

# Agenda: Newton City Council

City Council Meeting  
June 17, 2019  
6:00 p.m.

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

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|------------------------------|--|
| <b>Pledge</b>                | Pledge of Allegiance   |
| <b>Call to Order</b>         | 1. Roll Call   |
| <b>Citizen Participation</b> | 2. This is the time of the meeting that a citizen may address the Council on matters that are included in the consent agenda or a matter that is not on the regular agenda. Except in cases of legal emergency, the City Council cannot take formal action at the meeting, but may ask the City staff to research the matter or have the matter placed on a subsequent agenda.   |
| <b>Presentation</b>          | 3. CIRHA, Marcy Conner, Executive Director<br>4. Jasper Co Historical Museum, Bill Perrenoud, Director   |
| <b>Consent Agenda</b>        | 5. June 03, 2019 Regular City Council Meeting Minutes<br>6. Approve Newton Lodge #1270 (Elks), LA0000274, 111 E. 2 <sup>nd</sup> St. S., Class A Liquor License, Private Club, Sunday Sales; Giovanni's Pizza, BW0093233, 2020 1 <sup>st</sup> Ave. E., Special Class C Liquor License, Beer/Wine; Wal-Mart #748, LE0000974, 300 Iowa Speedway Dr., Class E Liquor License, Class B Wine Permit, Class C Beer Permit, Sunday Sales; Hy-Vee Club Room, LC0044764, 1501 1 <sup>st</sup> Ave. E., Special Event Iowa Speedway, Class C Liquor License, Class B Wine, Catering Privilege, Sunday Sales<br>7. Approve 2019-2020 Cigarette/Tobacco/Nicotine/Vapor License for; In & Out Market Db a Petro Stop, 404 S. 11 <sup>th</sup> Ave. W.; Dollar General, 2617 1 <sup>st</sup> Ave. E.<br>8. Resolution Authorizing Fund Transfers in FY18/19 (Council Report 19-126)<br>9. Resolution accepting real estate easements for the downtown traffic signal improvement project. (Council Report 19-127)<br>10. Resolution approving a one (1) year supplemental agreement with the Iowa Department of Transportation for City maintenance of U.S. Highway 6. (Council Report 19-128)<br>11. Approve Bills |
| <b>Pubic Hearing</b>         | 12. Public Hearing for a Resolution approving an application for Federal Aviation Administration (FAA) funding assistance for the Newton Airport Apron Expansion Project, and awarding a contract for said project contingent upon the receipt of said funding assistance grant. (Council Report 19-129) <ul style="list-style-type: none"><li>• Construction plans and specifications for the Newton Airport Apron Expansion Project were prepared by Clappsaddle-Garber Associates (CGA), and bids were received on June 5, 2019.</li><li>• Following the receipt of bids, the FAA requires the City to submit an application for funding assistance for the design and construction costs of said improvements.</li></ul>   |

- City Staff recommends that Council approve the submission of an FAA grant application to fund the Newton Airport Apron Expansion Project; and award the project to Con-Stuct, Inc. of Marshalltown, Iowa in the amount of \$511,595.00, contingent upon the receipt and approval of said FAA grant.

13. Resolution approving an application for Federal Aviation Administration (FAA) funding assistance for the Newton Airport Apron Expansion Project, and awarding a contract for said project contingent upon the receipt of said funding assistance grant. (Council Report 19-129)

**Ordinance**

14. Third Consideration of an Ordinance amending the City of Newton Code of Ordinances, Title XV, Chapter 158, increasing the maximum allowable building height in the C-T: Tourism Oriented Commercial District. (Council Report 19-108)

- The maximum allowable height of 35 feet is too restrictive for encouraging tourism oriented commercial development near 168. This amendment increases the maximum height to 80 feet in the C-T zone.
- At their meeting on May 7, 2019, the Planning and Zoning Commission unanimously recommended approval of the zoning ordinance amendment.

**Resolutions**

15. Resolution Adopting a City of Newton Credit Card Policy (Council Report 19-130)

- The resolution implements a credit card policy for any City employee that is issued a City credit card. The policy was created using examples from other cities across the state of Iowa and incorporating practices currently used by the City.
- The policy outlines procedures in issuing, usage, documentation, and payment of all credit cards.

