

Agenda: Newton City Council

City Council Meeting

Council Chambers, 101 W 4th St S., Newton, IA 50208
Mediacom Channels: 12/85/121.12, Website Livestream:
Newtongov.org / I want to “view” Livestream of City Council
Meetings (www.newtongov.org/cablecast).

August 15, 2022 6:00 p.m.

- | | |
|------------------------------|--|
| Pledge | Pledge of Allegiance |
| Call to Order | 1. Roll Call |
| Presentations | 2. Library Roof – Nicole Terry, Library Director & Studio Melee
3. Airport on Race Weekend - Ethan Nasalroad, Johnson Aviation |
| Citizen Participation | 4. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. After being recognized by the Mayor, each person will be given three (3) minutes to speak. Comments and/or questions must be related to City 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 | 5. August 1, 2022 Regular City Council Meeting Minutes
6. Approve Liquor License for the following: Ownership updates, Newton Post No. 111, The American Legion, 1101 W 4 th St S.
7. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-07). (Council Report 22-235)
8. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-08). (Council Report 22-236)
9. Resolution approving the purchase of a sprayer for the Community Services Department. (Council Report 22-237)
10. Resolution awarding contract for the City of Newton 2022 Roofing Project No. 1. (Council Report 22-238)
11. Resolution directing sidewalk repairs at 1300 1st Ave E. (Council Report 22-239)
12. Resolution approving a telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2801 Rusty Wallace Dr. (Council Report 22-240)
13. Resolution approving purchase of a Sewer Line Rapid Assessment Tool. (Council Report 22-241)
14. Resolution Approving a Funding Request of \$3,000 to the South Skunk Blues Society for the 2022 Bowlful of Blues. (Council Report 22-242)
15. Resolution approving the purchase of CivicClerk software. (Council Report 22-243)
16. Approve Bills |

Public Hearing

17. Public Hearing on Resolution to Approve Urban Renewal Plan Amendment for the North Central Urban Renewal Area. (Council Report 22-244)
 - The City Council has created the North Central Urban Renewal Area and approved an urban renewal plan for the 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.
 - An amendment to the plan has been prepared which consists of updates to the Downtown Micro-Grant program, updates the description of the manufactured gas plant remediation project, and pay the costs of constructing a pedestrian walkway and parking improvements on, along and adjacent to the 300 block of North 3rd Avenue West.
18. Resolution to Approve Urban Renewal Plan Amendment for the North Central Urban Renewal Area. (Council Report 22-244)
19. Public Hearing on a Resolution awarding contract for the 2022 Union Cemetery Paving Project. (Council Report 22-245)
 - The recent platting of new Veterans Section 3 (V-3) at Union Cemetery requires the construction of roads around said section before it is opened for burials.
 - As part of this proposed project, some minor pavement is being included at the center of V-3 for the planned memorial area, along with a small area of pavement repair near V-2.
 - City Staff recommends that Council award a contract to TK Concrete of Pella, Iowa in the amount of \$135,837.00.
20. Resolution awarding contract for the 2022 Union Cemetery Paving Project. (Council Report 22-245)

Resolution

21. Resolution to Approve Additional Quantities to the Contract for the Newton City Hall Parking Lot Reconstruction Project. (Council Report 22-246)
 - Council approved resolution 22-106 awarding the contract to TK Concrete for reconstruction of the City Hall lots in the amount of \$495,000.
 - As construction has moved forward, additional rock was needed for the base in front of the Fire Department in the amount of \$11,000.
 - In addition, a portion of the Police parking lot on the northwest side of the property was thought to be in good condition, however, during demolition of adjacent concrete, cracks appeared and the concrete has risen creating a hazard that will need to be replaced in the very near future. It is recommended to replace this section of the parking lot in the amount of \$42,000 based on the existing contracted price per quantity.

Discussion

22. UTV/ATV

Mayor/Council Comments

- 23.

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
AUGUST 01, 2022, 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. Mayor Hansen presided. Present Council Members: Hallam, Dalton, George, Ervin, Trotter, Wade. Absent: None.

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

Emily Thomason, Newton Main Street spoke regarding the Newton Main Street Economic Vitality Committee's proposal for Harmony Park. Bryce Heitman spoke regarding the surveys that were distributed to the community.

During citizen participation Max Tipton, 1903 S 3rd Ave E, spoke regarding the dog attack on his wife and is concerned the code is in favor of the dog. Nancy Sorbella, acquired 427 N 3rd Ave E, is restoring the property. Dan Nieland, 1215 N 67th Ave W, spoke regarding the Bowl full of Blues that will be happening at the Maytag Bowl. It will be 30 years old this year. They are asking for a \$3000 donation to the South Skunk Blues Society to help with the production and promotional costs.

Moved by Wade, seconded by Trotter to approve consent agenda items 5-12.

5. July 18, 2022 Regular City Council Meeting Minutes
6. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-07). Resolution 2022-220 adopted.
7. Resolution accepting completion of the Former Manufactured Gas Plant Site 2021 Remediation Project. Resolution 2022-221 adopted.
8. Resolution authorizing the submission of an application for Iowa Traffic Safety Improvement Program funding for ADA signal upgrades. Resolution 2022-222 adopted.
9. Resolution awarding contract for the Sanitary Sewer Manhole Restoration Project 2022-01. Resolution 2022-223 adopted.
10. Resolution approving a Telecommunications Licensing Agreement with Unite Private Networks – UPN 5077. Resolution 2022-224 adopted.
11. Resolution approving the Farm to Table Special Events Application. Resolution 2022-225 adopted.
12. Approve Bills.

AYES: Six. NAYS: None. Consent Agenda was adopted.

Moved by Hallam, seconded by George to approve the Third Consideration of an Ordinance vacating and disposing of the full width of the east-to-west South 7th Avenue East roadway located between the 600 and 700 blocks of East 27th Street South, City of Newton, Jasper County, Iowa. AYES: Six. NAYS: None. Third consideration was approved. Moved by Hallam, seconded by Trotter to approve the Ordinance. AYES: Six. NAYS: None. Ordinance 2417 was adopted.

Moved by Trotter, seconded by Ervin to approve the Third Consideration of an Ordinance adding Title XI, Chapter 120 - Natural Gas Franchise to the Newton Code of Ordinances 2016, granting to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, its successors and assigns, a nonexclusive twenty-five year franchise to construct, operate, maintain, and extend a natural gas distribution system in the City of Newton, Iowa. AYES: Six. NAYS: None. Third consideration was approved. Moved by George, seconded by Ervin to approve the Ordinance. AYES: Six. NAYS: None. Ordinance 2418 was adopted.

Moved by Hallam, seconded by Trotter to adopt the Resolution dispensing with the special election requirement on the matter of granting a gas franchise to Black Hills/Iowa Gas Utility Company, LLC, d/b/a Black Hills Energy. AYES: Six. NAYS: None. Resolution 2022-226 adopted.

Moved by George, seconded by Trotter to adopt the Resolution Approving a Contract for Professional Community and Economic Development Services with the Newton Development Corporation for Fiscal Year 2022-23. AYES: Six. NAYS: None. Resolution 2022-227 adopted.

Moved by George, seconded by Hallam to adopt the Resolution approving an economic development grant agreement with the Newton Development Corporation (NDC) for the acquisition of 1311 1st Avenue East. AYES: Six. NAYS: None. Resolution 2022-228 adopted.

Moved by George, seconded by Hallam to adopt the Resolution amending the eligibility boundary for the Newton Downtown Improvement Grant and Downtown Housing Grant Programs. AYES: Six. NAYS: None. Resolution 2022-229 adopted.

Moved by Ervin, seconded by Trotter to adopt the Resolution to approve creating a temporary Firefighter/Paramedic position in the Fire Department. AYES: Six. NAYS: None. Resolution 2022-230 adopted.

Police Chief Burdess provided council with a mid-year report and Administrative Services Manager, Katrina Davis provided council with information on the plan to change payroll from semi-monthly to bi-weekly.

During Mayor/Council comments Ervin stated that there are a lot of positive things and events happening in Newton this summer. He is excited about the Bowlful of Blues and indicated that PGI had their first public night on Sunday. It was a great project, and the attendees are coming out and supporting the community. Mayor Hansen shared his experience at the Indy race and praised Hy-Vee for the fantastic support of the event. He also praised all the volunteers and all those that take the time to be involved in the town and that bring events to the community. He thanked the individuals in Public Safety for being prepared and ensuring we don't have serious problems. Wade thanked Erin Yeager and Main Street as well as Craig Armstrong for being such a big part of the PGI tour.

At 7:44 p.m. it was moved by George, seconded by Trotter to go into closed session to Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2022. AYES: Six. NAYS: None. Motion passed and council took a five minute recess to clear the council chambers.

At 8:11 p.m. council returned to open session and at 8:12 p.m. it was moved by Wade seconded by Trotter to go into closed session to Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2022 on another matter. AYES: Six. NAYS: None. Motion passed.

Upon returning to open session at 8:33 p.m. it was moved by Hallam, seconded by Trotter to adjourn the meeting at 8.33 P.M. Motion unanimously carried by voice vote.

Michael L. Hansen, Mayor

Katrina Davis, City Clerk

City of Newton Council Report



Item:

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 22-07).

Report Number: 22-235

Date:

August 15, 2022

Summary:

The City of Newton abated some nuisances, such as tall grass/weeds, unshoveled sidewalks, 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: \$3,989.07

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 \$3,989.07. 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 22-07).

