Northern Iowa	Economic Development	Membership	\$ 885.00
USABlueBook	Water Pollution Control	Supplies	\$ 400.26
Warnick & Reeves Mechanical	City Center/Airport	Service	\$ 313.78
Water Department	All	Utilities	\$ 10,677.88
Windstream	All	Utilities	\$ 2,119.03
WPS GHA	Fire	Reimbursement	\$ 194.87

**TOTAL:** **\$ 147,358.19**

**Pre-Authorized Payments**

Adams Door Company	Fire	Supplies	\$ 25,917.50
Alliant Energy	Parks	Utilities	\$ 486.88
Alliant Energy	All	Utilities	\$ 3,721.71
DMACC	North Central TIF	Reimbursement	\$ 124,850.15
Grinnell Regional Medical Center	Insurance	Reimbursement	\$ 1,354.72
Ham, Jon	Insurance	Reimbursement	\$ 15.00
Lanphier Excavating, LLC	Housing Demolitions	Service	\$ 7,474.60
Lefler, Blaine	Insurance	Reimbursement	\$ 25.00
Mace, Brandi	North Central TIF	Reimbursement	\$ 33,790.00
McVay, Tim	Insurance	Reimbursement	\$ 55.00
McVey, Denise	Insurance	Reimbursement	\$ 15.00
Mercy Medical Center	Insurance	Reimbursement	\$ 1,205.78
Mercy Neurosurgery	Insurance	Reimbursement	\$ 143.80
Newton Fire Department	Insurance	Reimbursement	\$ 165.12
Pathology Associates of Central Iowa	Insurance	Reimbursement	\$ 16.40
Pittman, Keith	Insurance	Reimbursement	\$ 10.50
Skiff Medical Center	Insurance	Reimbursement	\$ 0.22
Surgical Associates LLP	Insurance	Reimbursement	\$ 168.80
Talbot, Jeff	Insurance	Reimbursement	\$ 286.20
United Community Services	Insurance	Reimbursement	\$ 185.60
Water Department	City Center	Utilities	\$ 111.93

**ACH Payments from Great Southern Bank**

Advantage Credit Union	All	Insurance	\$ 2,001.92
Advnatage Administrators	All	Insurance	\$ 70.00
Bank IA	All	Insurance	\$ 12,977.96
Delta Dental	All	Insurance	\$ 10,135.10
Great Southern Bank	Park/Golf	Service Fees	\$ 351.09
Mutual of Omaha	All	Insurance	\$ 3,994.76
Payroll 1-15-18	All	Payroll	\$ 387,225.19
Payroll 12-31-17	All	Payroll	\$ 371,230.01
Payroll 1-31-18	All	Payroll	\$ 354,003.70
Payroll 2-15-18	All	Payroll	\$ 357,247.61
State of Iowa	Park/Golf/WPC/Landfill	Sales Tax	\$ 4,232.59
Wellmark BC/BS	All	Insurance	\$ 164,402.60

## City of Newton Council Report

**Item:** Resolution approving single performance agreements for both the 2018 Summer Concert Series at the Maytag Bowl and the July 4<sup>th</sup> activities at Agnes Patterson Park.

**Summary:** Approval of this resolution authorizes the Community Services Division to enter into performance agreements for two separate acts.

**Financial Impact:** \$2,200 from the Parks - Summer Concert Series budget; and \$1,650 from the Parks - Fireworks budget.



**Report Number:** 18-041

**Date:** February 19, 2018

**Lead Department/Division:**  
Community Services

**Recommendation:** Approve

### Background:

Dates have been set for the 2018 Summer Concert Series at the Maytag Bowl. The concerts will be held on Thursdays running from May 31, 2018 through August 2, 2018; with no concert scheduled for Thursday, July 5<sup>th</sup>. With Newton Fest's Talent Show scheduled for Thursday, June 7<sup>th</sup> at the Maytag Bowl, this leaves eight dates to book acts for. On February 5<sup>th</sup> City Council approved entering into performance agreements for seven of these eight dates. Included in this resolution is a performance agreement for the remaining act, Damon Dotson, on August 2, 2018. The \$2,200 cost of this performance will be paid from the Parks - Summer Concert Series budget.

Also included in this resolution is a performance agreement with Faculty Lounge for a performance on July 4<sup>th</sup> at Agnes Patterson Park. The \$1,650 cost of this performance will be paid from the Parks - Fireworks budget.