16. Resolution Authorizing Approval of the City of Newton Employee Handbook as Amended. (Council Report 19-131)

- The City has worked in its negotiations to provide similar benefits so all employment groups. In the basic areas of the contracts, the terms and thus the benefits are very similar and efforts are made to keep them consistent.
- Following the adoption of the 2019-2024 collective bargaining contracts; revisions to the sick leave accruals need to be made to the Employee Handbook effective July 1, 2019.

17. Resolution approving an amendment to the development agreement with Newton Elite Properties, LLC increasing the economic development grant amount. (Council Report 19-132)

- In June 2018, the City of Newton entered into a development agreement with Newton Elite Properties to rehabilitate the former Scoreboard Building at 122 North 2nd Avenue West.
- During the rehabilitation process, the developer was required to rework the front entrance to meet the adopted codes for the City of Newton with a project cost of \$6,425.18.
- It is recommended the Development agreement be amended to include the following language to Section B (2): The City hereby

agrees to provide an additional grant in an amount not to exceed \$3,212.59 for the provision of an ADA compliant front entrance.

**Staff Report**

18. Community Marketing, Danielle Rogers, Community Marketing Manager

**Mayor/Council Comments**

19.

**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.

[www.NewtonGov.org](http://www.NewtonGov.org)

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REGULAR CITY COUNCIL MEETING MINUTES  
JUNE 3<sup>RD</sup>, 2019, 6:00 P.M.  
CITY COUNCIL CHAMBERS

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

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

During citizen participation Barbara Stockdale, former owner of 509 W. 2<sup>nd</sup> St. S. requested the property be returned to her. Mayor Hansen advised her to have her attorney contact the City attorney in the future as the property is now a matter of the courts; Sherry Pitts, 830 E. 15<sup>th</sup> St. N. and Betty Kling, 720 E. 23<sup>rd</sup> N. spoke in opposition to the master plan for Arbor Estates; Bruce Showalter, director NHDC spoke regarding mowing Arbor States development; Betsy Duffy, 510 Columbus St., Pella thanked the City and DMACC for welcoming her business Gazellig Brewing Company to Newton. Duffy encouraged the City to push for market rate housing in Legacy Plaza.

Dr. Joseph C. DeHart, Provost, Des Moines Area Community College, DMACC provided several statistics including: Enrollment has been on the decline yet graduate success rates remain strong; The average age of students have been around 30 years old and is declining; Students are traveling more miles than average; DMACC ranks number 2 in enrollment; 1 in 6 of Jasper County's graduates are served at the Newton Campus; Funding comes from 1/3 state appropriations with 52 percent coming from students tuition; DMACC has the second lowest tuition in the state; Jasper County Career Academy serves high school students in the area; DMACC is looking to implement Auto Technician/Diesel and Computer Languages programs; They added a part-time adviser to provide better matriculation from HS to the Newton Campus; The top five priorities at DMACC are safety, civility, learning, success, and efficiency.

Kevin Cook, Board member, Newton Alumni Association spoke on behalf of President, Lisa McKinney who could not attend. The Newton Alumni Association was founded in 1882 by President Emerson Hough. The associations' mission is to provide activities, communications, & other services for NHS graduates and other members. Newton Alumni weekend begins Friday June 7<sup>th</sup> with the All Class Reunion held at Legacy Plaza from 6:00 P.M. to midnight. On Saturday June 8<sup>th</sup> the All Classes Brunch will be held at 10:00 A.M. with the Hall of Fame Ceremony following at 10:30 A.M. The Jack Chadwick Best Shot Golf Tournament will be on Saturday June 8<sup>th</sup> at 1:00 P.M. Proceeds from the events will be going towards the Newton Alumni Association Annual Scholarship Fund. All friends of Newton graduates are encouraged to attend.

Moved by Chapé, seconded by George to approve consent agenda items 5-12.