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 22-07)**

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. 22-07 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 22-07, 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 September 14, 2022, 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 August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-07: Assessment for the Expenses for Nuisance Abatement

Deed/Contract Holder	Parcel Number	Property Address	City	Net Assessed Property Value	Abatement Fee	Admin. Fee	Total Amount Assessed	Legal	Date Abated
Farrell Properties Inc	827326018	812 1st St N	Newton	\$93,920	\$60.00	\$75.00	\$135.00	NORTH ADD S 114.18' OF W 132' LOT 14	6/5/2022
RC Homes LLC	827477009	901 N 6th Ave E	Newton	\$56,980	\$60.00	\$60.00	\$120.00	LONG'S SD LOT 21	6/5/2022
Jerome Morris	834162005	324 W 3rd St S	Newton	\$189,610	\$60.00	\$60.00	\$120.00	ORIGINAL PLAT LOT 6 OUTLOT 16	6/5/2022
Ruth Stewart	833102012	211 W 16TH ST N	Newton	\$101,570	\$479.07	\$100.00	\$579.07	HILLCREST PLACE LOT 9 BLK A	6/3/2022
Sara Diane Baker	827104005	104 N 16th Ave W	Newton	\$48,260	\$90.00	\$75.00	\$165.00	NELSON'S SD LOT 13	6/3/2022
Aubrey Barney	1304202012	1108 S 14th Ave W	Newton	\$198,210	\$60.00	\$100.00	\$160.00	ELM PARK PLACE PLAT NO. 2 LOT 40	6/11/2022
Dolan & Dixie Cowden	826380007	612 E 17th St N	Newton	\$174,960	\$60.00	\$75.00	\$135.00	FRANKLIN PARK ADD PLAT IV, LOT 50 & N 9' LOT 49	6/11/2022
Farrell Properties Inc	834303022	611 W 2nd St S	Newton	\$92,170	\$150.00	\$75.00	\$225.00	STONE'S ADD LOT 21	6/10/2022
Harold Livengood	833453002	1100 Woodland Drive	Newton	\$225,930	\$210.00	\$75.00	\$285.00	ELM PARK AMENDED PLAT LOT 4 SECTION G EX E 20'	6/10/2022
Randy Cline	835426029	701 E 24th St S	Newton	\$73,480	\$120.00	\$75.00	\$195.00	AURORA HEIGHTS SD LOT 14 BLK O	6/11/2022
Golden Hammer Contractors	834279017	900 S 5th Ave E	Newton	\$22,570	\$60.00	\$75.00	\$135.00	LUSK'S SD LOT C	6/16/2022
Golden Hammer Contractors	834281034	1106 S 5th Ave E	Newton	\$21,440	\$60.00	\$75.00	\$135.00	JONES' SD E 1/2 OF S 178' LOT A BLK U	6/16/2022
Allen Majors	834327004	518 E 2nd St S	Newton	\$134,140	\$45.00	\$75.00	\$120.00	CLAUSSEN'S SD LOT 4 BLK 2	6/16/2022
Betty Snodgrass	833104014	1600 1st Ave W	Newton	\$47,410	\$45.00	\$75.00	\$120.00	LEEPER'S HIGHLAND ADD W 60' LOT 14 BLK 3	6/16/2022
Linda Rice	835402011	514 E 20th St S	Newton	\$118,780	\$120.00	\$75.00	\$195.00	AURORA HEIGHTS SD LOT 11 BLK E	6/22/2022
Farrell Properties Inc	827326018	812 1st St N	Newton	\$93,920	\$180.00	\$100.00	\$280.00	NORTH ADD S 114.18' OF W 132' LOT 14	6/22/2022
Donald & Janelle Darrah	833479017	1017 W 4th St S	Newton	\$45,480	\$60.00	\$75.00	\$135.00	CARRIER'S MEADOWS N 50' OF S 105' LOT B BLK 1	6/22/2022
Raul Lopez	834201019	604 N 3rd Ave E	Newton	\$73,260	\$30.00	\$75.00	\$105.00	COONEY'S SD LOT T EX 50' X 132' IN SW COR	6/22/2022
Sara Diane Baker	827104005	104 N 16th Ave W	Newton	\$48,260	\$90.00	\$100.00	\$190.00	NELSON'S SD LOT 13	6/28/2022
Michael Whelan	833484007	501 S 11th Ave W	Newton	\$143,790	\$60.00	\$75.00	\$135.00	CARRIER'S MEADOWS LOT 19 EX E 10.25' & E 30.75' LOTS 10 & 13 BLK A	6/28/2022
RC Homes LLC	827477009	901 N 6th Ave E	Newton	\$56,980	\$60.00	\$100.00	\$160.00	LONG'S SD LOT 21	6/28/2022
Ruth Stewart	833102012	211 W 16TH ST N	Newton	\$101,570	\$60.00	\$100.00	\$160.00	HILLCREST PLACE LOT 9 BLK A	6/28/2022
Total							\$3,989.07		

City of Newton Council Report



Item:

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 22-08).

Report Number: 22-236

Date:

August 15, 2022

Summary:

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

Lead Department:
Community Services

Recommendation:
Approve

Financial Impact:

Cost Recovery: \$2,927.70

Background:

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

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

Recommendation:

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

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS (SCHEDULE NO. 22-08)

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 22-08: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 22-08: Assessment for the Expenses for Nuisance Abatement; and

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

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 22-08: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 22-08: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 22-08: 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
Lucas Foulk	833433013	613 W 5th St S	Newton	\$57,800	\$150.00	\$75.00	\$225.00	W C GUNNS SD LOT 3	6/29/2022
Westward Tax Service	1303202004	619 S 13th Ave E	Newton	\$10,290	\$180.00	\$75.00	\$255.00	LISTER'S ACRES E 1/2 LOT 5 EX W 2' OF N 1/2 & E 2' OF S 1/2 OF W 1/2 LOT 5	6/29/2022
Kenneth Kirk	827476009	726 E 8th St N	Newton	\$43,840	\$602.70	\$75.00	\$677.70	NORTH EAST ADD LOT D OF LOT 3 & N 1/2 LOT E OF LOT 3	6/30/2022
Donald & Janelle Darrah	834277010	925 1st Ave E	Newton	\$68,260	\$90.00	\$75.00	\$165.00	ENGLE'S SD LOT 19	7/7/2022
Lucas Foulk	833433013	613 W 5th St S	Newton	\$57,800	\$60.00	\$75.00	\$135.00	W C GUNNS SD LOT 3	7/7/2022
Patrick Frantz	1304128025	1404 W 13th St S	Newton	\$181,950	\$90.00	\$90.00	\$180.00	ROBISON'S ADD LOT 21	7/7/2022
Erik Kolman	835401015	503 E 20th St S	Newton	\$94,820	\$170.00	\$75.00	\$245.00	AURORA HEIGHTS SD LOT 5 BLK B	7/8/2022
Jerome Morris	834162005	324 W 3rd St S	Newton	\$189,610	\$60.00	\$100.00	\$160.00	ORIGINAL PLAT LOT 6 OUTLOT 16	7/12/2022
Rogue 22 LLC	834160010	321 W 3rd St S	Newton	\$209,650	\$60.00	\$100.00	\$160.00	PARDOE'S SD OUTLOT 15 S 74.25' LOTS 7-8 BLK 1 EX N 3' OF W 35' OF S 74.25' LOT 7	7/12/2022
Farrell Properties Inc	834303022	611 W 2nd St S	Newton	\$92,170	\$60.00	\$100.00	\$160.00	STONE'S ADD LOT 21	7/12/2022
Allen Majors	834327004	518 E 2nd St S	Newton	\$134,140	\$60.00	\$100.00	\$160.00	CLAUSSEN'S SD LOT 4 BLK 2	7/12/2022
RC Homes LLC	1303202011	1500 E 6th St S	Newton	\$23,830	\$60.00	\$75.00	\$135.00	LISTER'S ACRES LOT 35	7/14/2022
RC Homes LLC	1303202010	1404 E 6th St S	Newton	\$26,080	\$60.00	\$75.00	\$135.00	LISTER'S ACRES LOTS 27 & 30	7/14/2022
RC Homes LLC	1303202009	1400 E 6th St S	Newton	\$23,830	\$60.00	\$75.00	\$135.00	LISTER'S ACRES LOT 22	7/14/2022
Total							\$2,927.70		

City of Newton Council Report

Item: Resolution approving the purchase of a sprayer for the Community Services Department.

Summary: Purchasing a small sprayer unit for use in the parks, golf course, and cemetery.

Financial Impact: \$13,735.00 paid from the FY-23 General Fund Budget.



Report Number: 22-237

Date: August 15, 2022

Lead Department:
Community Services

Recommendation:
Approve

Background:

The Community Services Department is responsible for the maintenance of athletic fields, parks, cemeteries, golf course, and various city-owned properties. This proposed equipment purchase will make the process of spraying the cemetery and other larger areas more efficient.

The purchase of this piece of equipment was included in the City's most-recent Capital Improvement Plan (CIP).

Staff sought quotes for comparable units from different vendors, with the following quotes received:

Brand	Vendor	Price
Scag STS60-21BV	Prairie Ag Supply – Prairie City	\$13,735.00
Exmark ZS5260	Prairie Ag Supply – Prairie City	\$14,979.00
Steel Green 52S	Siouxland Turf Products – Sioux City	\$17,110.00

With this specialized piece of equipment, no local vendors were able to supply a quote.

Recommendations:

City Staff recommends authorizing the Community Services Director to purchase the Scag STS60-21BV from Prairie Ag Supply of Prairie City, Iowa for \$13,735.00 utilizing budgeted funds from the FY-23 General Fund Budget.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

**RESOLUTION APPROVING THE PURCHASE OF A SPRAYER FOR
THE COMMUNITY SERVICES DEPARTMENT**

WHEREAS, the Community Services Department is responsible for the maintenance of athletic fields, parks, cemeteries, golf course, and various city-owned properties; and

WHEREAS, this proposed equipment purchase will make the process of spraying the cemetery and other larger areas more efficient; and

WHEREAS, the purchase of this piece of equipment was included in the City's most-recent Capital Improvement Plan (CIP); and

WHEREAS, Staff sought quotes for comparable units from different vendors, with the following quotes received:

<u>Brand</u>	<u>Vendor</u>	<u>Price</u>
Scag STS60-21BV	Prairie Ag Supply – Prairie City	\$13,735.00
Exmark ZS5260	Prairie Ag Supply – Prairie City	\$14,979.00
Steel Green 52S	Siouxland Turf Products – Sioux City	\$17,110.00

; and

WHEREAS, with this specialized piece of equipment, no local vendors were able to supply a quote.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Community Services Director is authorized to purchase the Scag STS60-21BV from Prairie Ag Supply of Prairie City, Iowa for \$13,735.00 utilizing budgeted funds from the FY-23 General Fund Budget.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report



Item:

Resolution awarding contract for the City of Newton 2022 Roofing Project No. 1

Report Number: 22-238

Date:

August 15, 2022

Summary:

This resolution awards a contract for roofing repairs at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant.