### Recommendation:

City Staff recommends approval of this resolution authorizing the Community Services Division to enter into single performance agreements for both the 2018 Summer Concert Series at the Maytag Bowl and the July 4<sup>th</sup> activities at Agnes Patterson Park.

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

Matt Muckler  
City Administrator

Attachment

**RESOLUTION NO. 2018-\_\_\_\_\_**

**RESOLUTION APPROVING SINGLE PERFORMANCE AGREEMENTS FOR BOTH THE 2018 SUMMER CONCERT SERIES AT THE MAYTAG BOWL AND THE JULY 4TH ACTIVITIES AT AGNES PATTERSON PARK**

**WHEREAS**, dates have been set for the 2018 Summer Concert Series at the Maytag Bowl; with the concerts to be held on Thursdays running from May 31, 2018 through August 2, 2018; and

**WHEREAS**, with no concert scheduled for Thursday, July 5<sup>th</sup> and Newton Fest's Talent Show scheduled for Thursday, June 7<sup>th</sup> at the Maytag Bowl, this leaves eight dates to book acts for; and

**WHEREAS**, on February 5<sup>th</sup> City Council approved entering into performance agreements for seven of these eight dates; and

**WHEREAS**, this resolution would approve a single performance agreement for the remaining act, Damon Dotson, on August 2, 2018; and

**WHEREAS**, said agreement's \$2,200 cost will be paid from the Parks - Summer Concert Series budget; and

**WHEREAS**, also included in this resolution is a single performance agreement with Faculty Lounge for a performance on July 4<sup>th</sup> at Agnes Patterson Park; and

**WHEREAS**, said agreement's \$1,650 cost will be paid from the Parks - Fireworks budget; and

**WHEREAS**, City Staff recommends approval of this resolution authorizing the Community Services Division to enter into single performance agreements for both the 2018 Summer Concert Series at the Maytag Bowl and the July 4<sup>th</sup> activities at Agnes Patterson Park.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Newton, Iowa, that this resolution is approved authorizing the Community Services Manager to execute the two separate performance agreements.

**PASSED** this \_\_\_\_\_ day of February 2018.

**APPROVED** this \_\_\_\_\_ day of February 2018.

\_\_\_\_\_  
Michael L. Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Davis, City Clerk

## City of Newton Council Report

**Item:** Resolution awarding contract for the Demolition 2018-01 Project.

**Summary:** Award of contract to complete abatement & demolition work at 523 & 525 W 4th St S, and 319 & 321 E 8th St S.

**Financial Impact:** \$129,744.55 from the Dangerous and Dilapidated (D&D) Building Program funds.



**Report Number:** 18-042

**Date:** February 19, 2018

**Lead Department/Division:** Community Services

**Recommendation:** Approve

### Background:

Curb appeal continues to be a focus of the City per the recommendations of the adopted comprehensive plan, Newton's Future. Abating dangerous buildings within the City is one way to improve the aesthetics of Newton neighborhoods.

The City acquired 523 & 525 W 4th St S, and 319 & 321 E 8th St S, with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program. The Community Services Division prepared plans and specifications for the proposed Demolition 2018-01 Project that included abatement and demolition at all properties. The following bids were opened on February 9, 2018:

Con-Struct Inc. – Marshalltown, Iowa	\$ 129,744.55
Lanphier Excavating – Reasnor, Iowa	\$ 133,154.50
Lansing Brother Construction Co. – Luxemburg, Iowa	\$ 151,450.00
Decarlo Demolition Co. – Des Moines, Iowa	\$ 159,875.00
Van Ryswyk Plumbing & Heating – Monroe, Iowa	\$ 160,600.00
Active Thermal Concepts – Hiawatha, Iowa	\$ 202,732.00

The apparent low bidder is Con-Struct Inc. of Marshalltown, Iowa. City staff's cost estimate for this project was \$129,825.00. The completion date of the project is April 30, 2018. \$129,744.55 in Dangerous and Dilapidated Building Program funds will be used to pay for the abatement and demolition work at the four properties.

### Recommendation:

City Staff recommends that Council award the project to Con-Struct Inc. of Marshalltown, Iowa in the amount of \$129,744.55.