5. May 20, 2019 Regular City Council Meeting Minutes
  6. Approve Liquor License for; Walgreens, LE0002171, 1204 1<sup>st</sup> Ave. E., Class E Liquor License, Class C Beer Permit, Class B Native Wine Permit, Sunday Sales; Casey's 1911, LEV86019, 1018 1<sup>st</sup> Ave. E.; Class E Liquor License, Class C Beer Permit, Class B Wine Permit, Sunday Sales; The Cellar Peanut Pub, LC0044726, 403 W. 4<sup>th</sup> St. N., Temporary Outdoor License Only for Newton Fest and Newton Alumni; The Cellar Peanut Pub, BBV86505, 403 W. 4<sup>th</sup> St. N., Building 1 & 16, Temporary License for Iowa Summit to be held during Newton Fest, Class B Beer Permit, Class B Native Wine Permit; Gazellig Brewing Company, BBV84577, 403 W. 4<sup>th</sup> St. N. Bldg 17, adding outdoor service to license approved previously by council.
  7. Approve 2019-2020 Cigarette/Tobacco/Nicotine/Vapor License for; CSOI Corp DbA: West End #961, 1325 1st Ave W; CSOI Corp. DbA: Newton 66 #963, 1806 S 12th Ave W; Murphy's Oil, 200 Iowa Speedway Drive; Pit Stop Liquors 1324 1st Ave E.; Fareway, 120 N. 3<sup>rd</sup> Ave. E.; Walgreens, 1204 1<sup>st</sup> Ave. E.
  8. Certify Firefighter Candidate List
  9. Resolution Approving Allocation of Local Option Sales and Services Taxes for Fiscal Year 2019-2020. Resolution 19-109 adopted.
  10. Resolution awarding contract for Demolition 2019-01 project. Resolution 19-110 adopted.
  11. Resolution to enter into a Contingency Plan and Transportation Agreement with Unity Point Health- Marshalltown Ambulance. Resolution 19-111 adopted.
  12. Approve Bills
- AYES: Six. NAYS: None. Consent agenda items approved.

Moved by Mullan, seconded by George to approve the second consideration of an Ordinance amending the City of Newton Code of Ordinances, Title XV, Chapter 158, increasing the maximum allowable building height in the C-T: Tourism Oriented Commercial District. AYES: Six NAYS: None. Second Consideration Passed.

Moved by Stonner, seconded by Mullan to approve the first consideration of an Ordinance to amend the City of Newton Code of Ordinances, Title VII, Chapter 70, section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 800-1100 block of North Tenth Avenue East. Jason Dalton, 2506 N. 6<sup>th</sup> Ave. E. spoke opposing the ordinance. Rob Burdess, Chief of Police spoke regarding the impact parking on both sides of the streets in this area has on public safety. Moved by Stonner, seconded by Mullan to postpone the ordinance. AYES: Six. NAYS: None. Motion Postponed.

Moved by Chapé, seconded by Mullan to adopt a Resolution Amending the City of Newton Fee Schedules. AYES: Six. NAYS: None. Resolution 2019-112 adopted.

Moved by Stonner, seconded by Trotter to adopt a Resolution amending the Airport Management Contract, and the Fixed-Base Operation Lease and Fuel Fee Agreement with Johnson Aviation, Inc. Fred Rhodes, 1099 S. 2<sup>nd</sup> Ave. E. and John Beck, 700 E. 14<sup>th</sup> St. N. spoke in opposition of the contract. Brain Laube, Community Services Manager and Ethan Nasalroad spoke supporting the contract. AYES: Six. NAYS: None. Resolution 2019-113 adopted.

Moved by Hallam, seconded by George to adopt a Resolution approving the master plan concept for Arbor Estates Subdivision. Bruce Showalter, Director NHDC, and Erin Chambers, Community Development Director stated the master plan adopted is a preliminary plan put in place in order to move forward with the development ensuring proper drainage. James Sprouse, 842 E. 19<sup>th</sup> St. N., Dan Crook, 2424 N. 7<sup>th</sup> Ave. Pl. E., Diane Hoffman, 2310 N. 7<sup>th</sup> Ave. Pl. E., and Paul Fields, 2320 N. 7<sup>th</sup> Ave. Pl. E. discussed concerns with the development; Council discussion ensued. AYES: Six. NAYS: None. Resolution 2019-114 adopted.