Lead Department:

Community Services

Recommendation:

Approve

Financial Impact:

\$17,327.00 to be paid using insurance payments from ICAP.

Background:

On March 5, 2022 a tornado caused roof damage to four City-owned buildings. These included buildings located at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant.

Community Services staff prepared a bid package for said work and sought bids from numerous contractors in central Iowa. The following bids were received on August 4, 2022:

Robison Construction – Cedar Rapids, IA	\$17,327.00
Procrafters Roofing – Allison, IA	\$20,030.00

The insurance adjustor's estimate was \$17,586.02. The apparent low bidder is Robison Construction of Cedar Rapids, Iowa. The project completion date is November 15, 2022. Project costs are to be paid by insurance payments.

Recommendation:

City Staff recommends that Council award a contract to Robison Construction of Cedar Rapids, Iowa in the amount of \$17,327.00.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION AWARDING CONTRACT FOR THE CITY OF NEWTON 2022
ROOFING PROJECT NO. 1**

WHEREAS, on March 5, 2022 a tornado caused roof damage to four City-owned buildings; and

WHEREAS, these included buildings located at Woodland Park, the Lambs Grove Pump Station, and the Water Pollution Control Plant; and

WHEREAS, Community Services staff prepared a bid package for said work and sought bids from numerous contractors in central Iowa; and

WHEREAS, the following bids were received on August 4, 2022:

Robison Construction – Cedar Rapids, IA \$17,327.00

Procrafters Roofing – Allison, IA \$20,030.00

; and

WHEREAS, City staff recommends that the City of Newton award a contract to Robison Construction of Cedar Rapids, Iowa for the City of Newton 2022 Roofing Project No. 1 based on the low responsive, responsible bid received in the amount of \$17,327.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid from Robison Construction of Cedar Rapids, Iowa in the amount of Seventeen Thousand, Three Hundred Twenty-Seven Dollars and Zero Cents (\$17,327.00) for the City of Newton 2022 Roofing Project No. 1, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project; and that the project will be paid for using insurance payments from ICAP.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by Robison Construction of Cedar Rapids, Iowa for the City of Newton 2022 Roofing Project No. 1 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.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution directing sidewalk repairs at 1300 1st Ave E.

Report Number: 22-239

Date:

August 15, 2022

Summary:

City Council directs the owners of 1300 1st Ave E to replace defective sidewalk by September 15, 2022.

Lead Department:

Community Services/Public Works

Recommendation:

Approve

Financial Impact:

none

Background:

In following up on a complaint received from the public about defective sidewalk, staff inspected the sidewalk at 1300 1st Ave E recently and found a 21 foot long section of public sidewalk along 1st Ave E to be defective and in violation of City Code Section 154.017 - *Responsibility for Maintenance*. Said code section states *"It shall be the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street."*

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

City staff has already sent an initial notice of violation to the property owners. Approval of this resolution will cause the official notice required by City Code to be served by certified mail, and approve abatement actions should the violation remain uncorrected after September 15, 2022.

Recommendation:

City Staff recommends approval of the resolution directing sidewalk repairs at 1300 1st Ave E.

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

Matt Muckler
City Administrator

RESOLUTION 2022- _____

RESOLUTION DIRECTING SIDEWALK REPAIRS AT 1300 1ST AVE E

WHEREAS, in following up on a complaint received from the public about defective sidewalk, staff inspected the sidewalk at 1300 1st Ave E recently and found a 21 foot long section of public sidewalk along 1st Ave E to be defective and in violation of City Code Section 154.017 - Responsibility for Maintenance; and

WHEREAS, said code section states *“It shall be the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.”*; and

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

WHEREAS, City staff has already sent an initial notice of violation to the property owners.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Community Services Director shall serve notice of violation by certified mail, on behalf of City Council, to the owners of 1300 1st Ave E.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the code violation, if not corrected by September 15, 2022, shall be abated and costs assessed to the property owners as written in City Code Section 154.019.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving a telecommunications Licensing Agreement with Windstream Iowa Communications, LLC – 2801 Rusty Wallace Dr.

Report Number: 22-240**Date:**

August 15, 2022

Summary:

Approving agreement with Windstream Iowa Communications, LLC to utilize public right-of-way for the extension of an existing communications network.

Lead Department:

Public Works

Recommendation:

Approve

Financial Impact:

\$138.00 agreement fee to be paid to the City by Windstream.

Background:

Windstream Iowa Communications, LLC of Little Rock, Arkansas is proposing an extension of their existing telecommunications system in Newton. The proposed route will begin at an existing fiber optic hand hole located on the south side of Rusty Wallace Dr then continues east along the south side of Rusty Wallace Dr to a proposed hand hole near the entrance to the Newton Municipal Airport.

The proposed underground portion of the route includes 2,300 LF of improvements in the City of Newton right-of-way. Based on the rates City Council established in Resolution No. 2022-048 passed on February 21, 2022, the licensing fee for the portion of this line in City of Newton right-of-way is \$138.00.

The Public Works Department has reviewed the route of the proposed improvements, and will be working with Windstream Iowa Communications, LLC and their installation contractor to eliminate conflicts with existing utilities and other possible future improvements. All construction work and surface restoration proposed on this project will be subject to this agreement, along with a separate right-of-way excavation permit issued by the Public Works Department.

Recommendation:

Approval of the telecommunications licensing agreement with Windstream Iowa Communications, LLC of Little Rock, Arkansas.

Matt Muckler

City Administrator

RESOLUTION 2022- _____

RESOLUTION APPROVING A TELECOMMUNICATIONS LICENSING AGREEMENT WITH WINDSTREAM IOWA COMMUNICATIONS, LLC – 2801 RUSTY WALLACE DR

WHEREAS, Windstream Iowa Communications, LLC of Little Rock, Arkansas has requested the use of City owned right-of-way for the construction and maintenance of a telecommunications system; and

WHEREAS, said telecommunications system would be an extension of an existing communications system installed previously; and

WHEREAS, said telecommunications system will begin at an existing fiber optic hand hole located on the south side of Rusty Wallace Dr then continues east along the south side of Rusty Wallace Dr to a proposed hand hole near the entrance to the Newton Municipal Airport; and

WHEREAS, the proposed underground portion of the route includes 2,300 LF of improvements in the City of Newton right-of-way; and

WHEREAS, the City of Newton has prepared a licensing agreement for the construction and maintenance of said telecommunications system based on that portion of said telecommunications system inside the City right-of-way; and

WHEREAS, based on the rates City Council established in Resolution No. 2022-048 passed on February 21, 2022; the licensing fee for the portion of this line in City of Newton right-of-way is \$138.00; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the City hereby authorizes the Mayor and City Clerk to execute the attached Licensing Agreement with Windstream Iowa Communications, LLC of Little Rock, Arkansas.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

A LICENSE TO UTILIZE PUBLIC RIGHT-OF-WAYS FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A FIBER OPTIC NETWORK

SECTION 1. DEFINITIONS

- a. "City" shall mean the City of Newton, Iowa and, where appropriate, shall include its officers, employees and agents.
- b. "Public Improvements" shall mean any improvements as defined in Code of Iowa Section 384.95, including but not limited to paving, sidewalks, grass, vegetation, trees, street lights, traffic signals, water mains, sewers, electric transmission lines and equipment related thereto, and in addition public utilities, on Public Property.
- c. "Public Property" shall mean City-owned or controlled public rights-of-way, easements, bridges, squares or commons.
- d. "Licensee" shall mean Windstream Iowa Communications, LLC and shall include all equipment owned, operated, leased or subleased in connection with the operation of the network, and shall include but not be limited to poles, overhead or underground wires, pipes, overhead or underground cables, underground conduits, ducts, manholes, vaults, fiber optic cables, and other structures or appurtenances.

SECTION 2. BASIC GRANT

Licensee is hereby granted a license to construct, maintain, inspect, protect, repair, replace and retain a communications system in, under, upon, along and across the Public Property shown and identified in Exhibit A hereto, subject to the regulatory powers of the City and subject to the conditions hereinafter set forth.

SECTION 3. TERM OF LICENSE

This License shall consist of two separate duration periods, a construction period and a maintenance period. Both periods commence on the execution of the license by both parties.

Construction – Licensee shall have a period of 18 months to put into place the utilities, which Licensee has provided the details on pursuant to other sections of this License.

Maintenance - Licensee shall have the right under this License, after providing proper notice to the City, to maintain/repair its existing utilities. The expansion of (either in geography or in size/capacity) or upgrading of the utility is not considered maintenance/repair.

SECTION 4. FEES REQUIRED

- a. Licensee shall pay the City an administrative license fee in the amount of \$138.00 (One Hundred and Thirty-Eight dollars and Zero cents) for locations of new underground infrastructure, payable upon execution of this License, for use of the public property as shown in Exhibit "A" during the term of this License.

- b. If during the term of this License the City enacts an Ordinance requiring

compensation from telecommunications providers on a competitively neutral and nondiscriminatory basis for use of public property Licensee shall within sixty (60) days after request by City pay the fees required by such Ordinance, with the effective date of said ordinance being the starting date for the accrual of fees. Any fees paid during the term of this License, however, shall be credited toward the fees required by the Ordinance. If the Ordinance enacted requires fees for this transaction which are less than \$138.00, the City shall refund the excess of \$138.00 over the fees required under such Ordinance, provided, however, that in no event shall the amount refunded exceed the sum of \$2,000.00.