Matt Muckler  
City Administrator

Attachment

RESOLUTION NO. 2017-\_\_\_\_\_

**RESOLUTION AWARDING CONTRACT  
FOR THE DEMOLITION 2017-02 PROJECT**

**WHEREAS**, the City of Newton acquired 523 & 525 W 4th St S, and 319 & 321 E 8th St S, with the intent to demolish the structures on these properties through the Dangerous and Dilapidated Program; and

**WHEREAS**, the City of Newton Community Services Division prepared abatement and demolition plans and specifications for the Demolition 2018-01 Project, and put said project out to bid; and

**WHEREAS**, City staff recommends that the City of Newton award a contract to Con-Struct of Marshalltown, Iowa for the Demolition 2018-01 Project based on the low responsive, responsible bid received in the amount of \$129,744.55.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Newton, Iowa, that the bid of Con-Struct of Marshalltown, Iowa, in the amount of One Hundred Twenty-Nine Thousand, Seven Hundred Forty-Four Dollars and Fifty-Five Cents (\$129,744.55) for the Demolition 2018-01 Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Newton, Iowa, that the Contract and Bond executed by Con-Struct of Marshalltown, Iowa for the Demolition 2018-01 Project as described by the plans and specifications filed in the office of the City Clerk, said contract to be signed by the Mayor and City Clerk on behalf of the City, be and the same are hereby approved. The City shall utilize the Dangerous and Dilapidated Building Program funds to pay for the abatement and demolition work at the four properties.

**PASSED** this \_\_\_\_\_ day of February 2018.

**APPROVED** this \_\_\_\_\_ day of February 2018.

\_\_\_\_\_  
Michael L. Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Davis, City Clerk

## City of Newton Council Report



**Item:** Resolution approving a Professional Services Agreement with Bolton & Menk, Inc. to provide a preliminary topographic survey and preliminary boundary survey for the proposed Barton Property subdivision development.

**Summary:** The proposal is to hire Bolton & Menk to complete initial survey work needed to develop site plans and an initial preliminary subdivision plat.

**Financial Impact:** \$10,200 paid from the general fund, with the Fairmeadows TIF District paying back the general fund as lot sales occur.

**Report Number:** 18-043

**Date:** February 19, 2018

**Lead Department/Division:** Community Services

**Recommendation:** Approval

### Background:

To further expand the residential subdivision area in northeast Newton, the City has partnered with the Newton Housing Development Corporation in efforts to secure approximately 71 acres from the Barton family estate. The Barton property is located south of N 11<sup>th</sup> Ave E, west of Agnes Patterson Park and north of Fairmeadows North Plats 6 and 8. Prior to any subdivision platting, preliminary survey information is needed to prepare concept or staging plans for initial plat layouts.

Bolton & Menk's proposal includes a topographic survey of the Barton property for \$6,800, and a preliminary boundary survey for \$3,400. This initial survey work would encompass the entire 71 acres, thereby reducing the need or extent of future site surveys as later stages of the 71 acre parcel are platted and developed. This initial survey work should be completed prior to spring planting to avoid a delay in design and layout work.

The \$10,200 cost of this Professional Services Agreement with Bolton & Menk would be paid from the general fund, with the Fairmeadows TIF District paying back the general fund as lot sales occur.

### Recommendation:

Staff recommends approval of the Resolution.

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

Matt Muckler  
City Administrator

**RESOLUTION NO. 2018 – \_\_\_\_\_**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC. TO PROVIDE A PRELIMINARY TOPOGRAPHIC SURVEY AND PRELIMINARY BOUNDARY SURVEY FOR THE PROPOSED BARTON PROPERTY SUBDIVISION DEVELOPMENT.**

**WHEREAS**, to further expand the residential subdivision area in northeast Newton, the City has partnered with the Newton Housing Development Corporation in efforts to secure approximately 71 acres from the Barton family estate; and

**WHEREAS**, the Barton property is located south of N 11th Ave E, west of Agnes Patterson Park and north of Fairmeadows North Plats 6 and 8; and

**WHEREAS**, prior to any subdivision platting, preliminary survey information is needed to prepare concept or staging plans for initial plat layouts; and

**WHEREAS**, Bolton & Menk, Inc. has prepared a professional services agreement which includes a topographic survey of the Barton property for \$6,800, and a preliminary boundary survey for \$3,400; and

**WHEREAS**, this initial survey work would encompass the entire 71 acres, thereby reducing the need or extent of future site surveys as later stages of the 71 acre parcel are platted and developed; and

**WHEREAS**, this initial survey work should be completed prior to spring planting to avoid a delay in design and layout work.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Newton, Iowa, that the attached professional services agreement with Bolton & Menk, Inc. is hereby approved in the amount of \$10,200.00; and is to be paid from the general fund, with the Fairmeadows TIF District paying back the general fund as lot sales occur.