Moved by Hallam, seconded by Mullan to adopt a Resolution accepting a proposal and authorizing a contract for the consulting services of the Office of the State Archeologist for the completion of the National Register of Historic Places Nomination of Two Residential Historic Districts along First Avenue East and West. AYES: Six. NAYS: None. Resolution 2019-115 adopted.

Moved by Chapé, seconded by Trotter to adopt a Resolution approving the Field use Agreements with the Newton Area Soccer Association. (NASA) Kendall Miller, 1222 S. 4<sup>th</sup> Ave. E., NASA President spoke regarding contract concerns. AYES: Six. NAYS: None. Resolution 2019-116 adopted.

Moved by Mullan, seconded by Trotter to adopt a Resolution approving the 2019-20 Non-Union Compensation Plan. AYES: Six. NAYS: None. Resolution 2019-117 adopted.

During staff reports, Erin Chambers, Director of Community Development, and Brian Laube, Community Services Manager presented three different options to council regarding the Rental Inspection Program. Council adopted hiring an outside contractor to fill the rental inspection position.

During Mayor/Council Comments Hallam stated that he is anticipating Newton Fest. Mayor Hansen stated he is looking forward to getting real close to Matthew and Gunnar Nelson and attending the Alumni party dance. Hallam stated he attended the Ribbon Cutting at Discover Hope 5:17. He stated Robbie Robinson made the comment that his spiritual commitment is to the recovery of individual residents in Newton and that he is very proud to be part of Newton as the community recovers as a whole.

Moved by Trotter, seconded by George to adjourn the meeting at 8:28 P.M. Motion unanimously carried by voice vote.

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Michael L. Hansen, Mayor

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Shawnda Nine  
Deputy City Clerk

# City of Newton Council Report



**Item:** Resolution Authorizing Fund Transfers in FY 18/19

**Summary:** This Action Approves Fund Transfers in FY18/19

**Financial Impact:**  
This resolution authorized transfers between City of Newton Funds in FY 18/19

**Report Number:** 19-126

**Date:** June 17, 2019

**Lead Department:**  
Finance

**Recommendation:**  
Approval

## Background:

Iowa Code section 384.15 was amended in April of 2019 and requires all transfers between City funds to be approved by a Council resolution.

In order to meet the requirements of this amendment, the Council must approve a clear statement including the reason or purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is received, and the not to exceed dollar amount to be transferred.

The FY18/19 proposed not to exceed transfers are as follows:

Fund Transferred From:	Fund Transferred To:	Reason for Transfer:	Amount:
Capital Fund	General Fund	Reimburse General Fund for Snow Plow purchase	165,000
City Garage	General Fund	Reimburse General Fund for Services	9,365
East Mart TIF	Hotel/Motel Fund	Reimburse Hotel/Motel Tax Fund for Services	2,000
East Mart TIF	Employee Benefits	Reimburse Employee Benefits Fund for Services	10,149
East Mart TIF	Debt Service	Principal & Interest Payments	38,938
East Mart TIF	General Fund	Reimburse General Fund for Services	45,977
East Mart TIF	Capital Fund	Reimb Capital Fund for IA Speedway Drive Reconstruction	75,000
General Fund	Debt Service	Principal & Interest Payments (Fairmeadows N)	175,000
General Fund	Golf	Resolution 18-305 Reduce Golf Negative Balance	27,156
Housing Initiative	Capital Fund	Reallocation of Bonded Funds	169,000
Hwy 14 TIF	Debt Service	Principal & Interest Payments	13,846
Hwy 14 TIF	Employee Benefits	Reimburse Employee Benefits Fund for Services	28,134
Hwy 14 TIF	Hotel/Motel Fund	Reimburse Hotel/Motel Tax Fund for Services	30,000
Hwy 14 TIF	General Fund	Reimburse General Fund for Services	96,519
Landfill	General Fund	Reimburse General Fund for Services	200,000
Landfill	Landfill PC	Set aside amount for Landfill Post Closure	200,000
LOST Fund	Employee Benefits	35% of Local Option Tax Receipts Property Tax Relief	537,723