SECTION 5. PERMIT PROCESS FOR INSTALLATION, REPAIR, EXTENSION OR EXPANSION OF THE NETWORK

Before commencing any extension or expansion of its system, or any major repair work, or the installation of any new system in the City, the Licensee shall file with the Public Works Department of the City a written statement verifying the Public Property under which or upon which it proposes to extend, expand, install or repair its system. The statement shall be accompanied by a map, plan or specifications showing the proposed location of the system components with reference to streets and alleys and the location of other utilities, the size and dimensions of all facilities, and the distance above or beneath the surface of the ground it is proposed to repair or to lay the same. If the proposed locations of any facilities shall interfere with the reasonable and proper use, construction, reconstruction and maintenance of any public improvements or any existing public utility system component, or other structure upon or under public property, the Public Works Director shall within 30 days after the filing of such plan, map or specifications, note the changes necessary, eliminate all interference with a public improvement or existing public utility system facility and refer the same back to the Licensee for amendment. Such map, plan or specifications, when properly changed and corrected, shall be filed in the Public Works Department, and after the approval of the same by the Public Works Director, a permit shall be issued authorizing the Licensee to proceed in accordance with the approved maps, plans or specifications. No such excavation, construction or erection shall be commenced before the issuance of the permit herein provided for, unless it is an emergency as described in the Newton City Code, and all work shall be in accordance with the approved maps, plans or specifications.

SECTION 6. CONSTRUCTION AND REPAIR OF NETWORK

In the process of location, construction, reconstruction, replacement, or repair of any system component, the excavation or obstruction made or placed in public property at any time or for any purpose by the Licensee shall, to protect the public and to assure the safe and efficient movement of traffic, be properly barricaded to comply, at a minimum, with requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD). All pavement taken up or damaged or other disturbed areas shall be properly and speedily replaced in accordance with the City's Regulations. As a condition to use of Public Property, the Licensee shall at its own expense repair any private property, utility system component, public improvement or Public Property damaged by such location, construction, reconstruction, replacement or repair work, in a manner reasonably acceptable to City. If the Licensee fails to repair or arrange with the City for the proper repair of any Public Property after excavations have been made, and after seven days' notice in writing to do so is given to its designated representative, the City may make such repairs at the expense of the

Licensee.

SECTION 7. EXCAVATIONS

The Licensee is authorized to make excavations in City streets, avenues, alleys and public property for purposes of routine repair, replacement, and maintenance of poles, wires, or other excavations. The Licensee shall obtain a permit pursuant to City Ordinances and Regulations, shall not unnecessarily obstruct the use of streets, avenues, alleys or public places, shall provide the Public Works Director with notice prior to the actual commencement of the work and shall comply with all provisions, requirements, and regulations in accordance with the existing City Ordinance in performing such work. In emergencies which require immediate excavation the Licensee may proceed with the work without first applying for the permit, provided, however, that the Licensee shall apply for and obtain the permit as soon as possible after commencing such emergency work.

If the Licensee fails to comply with the provisions of the City Code the City may repair or restore the public property to a condition as good as the condition of the property prior to the disturbance by the Licensee and the Licensee shall pay the costs of such repair or restoration. The Licensee shall pay to the City its costs and charges for such work within thirty days after receipt of the City's billing.

SECTION 8. WORK BY OTHERS, ALTERATION TO CONFORM WITH PUBLIC IMPROVEMENTS

The City reserves the right to lay, and permit to be laid, wires, pipes, cables, conduits, ducts, manholes and other appurtenances, and to do, or permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in, across, along, over or under any public property occupied by the Licensee and to change any curb or sidewalk or the grade of any street. In permitting others to do such work the City shall not be liable to the Licensee for any damages arising out of the performance of such work by other parties. Nothing in this License shall be construed as to relieve any other person or corporation from liability for damage to the Licensee's facilities.

SECTION 9. LICENSEE CONTRACTORS

The requirements of the License shall apply to all persons, firms or corporations performing work for the Licensee under a contract, subcontract or other type of work order.

SECTION 10. CONDITIONS OF STREET OCCUPANCY

This fiber optic cable systems and other components of the facilities erected by the Licensee within the City shall conform to established grades of streets, alleys, and sidewalks, and be so located as to cause minimum interference with other public utilities located in or upon public property, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin public property.

The Licensee shall conduct its work hereunder in such manner as to cause as little interference as possible with pedestrian and vehicular traffic, and shall abide by scheduling directions, if any, given by the Public Works Director.

The Licensee shall, upon reasonable notice and at its sole cost and expense, remove, locate and relocate its facilities in, on, over or under public property in such manner as the City may at any time require for the purpose of facilitating the construction, reconstruction, maintenance, repair or change in grade of any public improvement on, in or about any such public property, for the purpose of promoting the efficient operation of any such improvement, or for the purposes of facilitating the vacation and/or redevelopment of public right-of-way by the City. In the event the Licensee fails to act within a reasonably allocated time, the City may cause the Licensee facilities to be relocated or removed, and the costs thereof shall be to the Licensee and shall be paid as provided in Section 6 hereof.

The Licensee shall not place its facilities in the public property where the same will interfere with the normal use or maintenance of any public improvement including but not limited to streets, alleys, sidewalks, traffic control devices, sanitary sewers, storm sewers, storm drains or water mains, or electrical transmission lines, or any public utility facility.

Upon request, the Licensee agrees to assist in locating underground facilities which are part of its system. Such assistance will be provided in a timely manner, but not more than forty-eight hours after the time of request. As a condition of this License the Licensee shall enroll as a member of the 'Iowa One-Call System' and shall respond to all requests and notifications placed to the toll free 'One-Call' number.

Installation, repair, or replacement work completed by the Licensee on any facilities requiring excavation of public property or public right-of-way shall require restoration and replacement of surface vegetation with sod in conformance with city ordinances and in accordance with standard local practices for placing sod.

SECTION 11. POWERS OF CITY

Nothing in this License shall be construed to abridge the right or power of the City to make further regulations relative to the use of the streets, alleys and public grounds by anyone using the same for the erection and maintenance of utility systems.

SECTION 12. PLANS AND COORDINATION

Upon completion of the work the Licensee shall promptly furnish to the City copies of 'as-built' plans related to its facilities located on Public Property.

The Licensee shall keep complete and accurate maps and records on the locations and operations of its facilities in connection with this License.

SECTION 13. VIOLATIONS OF LICENSE

Upon evidence being received by the City that a violation or breach of this License or violation of codes or ordinances lawfully regulating the Licensee in the operation of its facilities, or in the use of public property therefore is occurring or has occurred, (hereinafter referred to as a "default") the City shall cause an investigation to be made. If the City finds that a default exists or has occurred the City may take appropriate steps to secure compliance with the terms of this License or the codes or ordinances.

The City shall notify the Licensee of the default and the Licensee shall cure such default within thirty days after receipt of such notice; provided, however, where any such default cannot reasonably be cured within such thirty (30) day period, if Licensee shall proceed promptly to cure the same and prosecute such cure with due diligence, the time for curing such default shall reasonably be extended for such period of time as may be necessary to complete such cure, as mutually agreed upon by the parties.

If the Licensee fails to cure a default within the time allowed the City shall have the right to:

- (i) seek specific performance; or
- (ii) remedy the default by doing the act itself, or through a contractor, and charge the costs of such work to the Licensee; or
- (iii) seek damages for such default; or
- (iv) any combination of (i), (ii) and (iii).

SECTION 14. LIABILITY, INDEMNIFICATION AND INSURANCE

The Licensee covenants to indemnify, defend, and save the City and its officers, agents and employees, harmless from any and all damages arising directly from the exercise of the rights granted herein. The Licensee agrees to require contractors and subcontractors engaged in work for the Licensee within the public rights-of-way or on public property to maintain in effect during the term of work liability insurance in comprehensive form and in the amounts to be set by the City. Licensee agrees to accept the risk of having its communications systems and equipment upon the public right-of-way, including the possible risk of damage or injury to its system or equipment, and agrees to release and discharge the City of any liability for damage or injury to Licensee's equipment, except to the extent caused by the City's gross negligence. In no event shall the City be liable for any consequential damages arising out of any damage or injury to Licensee's equipment placed in the right-of-way.

SECTION 15. SEVERABILITY

In the event that a court of competent jurisdiction shall adjudge any provision or provisions hereof invalid or illegal, or direct a change by the Licensee in any matter or thing herein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this License or their validity or legality, and this License in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal, or such change had not been directed, or shall at the City's option, cause a termination of this License.

SECTION 16. ASSIGNMENT

Neither party shall assign or otherwise transfer this License or any of its rights and interest to any firm, corporation or individual without the prior written consent of the other party, except either party shall have the right to assign, convey or otherwise transfer its rights, title, interest and obligations under this License, in whole or in part, to any entity controlled by, controlling or under common control with a party hereto, or any entity into which a party may be merged or consolidated or which purchases all or substantially all of the assets of such party, or any lease, sublease, indefensible right of use, or sale or transfer

of, conduit, fiber or similar facilities with Licensee's telecommunication system to any third party users of such facilities.

SECTION 17. VACATION OF STREETS AND ALLEY

So long as the Licensee exercises the rights granted to it hereunder the City will not, by ordinance or otherwise, vacate any street, alley or public way in which the Licensee has installed its facilities without reserving such rights as necessary to allow continued use of such property for the said facilities in accordance with the terms of this License, provided that nothing herein shall limit the City's right to require the Licensee to relocate it facilities as provided in Section 10 hereof.

SECTION 18. DELIVERY OF NOTICES

Except as may be expressly provided herein, any notices hereunder shall be in writing and shall be delivered via certified mail and addressed as follows, unless indicated otherwise in the future:

If to City: Newton Public Works Director
403 W 4th St N - Suite 501
Newton, Iowa 50208

If to Licensee: Windstream Iowa Communications, LLC
4001 N Rodney Parham Rd.
Little Rock, AR 72212

Provided, however, that in the case of an emergency, notices may be given verbally to the above named persons. In such case written confirmation should be provided. Nothing contained herein shall prevent other forms of notice if actually received by the addressee. Notice shall be deemed given on the date of mailing in done by certified mail, or otherwise on the date actual notice is received.

SECTION 19. TELECOMMUNICATIONS ACT

This License is subject to all applicable federal, state and local laws, regulations and orders of governmental agencies as amended, including but not limited to the Communications Act of 1934 as amended, the Telecommunications Act of 1996 as amended and the Rules and Regulations of the FCC. Neither City nor Licensee waive any rights they may have under any such laws, rules or regulations.

This LICENSE is entered into as of the _____ day of _____, 20__.