**PASSED** this \_\_\_\_\_ day of February 2018.

**APPROVED** this \_\_\_\_\_ day of February 2018.

\_\_\_\_\_  
Michael L. Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Katrina Davis, City Clerk



# PROFESSIONAL SERVICES AGREEMENT

by and between

**BOLTON & MENK, INC.**  
**309 E 5<sup>th</sup> Street, Ste 202**  
**Des Moines, IA 50309**  
**Ph. (515) 259-9190**  
**Fax (515) 233-4430**

(hereinafter referred to as BMI)  
and

Date of Agreement: 02/19/2018
Agreement Number: A13114654
Project Location: Newton, IA

Client	
Name: <u>City of Newton</u> Address: <u>1700 N 4<sup>th</sup> Ave W</u> Address: _____ City: <u>Newton</u> State <u>Iowa</u> Zip <u>50208</u> <small>(hereinafter referred to as Client)</small>	Phone No.: (641) 792-6622  Fax No.: (641) 792-0670

<input checked="" type="checkbox"/> Agent or Person Ordering Services and/or <input type="checkbox"/> Billing Address (if different)	
Agent or Person Ordering Services: <u>Brian Laube, Community Services Director</u> Address: _____ City: _____ State _____ Zip _____	Phone No.: _____  Fax No.: _____

Fee Arrangement
Individual task fees per Exhibit 1

Scope/Intent and Extent of Services
See attached scope of services (Exhibit 1) for the Barton Property Survey.

Special Conditions
The services described in this Work Order will be consistent with the terms and conditions described in the Agreement for Professional Services between Bolton & Menk and the City of Newton dated August 21 <sup>st</sup> , 2017 and approved by the Newton City Council on August 21 <sup>st</sup> , 2017 unless modified by this Work Order.

BMI and Client agree to the Terms and Conditions as stated above and on the reverse side of this Agreement. The below signed represents that he or she has been authorized to accept this agreement on behalf of the Client and assumes financial responsibility for all services in the event of default by the Client.

Offered by: Bolton & Menk, Inc.

Accepted by: City of Newton, Iowa

\_\_\_\_\_  
Chadd Kahlsdorf P.E., PMP  
Project Manager

\_\_\_\_\_  
Michael L. Hanson  
Mayor



Real People. Real Solutions.

309 E 5th Street  
Suite 202  
Des Moines, IA 50309-1981

Ph: (515) 259-9190  
Fax: (515) 233-4430  
Bolton-Menk.com

EXHIBIT 1  
CONSULTANT SERVICES  
Barton Property Survey Services  
NEWTON, IOWA

## SCOPE OF SERVICES

Bolton & Menk, Inc., hereafter CONSULTANT, agrees to provide professional services required for the Barton Property Survey.

The basic improvements anticipated as part of this Agreement consists of a topographic survey and preliminary boundary line survey. Work will be performed at the agreed to reduced rate per the City Engineering Services Agreement

## BASIC SERVICES

For purposes of this Project, Basic Services to be provided by the CONSULTANT are as follows:

### TASK ONE: Survey Services

**Description:** The Bolton & Menk will gather pertinent field information on existing infrastructure, adjacent buildings, signs, landscaping, trees, driveways, public utilities and private small utilities. Underground utility information will be located and described per available as-builts, field markings, and private utility map information facilitated through Iowa One Call. Manhole reports will also be completed for located manholes and intakes. Right-of-way and property lines will be illustrated based on found field monumentation and plat information received from the City and/or County.

Bolton & Menk will also perform preliminary boundary line research and locate existing property pins for the adjacent property to the Barton Property.

#### **Deliverables:**

Topographic survey information in AutoCAD format

#### **Fee:**

<b>Topographic Survey:</b>	<b>\$ 6,800</b>
<b>Preliminary Boundary Survey:</b>	<b>\$ 3,400</b>
<b>Total</b>	<b><u>\$10,200</u></b>