N Central TIF	General Fund	Mowing in N Central TIF District	4,500
N Central TIF	Hotel/Motel Tax	Reimburse Hotel/Motel Tax Fund for Services	25,000
N Central TIF	General Fund	Reimburse General Fund for Services	217,000
N Central TIF	Debt Service	Principal & Interest Payments	651,667
Road Use Tax	General Fund	Reimburse General Fund for Bldg & Salary Expenses	56,923
Speedway/PF TIF	General Fund	Reimburse General Fund for Services	11,250
Speedway/PF TIF	Debt Service	Principal & Interest Payments	1,484,477
WPC	General Fund	Reimburse General Fund for Services	200,000

**Recommendation:**

Staff recommends approving the proposed transfers between funds for fiscal year 2018/19.



Matt Muckler  
City Administrator

## RESOLUTION NO. 2019- \_\_\_\_\_

### RESOLUTION AUTHORIZING FUND TRANSFERS IN FY 18/19

**WHEREAS**, Iowa Code section 384.15 was amended in April of 2019; and

**WHEREAS**, this amendment requires all cities in Iowa to approve by resolution approving all transfers between funds; and

**WHEREAS**, this resolution must include a clear statement including the reason or purpose for the transfer, the name of the fund from which the transfer is originating, the name of the fund into which the transfer is received, and the not to exceed dollar amount to be transferred; and

**WHEREAS**, the proposed FY18/19 not to exceed transfers are as follows:

<b>Fund Transferred From:</b>	<b>Fund Transferred To:</b>	<b>Reason for Transfer:</b>	<b>Amount:</b>
Capital Fund	General Fund	Reimburse General Fund for Snow Plow purchase	165,000
City Garage	General Fund	Reimburse General Fund for Services	9,365
East Mart TIF	Hotel/Motel Fund	Reimburse Hotel/Motel Tax Fund for Services	2,000
East Mart TIF	Employee Benefits	Reimburse Employee Benefits Fund for Services	10,149
East Mart TIF	Debt Service	Principal & Interest Payments	38,938
East Mart TIF	General Fund	Reimburse General Fund for Services	45,977
East Mart TIF	Capital Fund	Reimb Capital Fund for IA Speedway Drive Reconstruction	75,000
General Fund	Debt Service	Principal & Interest Payments (Fairmeadows N)	175,000
General Fund	Golf	Resolution 18-305 Reduce Golf Negative Balance	27,156
Housing Initiative	Capital Fund	Reallocation of Bonded Funds	169,000
Hwy 14 TIF	Debt Service	Principal & Interest Payments	13,846
Hwy 14 TIF	Employee Benefits	Reimburse Employee Benefits Fund for Services	28,134
Hwy 14 TIF	Hotel/Motel Fund	Reimburse Hotel/Motel Tax Fund for Services	30,000
Hwy 14 TIF	General Fund	Reimburse General Fund for Services	96,519
Landfill	General Fund	Reimburse General Fund for Services	200,000
Landfill	Landfill PC	Set aside amount for Landfill Post Closure	200,000
LOST Fund	Employee Benefits	35% of Local Option Tax Receipts Property Tax Relief	537,723
N Central TIF	General Fund	Mowing in N Central TIF District	4,500
N Central TIF	Hotel/Motel Tax	Reimburse Hotel/Motel Tax Fund for Services	25,000
N Central TIF	General Fund	Reimburse General Fund for Services	217,000
N Central TIF	Debt Service	Principal & Interest Payments	651,667
Road Use Tax	General Fund	Reimburse General Fund for Bldg & Salary Expenses	56,923
Speedway/PF TIF	General Fund	Reimburse General Fund for Services	11,250
Speedway/PF TIF	Debt Service	Principal & Interest Payments	1,484,477
WPC	General Fund	Reimburse General Fund for Services	200,000

**NOW THEREFORE, BE IT RESOLVED** that the proposed fund transfers for FY18/19 be approved.

**PASSED** this 17th day of June, 2019

**APPROVED** this \_\_\_\_\_ day of June, 2019

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

ATTEST:

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



## City of Newton Council Report



**Item:** Resolution accepting Real Estate Easements for the Newton Downtown Traffic Signal Improvements Project.

**Summary:** Acceptance of temporary and permanent easements to complete traffic signal work and ADA sidewalk construction.