LICENSEE

CITY OF NEWTON

By: _____

By: _____

Michael L. Hansen, Mayor

Title: _____

Attest: _____

City Clerk

City of Newton Council Report

Item: Resolution approving purchase of a Sewer Line Rapid Assessment Tool

Summary: Purchase Sewer Line Rapid Assessment Tool to increase efficiency of the sanitary sewer collection system inspection and cleaning operations.

Financial Impact: \$28,325.00 paid from the WPC fund.



Report Number: 22-241

Date: August 15, 2022

Lead Department: Public Works

Recommendation: Approve

Background:

The Newton Water Pollution Control Plant is tasked with the maintenance of the Sanitary Sewer Collection System, which consists of 2,696 Manholes and over 94 miles of Sanitary Sewer Pipe. To be in compliance with EPA guidelines the goal is to clean and inspect the entire sanitary sewer collection system every 5 years. WPC uses a high-pressure water jet to clean each pipe segment from manhole to manhole to prevent blockages, then uses CCTV equipment to inspect the sanitary sewer pipe segments. This operation is labor intensive, time consuming and expensive as it requires WPC staff to clean every pipe segment regardless of condition to ensure that the CCTV camera will not get stuck in the pipe.

The Sewer Line Rapid Assessment Tool or SL-RAT is EPA approved for sanitary sewer inspection and makes use of the fact that water and air flow similarly within a pipe. The acoustic inspection works by placing an SL-RAT transmitter on top of an open manhole, sending an acoustic signal to the receiving unit at the next manhole downstream. The SL-RAT receiver then evaluates the signal, providing a blockage assessment in real time. The acoustic inspection takes less than three minutes to complete and is a more efficient and cost effective way of collection inspection. The SL-RAT will help WPC staff prioritize high pressure water jet cleaning and CCTV inspection to meet our goal of cleaning the entire sanitary sewer collection system every 5 years, by cleaning only the pipe segments that need cleaned.

InfoSense, Inc. in Charlotte, North Carolina is the sole supplier of the Sewer Line Rapid Assessment Tool and has submitted a quote in the amount of \$28,325.00 for the purchase of a SL-RAT and supporting software.

Recommendations:

Approve purchase of a Sewer Line Rapid Assessment Tool and its supporting software from InfoSense, Inc. in Charlotte, North Carolina for the quoted amount of \$28,325.00.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

RESOLUTION APPROVING PURCHASE OF A SEWER LINE RAPID ASSESSMENT TOOL

WHEREAS, The Newton Water Pollution Control Plant is tasked with the maintenance of the Sanitary Sewer Collection System, which consists of 2,696 Manholes and over 94 miles of Sanitary Sewer Pipe; and

WHEREAS, to be in compliance with EPA guidelines the goal is to clean and inspect the entire sanitary sewer collection system every 5 years; and

WHEREAS, this operation is labor intensive, time consuming and expensive as it requires WPC staff to clean every pipe segment regardless of condition to ensure that the CCTV camera will not get stuck; and

WHEREAS, the Sewer Line Rapid Assessment Tool or SL-RAT is EPA approved for sanitary sewer inspection and makes use of the fact that water and air flow similarly within a pipe; and

WHEREAS, the acoustic inspection takes less than three minutes to complete and is a more efficient and cost effective way of collection inspection; and

WHEREAS, the SL-RAT will help WPC staff prioritize high pressure water jet cleaning is needed to meet the EPA goal of cleaning and inspecting the entire sanitary sewer collection system every 5 years, by cleaning only the pipe segments that need cleaned; and

WHEREAS, InfoSense, Inc. in Charlotte, North Carolina is the sole supplier of the Sewer Line Rapid Assessment Tool and has submitted a quote for the amount of \$28,325.00 to purchase the SL-Rat and it supporting software; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newton, Iowa, that the Public Works Director is authorized to purchase a Sewer Line Rapid Assessment Tool SL-RAT and its supporting software from InfoSense, Inc. of Charlotte, North Carolina for the quoted amount of \$28,325.00 utilizing WPC Enterprise Funds.

PASSED this _____ day of August 2022.

APPROVED this _____ day of August 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



8116 South Tryon Street
Suite B3-203
Charlotte, NC 28273 USA

April 6, 2022

To Whom It May Concern:

InfoSense, Incorporated in Charlotte, North Carolina is the sole supplier manufacturer, and distributor of the Sewer Line Rapid Assessment Tool or SL-RAT[®] and its supporting software the Sewer Line Data Organizer or SL-DOG[®].

The SL-RAT line of acoustic pipe inspection equipment is patent-protected under U.S. Patent #8220484 and other pending patents. InfoSense manufactures the only product that uses Active Acoustic transmission between a transmitter and a receiver in adjacent manholes to provide an aggregate pipe blockage assessment.

The SL-RAT makes use of the fact that water and air flow similarly within a pipe. Our proprietary algorithms exploit this fact to assess blockage within a pipe segment – typically within 3 minutes or less and with no flow contact.

Sincerely,

Alex Churchill
CEO
InfoSense, Inc.
Past Winner WEF Innovative Technology Award

City of Newton Council Report



Item: Resolution Approving a Funding Request of \$3,000 to the South Skunk Blues Society For The 2022 Bowlful of Blues

Report Number: 22-242

Summary: Resolution Approving a Funding Request of \$3,000 to the South Skunk Blues Society For The 2022 Bowlful of Blues

Date: August 15, 2022

Financial Impact: \$3,000 of General Fund Reserves

Lead Department:
Administration

Recommendation:
Approval

BACKGROUND

The South Skunk Blues Society's annual Bowlful of Blues festival will be held at the Maytag Bowl on September 4th and will turn 30 years old. To celebrate this milestone, the Society is booking some of the best talent to grace the Maytag Bowl. To offset some of the production and promotional costs, the city has been asked to donate \$3,000 to this event.

If this funding is approved, the Society will provide the following:

- Mention of the City of Newton in print and social media marketing
- Recognition of the City of Newton the day of the event

The \$3,000 funding will be paid from the General Fund reserves to the South Skunk Blues Society.

Recommendation:

Staff recommends approving the attached resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING A FUNDING REQUEST OF \$3,000 TO THE SOUTH SKUNK BLUES SOCIETY FOR THE 2022 BOWLFUL OF BLUES

WHEREAS, the 2022 Bowlful of Blues will be held September 4, 2022 at the Maytag Bowl in Newton and will be celebrating turning 30 years old; and

WHEREAS, the South Skunk Blues Society has requested a \$3,000 donation to help defray a portion of the production and promotional costs; and

WHEREAS, in return, the South Skunk Blues Society will mention the City of Newton in print and social media marketing and recognize the City of Newton the day of the event;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa approves a resolution to provide funding to the South Skunk Blues Society for the Bowlful of Blues event to be held at Maytag Bowl on September 4, 2022 in the amount of \$3,000. Funding will be will be paid from General Fund reserves.

PASSED this 15th day of August 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

South Skunk Blues Society
PO Box 951
Newton, Iowa 50208

City of Newton
1700 N. 4th Ave. W.
Newton, Iowa 50208
Attn: Mayor and City Council

July 22, 2022

RE: 30th Anniversary South Skunk Partnership Proposal

Honorable Mayor Hansen and City Council Members,

As you may be aware, with this year's performance on September 4th, the Bowlful of Blues turns 30 years old. We estimate that, throughout its 30-year run, the Bowlful of Blues has brought in excess of 20,000 fans to our town. To celebrate turning 30, we are upping our game and booking some of the best talent ever to grace the Maytag Bowl. As such, we are asking for your help as we put on this event. We are hoping you will consider a \$3,000 donation to help defray a portion of the production and promotional costs.

In the spirit of a true partnership, the South Skunk Blues Society will provide the following:

- Mention of the City of Newton in print and social media marketing
- Recognition of the City of Newton the day of the event

The Society will make a representative available to the City Council meeting when this proposal is brought up for discussion and/or a vote (hopefully at its August 1st meeting). In its 30-year history, this is the first time we have approached the City of Newton. Given the history of the Bowlful of Blues and the community and economic development to date, the South Skunk Blues Society is hopeful you will see the merits in this proposal as we all work together to promote the area, grow the sense of community and increase economic vitality. Should you require anything further, or have any further questions, please do not hesitate to contact us.

Thank you for your time and consideration,

Mike Cooling, Sr.
President, South Skunk Blues Society
641-485-0809

City of Newton Council Report



Item: Resolution approving the purchase of CivicClerk software

Summary: Purchase CivicClerk software for automatic workflow when creating council packets.

Financial Impact: \$7200.00 budgeted.

Report Number: 22-243

Date: August 15, 2022

Lead Department:
Administration Department

Recommendation:
Approve

Background:

Administration compiles council materials into a council packet for each city council meeting. This consists of a council report and either a resolution or ordinance for each item as well as other supporting attachments. This material is sent to Administration from all departments and various employees. Many times an item is sent back to the department for additions and then returned again for City Administrator approval.

Administration is currently using email and Adobe to compile the material which is cumbersome, inefficient and can lead to errors. Any changes or corrections require manually changing all of the numbering and re-compiling everything. Sometimes multiple times.

The CivicClerk software is a module from CivicPlus, the city's website vendor, which streamlines the agenda, packets, and minutes process eliminating time-consuming manual tasks.

Recommendation

City Staff recommends approval of this resolution.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

RESOLUTION APPROVING THE PURCHASE OF CIVICCLERK SOFTWARE

WHEREAS, Administration compiles council materials into a council packet for each city council meeting; and

WHEREAS, Administration is currently using email and Adobe to compile the material which is cumbersome, inefficient and can lead to errors; and

WHEREAS, the CivicClerk software is a module from CivicPlus, the city's website vendor, which streamlines the agenda, packets, and minutes process eliminating time-consuming manual tasks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newton, Iowa agrees to approve the purchase of CivicClerk software from CivicPlus for an implementation fee of \$7200.00 and a reduced reoccurring annual fee from the Administration budget.

PASSED this _____ day of August 2022.