**Financial Impact:** None

**Report Number:** 19-127

**Date:** June 17, 2019

**Lead Department/Division:** Community Services

**Recommendation:** Approve

### Background:

Shive/Hattery Engineering on behalf of the City prepared plans and specifications for the 1st Avenue Traffic Signal Improvements Project. As part of this project, numerous temporary and permanent construction easements are required to match existing sidewalks, driveways, lawns and to construct the proposed sidewalks.

The following identified easements, as represented by Real Estate Easements executed by the property owner subject to City Council approval and now on file with the City Clerk are:

<u>Easement Number</u>	<u>Property Owner</u>	<u>Easement Address</u>	<u>Easement Type</u>
2018-09	Richard & Janet Graber	321 1st Ave E	Temporary
2018-11	Robert & Pamela McCormick	220 1st Ave E	Temporary
2018-12	Max & Joyce Kane	314 1st Ave E	Temporary
2018-13	Family Video Movie Club	308 1st Ave E	Temporary
2018-14	James Miller LLC	402 1st Ave E	Temporary
2018-15	David Hulsizer	321 1st Ave W	Temporary
2018-16	VanDusseldorp Inc.	301 1st Ave W	Temporary
2018-17	KVW Development LLC	121 1st Ave E	Temporary
2018-21	KVW Development LLC	121 1st Ave E	Permanent
2018-22	James Miller LLC	402 1st Ave E	Permanent
2018-23	Family Video Movie Club	308 1st Ave E	Permanent

All easements have been granted by the owner at no cost to the City.

**Recommendation:**

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

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

Matt Muckler  
City Administrator

**RESOLUTION NO. 2019-\_\_\_\_\_**

**RESOLUTION ACCEPTING REAL ESTATE EASEMENTS FOR THE  
DOWNTOWN TRAFFIC SIGNAL IMPROVEMENT PROJECT**

**WHEREAS**, Shive/Hattery Engineering on behalf of the City prepared plans and specifications for the 1st Avenue Traffic Signal Improvements Project; and

**WHEREAS**, as part of said projects, permanent and temporary construction easements are required to match existing sidewalks, driveways, lawns and to construct the proposed sidewalks; and

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

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

<u>Easement Number</u>	<u>Property Owner</u>	<u>Easement Address</u>	<u>Easement Type</u>
2018-09	Richard & Janet Graber	321 1st Ave E	Temporary
2018-11	Robert & Pamela McCormick	220 1st Ave E	Temporary
2018-12	Max & Joyce Kane	314 1st Ave E	Temporary
2018-13	Family Video Movie Club	308 1st Ave E	Temporary
2018-14	James Miller LLC	402 1st Ave E	Temporary
2018-15	David Hulsizer	321 1st Ave W	Temporary
2018-16	VanDusseldorp Inc.	301 1st Ave W	Temporary
2018-17	KVW Development LLC	121 1st Ave E	Temporary
2018-21	KVW Development LLC	121 1st Ave E	Permanent
2018-22	James Miller LLC	402 1st Ave E	Permanent
2018-23	Family Video Movie Club	308 1st Ave E	Permanent

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are authorized to execute the Real Estate Easement documents for the affected properties. All easements have been granted by the owner at no cost to the City.

**PASSED** this \_\_\_\_\_ day of June, 2019.

**APPROVED** this \_\_\_\_\_ day of June, 2019.

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

ATTEST:

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

## City of Newton Council Report

**Item:** Resolution approving a one (1) year supplemental agreement with the Iowa Department of Transportation for City maintenance of U.S. Highway 6.