APPROVED this _____ day of August 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk



CivicPlus

302 South 4th St. Suite 500
Manhattan, KS 66502
US

Quote #:

Q-25403-1

Date:

5/12/2022 8:37 AM

Expires On:

6/30/2022

Product:

CivicClerk

Client:

Newton IA - CivicClerk

Bill To:

Newton IA - CivicClerk

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Karen Bond	x	karen.bond@civicplus.com		Net 30

CivicClerk - Statement of Work

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE	TOTAL
1.00	CivicClerk Annual Fee	CivicClerk Annual Fee - Agenda and Minutes Management	Renewable	USD 4,360.00
1.00	CivicClerk Year 1 Annual Fee Discount	Year 1 Annual Fee Discount	Renewable	USD -1,090.00
1.00	CivicClerk Premium Implementation Package	Premium Implementation Package – Up to 15# of Boards		USD 0.00
1.00	CivicClerk Premium Configuration	CivicClerk Premium Configuration	One-time	USD 2,220.00
1.00	CivicClerk Custom Template Design	CivicClerk Custom Template Set - includes 2 Agenda templates, 1 Item Report template, 1 Minutes template, 1 Agenda Script template	One-time	USD 420.00
2.00	CivicClerk Consulting (1h, virtual)	1 hour Virtual Consulting	One-time	USD 480.00
1.00	CivicClerk Virtual Training (Half Day Block)	Training (Virtual) - half day, up to 4 hours	One-time	USD 720.00

List Price - Year 1 Total	USD 8,200.00
Total Investment - Year 1	USD 7,110.00
Annual Recurring Services - Year 2	USD 4,360.00

Total Days of Quote:365

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicClerk Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.

2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced at signing of this SOW. Client will pay all invoices within 30 days of the date of invoice.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in year 3 of service.
5. Client shall have sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted and stored by CivicPlus. Client shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party's Intellectual Property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.
6. The scope of the initial implementation services to be delivered by CivicPlus are as listed above. Client is responsible for providing all information required for the configuration of the services in accordance with the scope and project timeline.
7. Upon Go-Live, any unused implementation services (ie: board configuration) will expire. Any configuration of additional boards by CivicPlus after Go-Live may incur additional one-time charges based on the scope of the desired configuration, design, and training services.
8. Completion of implementation services will be determined by Go Live status. The parties agree to cooperate in a timely manner to complete all implementation tasks and deliverables in order to obtain Go-Live status of the services. CivicPlus will make reasonable efforts to confirm Go Live status with the Client, but reserves the right to deem Client's use of the services in the intended course of business as Go Live. "Go-Live" is defined as the Client's use of the services implemented by CivicPlus under this SOW for the intended purpose and with the intended audience.

Signature Page to follow.

1. This Statement of Work ("SOW") shall be subject to the terms and conditions of the CivicPlus Master Services Agreement located at <https://www.civicplus.com/master-services-agreement> ("MSA"), to which this SOW is hereby attached as the CivicClerk Statement of Work. By signing this SOW, Client expressly agrees to the terms and conditions of the MSA throughout the Term of this SOW.
2. This SOW shall remain in effect for an initial term equal to 365 days from the date of signing ("Initial Term"). In the event that neither party gives 60 days' notice to terminate prior to the end of the Initial Term or any subsequent Renewal Term, this SOW will automatically renew for an additional 1-year renewal term ("Renewal Term"). The Initial Term and all Renewal Terms are collectively referred to as the "Term".
3. The Total Investment - Year 1 will be invoiced at signing of this SOW. Client will pay all invoices within 30 days of the date of invoice.
4. Annual Recurring Services shall be invoiced on the start date of each Renewal Term. Annual Recurring Services, including but not limited to hosting, support and maintenance services, shall be subject to a 5% annual increase beginning in year 3 of service.

5. Client shall have sole control and responsibility over the determination of which data and information shall be included in the content that is to be transmitted and stored by CivicPlus. Client shall not provide to CivicPlus or allow to be provided to CivicPlus any content that (a) infringes or violates any 3rd party's Intellectual Property rights, rights of publicity or rights of privacy, (b) contains any defamatory material, or (c) violates any federal, state, local, or foreign laws, regulations, or statutes.

6. The scope of the initial implementation services to be delivered by CivicPlus are as listed above. Client is responsible for providing all information required for the configuration of the services in accordance with the scope and project timeline.

7. Upon Go-Live, any unused implementation services (ie: board configuration) will expire. Any configuration of additional boards by CivicPlus after Go-Live may incur additional one-time charges based on the scope of the desired configuration, design, and training services.

8. Completion of implementation services will be determined by Go Live status. The parties agree to cooperate in a timely manner to complete all implementation tasks and deliverables in order to obtain Go-Live status of the services. CivicPlus will make reasonable efforts to confirm Go Live status with the Client, but reserves the right to deem Client's use of the services in the intended course of business as Go Live. "Go-Live" is defined as the Client's use of the services implemented by CivicPlus under this SOW for the intended purpose and with the intended audience.

Signature Page to follow.

Acceptance

By signing below, the parties are agreeing to be bound by the covenants and obligations specified in this SOW and the MSA terms and conditions found at: <https://www.civicplus.com/master-services-agreement>.

IN WITNESS WHEREOF, the parties have caused this SOW to be executed by their duly authorized representatives as of the dates below.

Client

CivicPlus

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:

Contact Information

*all documents must be returned: Master Service Agreement, Statement of Work, and Contact Information Sheet.

Organization			URL
Street Address			
Address 2			
City	State	Postal Code	
CivicPlus provides telephone support for all trained clients from 7am –7pm Central Time, Monday-Friday (excluding holidays). Emergency Support is provided on a 24/7/365 basis for representatives named by the Client. Client is responsible for ensuring CivicPlus has current updates.			
Emergency Contact & Mobile Phone			
Emergency Contact & Mobile Phone			
Emergency Contact & Mobile Phone			
Billing Contact			E-Mail
Phone	Ext.	Fax	
Billing Address			
Address 2			
City	State	Postal Code	
Tax ID #		Sales Tax Exempt #	
Billing Terms		Account Rep	
Info Required on Invoice (PO or Job #)			
Are you utilizing any external funding for your project (ex. FEMA, CARES):			
		Y [] or N []	
Please list all external sources: _____			
Contract Contact			Email
Phone	Ext.	Fax	
Project Contact			Email
Phone	Ext.	Fax	

Vendor	Department	Description	Amount
Acco Unlimited Corp	Maytag Pool	Supplies	\$ 3,946.80
Acushnet Company	Golf	Merchandise	\$ 1,691.60
Alliant Energy/IPL	All	Utilities	\$ 63,170.75
Amazon Capital Services	All	Supplies	\$ 1,111.85
American Legal Publishing Corporation	Administration	Service	\$ 498.75
Amerigroup Iowa Inc	Fire	Reimbursement	\$ 87.28
ASCAP	Parks	License	\$ 14.37
Barney's Wrecker & Crane	Police	Service	\$ 295.00
Bound Tree Medical LLC	Fire	Supplies	\$ 187.70
Bruening Rock Products Inc	Landfill	Supplies	\$ 271.44
Caldwell Brierly & Chalupa PLLC	Cardinal Ridge TIF/D&D	Service	\$ 3,934.15
Callaway Golf	Golf	Merchandise	\$ 245.10
Card Services	All	Supplies	\$ 3,032.59
Cardinal Trophies	Golf	Merchandise	\$ 120.00
CCL Supply LLC	Water Pollution Control	Supplies	\$ 478.06
Chamber of Commerce	Executive	Service	\$ 200.00
Cintas	All	Supplies	\$ 686.94
Civic Systems	Administration	Training	\$ 165.00
Clapsaddle-Garber Assoc	Airport RESO 2020-111	Service	\$ 47,420.67
Classic Car Wash	Police	Service	\$ 421.75
Controlled Access of the Midwest LLC	Airport	Service	\$ 495.90
Dannen, Shannon	D&D Program	Service	\$ 900.00
DH Pace Company	Fire/Street	Service	\$ 3,084.75
Dunsbergen, Lauren	Maytag Pool	Reimb	\$ 37.90
EZ Lease	Fire/WPC	Service	\$ 245.01
Fastenal	Water Pollution Control	Supplies	\$ 228.25
Forbes Office Solutions	All	Service	\$ 892.47
Galls LLC	Fire	Supplies	\$ 526.40
Gregg Young Auto Center	Police	Service	\$ 868.59
Gudin, Noah	Water Pollution Control	Reimb	\$ 12.00
Harris Golf Cars	Golf	Supplies	\$ 1,840.00
Henderson Products Inc	Snow Removal RESO 2022-078	Supplies	\$ 13,959.00
Home Depot Pro	Parks	Supplies	\$ 186.18
Homeguard Security Alarm	Water Pollution Control	Service	\$ 85.00
Hunter, Jaden	Maytag Pool	Reimb	\$ 100.00
IMWCA	All	Service	\$ 23,096.00
Institute for Transportation	Street	Dues	\$ 300.00
Iowa Dept of Natural Resources	Water Pollution Control	Dues	\$ 1,275.00
Iowa Golf Association	Golf	Service	\$ 154.00
Iowa Law Enforcement Academy	Police	Training	\$ 150.00
Iowa Prison Industries	Street	Supplies	\$ 320.00
Iowa Pump Works	Landfill/Pool	Supplies	\$ 6,224.65
Jack, Kenleigh	Maytag Pool	Reimb	\$ 49.17
Jacobs Electric Motor	Fire	Service	\$ 90.49
Jasper Construction Services	Golf	Supplies	\$ 26.88
Jasper County Emergency Serv-Honor Guard	Police	Membership	\$ 2,000.00
Johnson Aviation	Airport	Reimb	\$ 48.14
Kellogg Lawn & Snow	Airport	Supplies	\$ 250.20
Key Cooperative	All	Supplies	\$ 18,084.07
Keystone Labs	Water Pollution Control	Service	\$ 3,190.75
Lauterbach Buick GMC	Fire	Service	\$ 346.47