**Summary:** A supplemental agreement is needed with the Iowa DOT for maintenance of Highway 6 through the City.

**Financial Impact:** \$20,227.00 in revenue



**Report Number:** 19-128

**Date:** June 17, 2019

**Lead Department:** Public Works Department

**Recommendation:** Approve

### **Background:**

Every five (5) years, the Iowa Department of Transportation (DOT) presents cities an agreement for the maintenance and repair of primary highways through those cities. The Iowa DOT and the City of Newton entered into a five-year agreement for U.S. Highway 6 (1<sup>st</sup> Avenue) in 2016 that is in effect from July 1, 2016 through June 30, 2021.

The Iowa DOT has provided the City of Newton a Supplemental Agreement for 2019-2020 year that indicates the payment that the City will receive based on the State's standard maintenance rates. Per the supplemental agreement, the City of Newton is responsible for those maintenance activities listed in Sections I.B.1, I.B.3, I.B.4 and I.C.1 of the 5-year agreement for U.S. Highway 6 within the corporate limits of Newton. In general, the City responsibilities include pavement maintenance, storm sewer, snow/ice removal and tree maintenance.

The maintenance payment rate for 2019-2020 will be \$2,100/lane mile for a total annual payment to the City of \$20,227.00.

Each year of the 5 year agreement the Iowa DOT will provide the City of Newton a Supplemental Agreement that will indicate the payment that the City will receive based on the State's standard maintenance rates.

### **Recommendation:**

City staff recommends approval the 1-year maintenance supplemental agreement with the Iowa DOT for U.S. Highway 6 within the corporate limits of Newton.

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

Matt Muckler  
City Administrator

**RESOLUTION NO. 2019 – \_\_\_\_\_**

**RESOLUTION APPROVING ONE (1) YEAR SUPPLEMENTAL AGREEMENT WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR CITY MAINTENANCE OF U.S. HIGHWAY 6**

**WHEREAS**, the City of Newton has had an agreement with the Iowa Department of Transportation (DOT) for many years which identified responsibilities of the City and the DOT for maintenance of U.S. Highway 6 (1<sup>st</sup> Avenue) from the west corporate limits to the east corporate limits of the City of Newton; and

**WHEREAS**, the Iowa DOT is proposing to renew this one (1) year supplemental agreement under the same terms and conditions as described in the five (5) year agreement; and

**WHEREAS**, the Iowa DOT will provide the City with a Supplemental Agreement each year of the 5-year agreement that will provide the rate of payment to the City of Newton based on lane miles of roadway and such payment will be \$2,100/lane mile or \$20,227.00 for each year of the agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Newton, Iowa, that the City of Newton hereby authorizes the Mayor to execute the attached Supplemental Agreement for Maintenance and Repair of Primary Roads in Municipalities with the Iowa Department of Transportation.

**PASSED** this \_\_\_\_\_ day of June, 2019.

**APPROVED** this \_\_\_\_\_ day of June, 2019.

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

ATTEST:

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

**City of Newton Council Report**



**Item:**

Resolution approving an application for Federal Aviation Administration (FAA) funding assistance for the Newton Airport Apron Expansion Project, and awarding a contract for said project contingent upon the receipt of said funding assistance grant.

**Report Number:** 19-129

**Date:**  
June 17, 2019

**Summary:**

Award of contract to construct additional concrete apron area at the Newton Airport, contingent upon the submittal and receipt of an FAA grant for said work.

**Lead Department/Division:**  
Community Services

**Recommendation:**  
Approve

**Financial Impact:**

\$60,867.80 in local matching funds paid from the 2019A Bond funds and interest.

**Background:**

Included in the latest Airport Improvement Plan (AIP) for the Newton Municipal Airport is an apron expansion project. The Newton Airport Apron Expansion Project is not only needed to provide additional aircraft parking areas which are in short supply on race weekends, but also replaces some existing aircraft parking areas to be lost when the future taxiway realignment project is constructed.