LCI Distributing Ltd	Public Works Building	Supplies	\$ 6,906.17
Linahon, Brooke	Maytag Pool	Reimb	\$ 100.00
Logan Contractors Supply	Storm Water/Street	Supplies	\$ 3,816.14
Lyman, Rick	D&D/Parks/Tort Liability	Service	\$ 2,227.50
Magnum Automotive	Fire/Police	Service	\$ 189.30
Mahaska Bottling Co	Golf/Pool	Concessions	\$ 996.55
Manatts - D.M.	Storm Water/Street	Supplies	\$ 13,658.50
McMaster-Carr	Water Pollution Control	Supplies	\$ 99.59
Medicap Pharmacy	Fire	Service	\$ 16.94
Menards-Altoona	Fire/Parks	Supplies	\$ 733.17
Metro Waste Authority	Landfill	Supplies	\$ 8,192.10
MG Laundry Corporation	City Center	Service	\$ 85.85
Mid-American Research Chemical	Water Pollution Control	Supplies	\$ 279.32
Miller, Michael	Private Incentives	Incent	\$ 10,000.00
MTI Distributing Inc	Golf	Supplies	\$ 1,189.36
NAPA Auto Parts	All	Supplies	\$ 1,492.68
National Academy of Ambulance Coding	Fire	Supplies	\$ 2,250.00
NB Golf Cars LLC	Golf	Service	\$ 1,750.00
News Printing Company	All	Service	\$ 4,433.55
O'Reilly Auto Parts	Parks	Supplies	\$ 34.96
Parkview Animal Hospital	Animal Control	Service	\$ 2,025.00
Pomp's Tire Service	City Garage	Supplies	\$ 1,647.92
Premier Office Equipment	Police	Service	\$ 72.31
Professional Management Coaching	Fire	Service	\$ 2,500.00
Quill Corporation	All	Supplies	\$ 353.56
Ray, Randy	Parks	Service	\$ 300.00
Riggs Printing Inc	All	Supplies	\$ 550.00
Riney, Alexandra	Maytag Pool	Reimb	\$ 100.00
Sandry Fire Supply LLC	Fire	Supplies	\$ 771.88
Sign Pro	Police	Service	\$ 600.00
Spahn & Rose Lumber Co	All	Supplies	\$ 760.89
Springer Professional Home Services	Maytag Pool	Service	\$ 72.60
State Hygienic Laboratories	Water Pollution Control	Service	\$ 500.00
Theisen's	All	Supplies	\$ 1,633.86
Theisen's Marshalltown	Landfill	Supplies	\$ 189.98
TK Elevator	City Center	Service	\$ 205.17
Tompkins Industries Inc	City Garage/Golf	Supplies	\$ 628.39
Town & Country Sanitary Services	Airport	Service	\$ 480.00
Town & Country Wholesale Co	Golf/Pool	Concessions	\$ 4,909.86
True Value Hardware	All	Supplies	\$ 245.42
Two Rivers Cooperative	All	Fuel	\$ 17,298.33
United Healthcare	Fire	Reimbursement	\$ 681.06
United States Cellular	All	Utilities	\$ 1,251.50
Utility Equipment Co	Storm Water	Supplies	\$ 1,393.14
Van Maanen Electric Inc	Public Works Building/Street	Service	\$ 95,764.11
Van Wall Equipment	Cemetery/Golf	Supplies	\$ 1,057.62
Warnick & Reeves Mechanical	Airport/City Center/Fire	Service	\$ 1,050.56
Water Department	All	Utilities	\$ 11,496.44
Windstream	All	Utilities	\$ 1,672.62
Zimco Supply Company	Golf	Supplies	\$ 957.50
Zoll	Fire	Supplies	\$ 451.00
Total			\$ 417,119.47

Pre-Authorized Payments

AT & T Mobililty	Police	Utilities	\$ 941.30
Black Hills Energy	All	Utilities	\$ 1,138.48
Condon Mike	Parks	Service	\$ 425.00
Doll Distributing	Golf	Concessions	\$ 1,631.43
Heck Dave	Parks	Service	\$ 800.00
Iowa Beverage Systems	Golf	Concessions	\$ 698.40
Johnson Brothers of Iowa	Golf	Concessions	\$ 877.80
Matthews Steve	Parks	Service	\$ 425.00
Mediacom	Golf	Utilities	\$ 208.87
Windstream	Airport/Police	Utilities	\$ 267.35
Total			\$ 7,413.63

City of Newton Council Report

Item: Resolution To Approve Urban Renewal Plan Amendment for the North Central Urban Renewal Area

Summary: Approval of a Plan Amendment for the North Central Urban Renewal Area

Financial Impact: No Financial Impact, Amends to Urban Renewal Plan for future projects and expenditures



Report Number: 22-244

Date: August 15, 2022

Lead Department:
Administration

Recommendation:
Approval

Background:

The City Council of the City of Newton Iowa has created the North Central 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 projects within an urban renewal area, a city must amend the existing urban renewal plan to describe all new projects.

An amendment to the plan has been prepared which consists of updates to the Downtown Micro-Grant program, updates the description of the manufactured gas plant remediation project, and pay the costs of constructing a pedestrian walkway and parking improvements on, along and adjacent to the 300 block of North 3rd Avenue West. This resolution approves updates to the current Urban Renewal Plan

Recommendation:

Staff recommends approval of the Resolution to amend the North Central Urban Renewal Plan.

Matt Muckler
City Administrator

RESOLUTION NO. 2022-_____

Resolution to Approve Urban Renewal Plan Amendment for the North Central Urban Renewal Area

WHEREAS, as a preliminary step to exercising the authority conferred upon Iowa cities by Chapter 403 of the Code of Iowa (the “Urban Renewal Law”), a municipality must adopt a resolution finding that one or more slums, blighted or economic development areas exist in the municipality and that the rehabilitation, conservation, redevelopment, development or a combination thereof, of such area or areas is necessary in the interest of the public health, safety or welfare of the residents of the municipality; and

WHEREAS, this City Council of the City of Newton, Iowa (the “City”), by prior resolution established the North Central Urban Renewal Area (the “Urban Renewal Area”) and adopted an urban renewal plan (the “Plan”) for the governance of projects and initiatives therein; and

WHEREAS, an amendment (the “Amendment”) to the Plan has been prepared which (1) updates the description of the City’s Downtown Micro-Grant Program previously approved by the City Council in the March 18, 2019 Amendment to the Plan, and updated on July 6, 2021; (2) updates the description of the City’s Manufactured Gas Plant Remediation Project previously approved by the City Council in the March 18, 2019 Amendment to the Plan, and updated on July 6, 2021; and (3) authorizes the undertaking of a new urban renewal project in the Urban Renewal Area consisting of using tax increment financing to pay the costs of constructing a pedestrian walkway and parking improvements on, along and adjacent to the 300 block of North 3rd Avenue West in the Urban Renewal Area; and

WHEREAS, notice of a public hearing by the City Council on the proposed Amendment was heretofore given in strict compliance with the provisions of Chapter 403 of the Code of Iowa, and the Council has conducted said hearing on August 15, 2022; and

WHEREAS, copies of the Amendment, notice of public hearing and notice of a consultation meeting with respect to the Amendment were mailed to Jasper County and the Newton Community School District; the consultation meeting was held on the 29 day of July 2022; and responses to any comments or recommendations received following the consultation meeting were made as required by law;

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

Section 1. The Amendment, attached hereto and made a part hereof, is hereby in all respects approved.

Section 2. It is hereby determined by this City Council as follows:

A. The projects proposed under the Amendment conform to the general plan for the development of the City;

B. The projects proposed under the Amendment are necessary and appropriate to facilitate the proper growth and development of the City in accordance with sound planning standards and local community objectives; and

C. Proposed blight alleviation and prevention projects described in the Amendment are necessary to restore the property situated in the Urban Renewal Area to its highest and best use and to prevent the spread of blighted conditions in the Urban Renewal Area; and

D. It is not anticipated that families will be displaced as a result of the City's undertakings under the Amendment. Should such issues arise with future projects, then the City will ensure that a feasible method exists to carry out any relocations without undue hardship to the displaced and into safe, decent, affordable and sanitary housing.

Section 3. All resolutions or parts thereof in conflict herewith are hereby repealed, to the extent of such conflict.

Passed and approved August 15, 2022.

Mayor

Attest:

City Clerk

CITY OF NEWTON, IOWA

URBAN RENEWAL PLAN AMENDMENT
NORTH CENTRAL URBAN RENEWAL AREA

August, 2022

The Urban Renewal Plan (the “Plan”) for the North Central Urban Renewal Area (the “Urban Renewal Area”) for the City of Newton, Iowa (the “City”) is being amended for the purposes of (1) updating the descriptions of certain urban renewal projects referenced herein; and (2) identifying new urban renewal projects to be undertaken within the Urban Renewal Area.

1) Update Description of the Downtown Micro-Grant Project. The City approved the Downtown Micro-Grant Project in the March 18, 2019 Amendment to the Plan and updated such description on July 6, 2021. It is now necessary to update the description of the Downtown Micro-Grant Project as follows:

Name of Project: Downtown Micro-Grant and Downtown Housing Grant Programs

Date of Council Approval of Programs: March 18, 2019, and updated on July 6, 2021 and August 15, 2022

Description of Downtown Micro-Grant Program: The City acknowledges the importance of the success of local businesses and the alleviation of blighted conditions to the promotion of economic development in the City and in the Urban Renewal Area. The Downtown Micro-Grant Program is designed to provide public support to the development and improvement of local businesses in the Urban Renewal Area. The City will provide fiscal support to the Downtown Micro-Grant Program through the provision of economic development grants (the “Grants”) to qualifying local businesses in the Urban Renewal Area.

The Grants will be targeted to assist local business owners with building (i) façade improvement projects; (ii) interior building improvements; and (iii) other projects approved by the City staff. The City staff will develop appropriate materials, including agreements and applications, for the administration of the Downtown Micro-Grant Program.

Description of Downtown Housing Grant Program: The City acknowledges the importance of the rehabilitation of residential units and the alleviation of blighted conditions to the promotion of economic development in the City and in the Urban Renewal Area. The Downtown Housing Grant Program is designed to provide public support to the rehabilitation of residential units in the Main Street District situated in Urban Renewal Area. The City will provide fiscal support to the Downtown Housing Grant Program through the provision of economic development grants (the “Housing Grants”) to qualifying local property owners within the Main Street District situated in the Urban Renewal Area.

The Housing Grants will be targeted to assist local property owners with undertaking certain improvements to residential units located in existing buildings including (i) window rehabilitation or replacement; (ii) plumbing, electrical and mechanical work, fixtures and units; (iii) the installation of basic household appliances; (iv) flooring or rehabilitation of historic flooring; (v) the installation of interior drywall, plaster and wood improvements; and (vi) other projects approved by the City staff. The City staff will develop appropriate materials, including agreements and applications, for the administration of the Downtown Housing Grant Program.

Description of Use of TIF: The economic development grants for the Downtown Micro-Grant Program and the Downtown Housing Grant Program will be funded with borrowed funds and/or with the proceeds of internal advances of City funds on-hand. In any case, the City's obligations, plus any interest expense incurred by the City on such obligations, will be repaid with incremental property tax revenues derived from the Urban Renewal Area. It is anticipated that the City's total commitment of incremental property tax revenues with respect to the Downtown Micro-Grant and Downtown Housing Grant Programs will not exceed \$850,000 (increased from \$650,000 in the July 6, 2021 Amendment to the Plan), over the course of the City's 2020 through 2025 fiscal years.

2) Update Description of the Manufactured Gas Plant Remediation Project. The City approved the Manufactured Gas Plant Remediation Project in the March 18, 2019 Amendment to the Plan and updated such description on July 6, 2021. It is now necessary to update the description of the Manufactured Gas Plant Remediation Project as follows:

Name of Project: Manufactured Gas Plant Remediation Project

Date of Council Approval of Project: March 18, 2019, and updated on July 6, 2021 and August 15, 2022

Description of the Project and Project Location: The City owns certain real property (the "Gas Plant Property") situated near W. 3rd Street North and 6th Avenue West that previously served as the site of a manufactured gas plant. The Manufactured Gas Plant Remediation Project will include (1) the hiring of professional consultants to undertake certain monitoring, testing and assessment activities to determine the level of contamination of the Gas Plant Property; and (2) the remediation of contamination of the Gas Plant Property.

The Manufactured Gas Plant Remediation Project will contribute to the alleviation of conditions of blight in the Urban Renewal Area and the promotion of economic development on the real property situated adjacent to the Gas Plant Property.

Description of Use of TIF: It is anticipated that the City will pay for the Manufactured Gas Plant Remediation Project with borrowed funds and/or the proceeds of an internal advance of City funds on-hand. In any case, the City's obligations, plus any interest expense incurred by the City on such obligations, will be repaid with incremental property tax revenues derived from the Urban Renewal Area. It is anticipated that the City's use of

incremental property tax revenues for the Manufactured Gas Plant Remediation Project will not exceed \$770,000 (increased from \$600,000 in the July 6, 2021 Amendment to the Plan).

3) 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:

Name of Project: Pedestrian Walkway Beautification and Parking Improvements Project

Date of Council Approval of Project: August 15, 2022

Description of Project and Project Site: The Pedestrian Walkway and Parking Improvements Project (the “Pedestrian Walkway Project”) will consist of the construction of a pedestrian walkway on certain real property situated on, along and adjacent to the 300 block of North 3rd Avenue West (the “Property”), located to the north of the existing Best Western hotel. The City will also construct improvements to an existing parking lot on the Property.

The City acknowledges that the Pedestrian Walkway Project will enhance the quality of life in the City thereby resulting in residential and commercial growth.

Description of Properties to be Acquired in Connection with Project: The City will acquire the Property from the owner of the Best Western hotel and will acquire such easement territory and rights-of-way as are necessary to successfully undertake the Pedestrian Walkway Project.

Description of Use of TIF: It is anticipated that the City will pay for the Pedestrian Walkway Project with either borrowed funds and/or the proceeds of an internal advance of City funds on-hand. In any case, the City’s obligations will be repaid with incremental property tax revenues derived from the Urban Renewal Area. It is anticipated that the City’s use of incremental property tax revenues for the Pedestrian Walkway Project will not exceed \$500,000, plus any interest expense incurred by the City on any borrowing undertaken for the funding of the Pedestrian Walkway Project.

4) 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>\$ 46,229,400</u>
Outstanding general obligation debt of the City:	<u>\$ 30,699,462</u>
Proposed maximum indebtedness to be incurred in connection with this August, 2022 Amendment:	<u>\$ 870,000*</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 awarding contract for the 2022 Union Cemetery Paving Project

Report Number: 22-245

Summary:
This resolution awards a contract for paving around new Veterans Section 3 (V-3) at Union Cemetery.

Date:
August 15, 2022

Lead Department:
Community Services

Recommendation:
Approve

Financial Impact:
\$135,837.00 to be paid from the General Fund Budget and existing bond proceeds.

Background:

The recent platting of new Veterans Section 3 (V-3) at Union Cemetery requires the construction of roads around said section before it is opened for burials. As part of this proposed project, some minor pavement is being included at the center of V-3 for the planned memorial area, along with a small area of pavement repair near V-2.

Plans and specifications were prepared by the Community Services Department, and the following bids were received on August 4, 2022:

TK Concrete – Pella, Iowa	\$135,837.00
Con-Struct – Marshalltown, Iowa	\$140,690.00
Jasper Construction Services – Newton, Iowa	\$165,650.00

The apparent low bidder is TK Concrete of Pella, Iowa. The project completion date is November 30, 2022. Project costs are to be paid from both the General Fund Budget and existing bond proceeds.

Recommendation:

City Staff recommends that Council award a contract to TK Concrete of Pella, Iowa in the amount of \$135,837.00.

Matt Muckler
City Administrator

RESOLUTION 2022- _____

**RESOLUTION AWARDING CONTRACT FOR THE
2022 UNION CEMETERY PAVING PROJECT**

WHEREAS, the recent platting of new Veterans Section 3 (V-3) at Union Cemetery requires the construction of roads around said section before it is opened for burials; and

WHEREAS, as part of this proposed project, some minor pavement is being included at the center of V-3 for the planned memorial area, along with a small area of pavement repair near V-2; and

WHEREAS, plans and specifications were prepared by the Community Services Department, and the following bids were received on August 4, 2022:

TK Concrete – Pella, Iowa	\$135,837.00
Con-Struct – Marshalltown, Iowa	\$140,690.00
Jasper Construction Services – Newton, Iowa	\$165,650.00

; and

WHEREAS, City staff recommends that the City of Newton award a contract to TK Concrete of Pella, Iowa for the 2022 Union Cemetery Paving Project based on the low responsive, responsible bid received in the amount of \$135,837.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, that the bid from TK Concrete of Pella, Iowa in the amount of One Hundred Thirty-Five Thousand, Eight Hundred Thirty-Seven Dollars and Zero Cents (\$135,837.00) for the 2022 Union Cemetery Paving Project, all as described in the plans and specifications, is hereby accepted, the same being the lowest, responsive bid received for said project; and that the project will be paid from both the General Fund Budget and existing bond proceeds.

BE IT FURTHER RESOLVED, by the City Council of the City of Newton, Iowa, that the Contract executed by TK Concrete of Pella, Iowa for the 2022 Union Cemetery Paving 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.

PASSED this _____ day of August, 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

Item: Resolution Approving Additional Quantities to the Contract for the Newton City Hall Parking Lot Reconstruction Project

SUMMARY: Approval of Additional Quantities to the Contract for the Newton City Hall Parking Lot Reconstruction Project

Financial Impact: \$60,000 of Existing Capital Funds for City Hall Building Improvements



Report Number: 22-246

Date: August 15, 2022

Lead Department:
Administration

Recommendation:
Approval

Background: The City Council of the City of Newton Iowa approved resolution 2022-106 on April 4, 2022 awarding the contract to TK Concrete of Pella for reconstruction of the City Hall lots in the amount of \$495,000.

As construction has been moving forward the last month, there have been 2 unexpected issues that have arisen. The rock base on the east side of the Fire Department doors was more deteriorated than originally thought. In order to maintain a good base for the concrete, the contractor and staff recommends that an additional \$11,000 in rock be added to the base so the concrete remains in good condition for many years to come. The price for this work would be the same as the quantity price that was approved by the contract.

The second issue is with a portion of the Police parking lot on the Northwest side of the property. The initial contract did not repave a portion of this lot that seemed to be in good condition and appeared would not have to be replaced at this time. During the demolition of the adjacent existing concrete, cracks have appeared and the concrete has risen around an existing manhole, requiring this be fixed in the very near future. Since the contractor is already on site, the price for this work at this time would be much less than if the city waited and did this as another project. The expected price would be \$42,000 for the replacement of the additional concrete in the Police parking lot, again using the existing contracted price per quantity.

In addition, the action would approve a contingency amount of \$7,000 for any unexpected costs associated with the entire project.

Recommendation:

Staff recommends approval of the Resolution to approve additional quantities to the contract for the Newton City Hall parking lot reconstruction project.

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

Matt Muckler
City Administrator

RESOLUTION NO. 2022 – _____

**RESOLUTION APPROVING ADDITIONAL QUANTITIES TO THE
CONTRACT FOR THE NEWTON CITY HALL PARKING LOT
RECONSTRUCTION PROJECT**

WHEREAS, the City Council has approved a contract with TK Concrete for the Newton City Hall Parking Lot Reconstruction Project in April of 2022; and

WHEREAS, during construction, it has been recommended that additional gravel be added to the base to ensure a good base before paving in the measured quantity amount of \$11,000; and

WHEREAS, it has been determined that a portion of the Police parking lot on the North west side of the property that was thought to be in good condition has shown cracks and is also in need of replacement. The cost for this additional repair is \$42,000, based on the existing contract's price per quantity; and

WHEREAS, because of the size and scope of the project, it is recommended to approve a contingency amount of \$7,000 to pay for any unexpected costs associated to this project;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa approves a resolution to approve additional quantities to the contract to TK Concrete for the Newton City Hall Parking Lot Reconstruction Project in the amount of \$60,000. This amount will be paid from existing capital improvement funds.

PASSED this 15th day of August 2022.

APPROVED this _____ day of August, 2022.

Michael L. Hansen, Mayor

ATTEST:

Katrina Davis, City Clerk