On March 4, 2019 City Council approved Resolution 2019-046 to enter into an engineering services agreement with Clappsaddle-Garber Associates (CGA) of Marshalltown, Iowa. Construction plans and specifications for the Newton Airport Apron Expansion Project were prepared by CGA, and the following bids received on June 5, 2019:

<u>Contractor</u>	<u>Total Bid</u>
Con-Stuct, Inc. - Marshalltown, Iowa	\$511,595.00
Jasper Construction Services, Inc. - Newton, Iowa	\$610,590.00
Absolute Concrete Const., Inc. - Slater, Iowa	\$717,306.00
JB Holland Const., Inc. - Decorah, Iowa	\$803,782.00

The apparent low bidder is Con-Stuct, Inc. of Marshalltown, Iowa. The engineer's estimate of construction costs was \$427,917.00.

Due to the bid results received a request was submitted to the FAA for concurrence to award to the lowest bidder, and they have determined that the project costs would be eligible for reimbursement should the FAA award a grant for the project. This resolution approves the City's application for said funding assistance, and also awards a contract to Con-Struct, Inc. contingent upon the receipt and approval of a grant agreement with the FAA.

With the \$97,083 engineering contract already approved, and \$511,595 added for construction costs, the City's 10% local match on the anticipated FAA 90%-10% grant will be \$60,867.80. This out-of-pocket cost will be paid from 2019A bond proceeds and interest.

Construction work is planned for later in 2019 following the completion of the 2019 race season at the adjacent Iowa Speedway. Substantial completion will be in the spring of 2020 ahead of the 2020 race season.

**Recommendation:**

City Staff recommends that Council approve the submission of an FAA grant application to fund the Newton Airport Apron Expansion Project; and award the project to Con-Stuct, Inc. of Marshalltown, Iowa in the amount of \$511,595.00, contingent upon the receipt and approval of said FAA grant.



Matt Muckler  
City Administrator

RESOLUTION 2019- \_\_\_\_\_

**RESOLUTION APPROVING AN APPLICATION FOR FEDERAL AVIATION ADMINISTRATION (FAA) FUNDING ASSISTANCE FOR THE NEWTON AIRPORT APRON EXPANSION PROJECT, AND AWARDED A CONTRACT FOR SAID PROJECT CONTINGENT UPON THE RECEIPT OF SAID FUNDING ASSISTANCE GRANT.**

**WHEREAS**, the expansion of the apron at the airport was identified in the Airport Improvement Plan as a project needing to be completed before future taxiway projects can be considered; and

**WHEREAS**, construction plans and specifications for the Newton Airport Apron Expansion Project were prepared by Clappsaddle-Garber Associates (CGA), and bids were received on June 5, 2019; and

**WHEREAS**, the \$511,595 base bid received from Con-Struct, Inc. of Marshalltown, Iowa is determined to be the lowest responsive and responsible bid for the Newton Airport Apron Expansion Project; and

**WHEREAS**, staff recommends that the City award a contract to Con-Struct, Inc. of Marshalltown, Iowa for the base bid work, contingent upon the receipt and approval of a Federal Aviation Administration funding assistance grant for said project; and

**WHEREAS**, it is now necessary to submit an application for said funding assistance from the Federal Aviation Administration for the design and construction costs of said improvements.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Newton, Iowa, that the bid from Con-Struct, Inc. of Marshalltown, Iowa is hereby accepted for the Base Bid only to construct the Newton Airport Apron Expansion Improvements as described in the plans and specifications, as previously ordered by the Council, and that the contract for the construction is now awarded subject to receipt and execution of a grant agreement with the Federal Aviation Administration, to Con-Struct, Inc. of Marshalltown, Iowa in the amount of Five Hundred Eleven Thousand, Five Hundred Ninety Five dollars and zero cents (\$511,595.00).

**BE IT FURTHER RESOLVED**, by the City Council of the City of Newton, Iowa, that the Mayor and City Clerk are hereby authorized and directed to execute the contract with the contractor for the Newton Airport Apron Expansion Project; subject to concurrence from Federal Aviation Administration, and receipt and execution of a grant agreement with the Federal Aviation Administration.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Newton, Iowa, that the Mayor and City Clerk are hereby authorized and directed to sign and submit to the Federal Aviation Administration said application for funding for design and construction costs of the Newton Airport Apron Expansion Project.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Newton, Iowa, that the City's 10% local match on the anticipated FAA 90%-10% grant will be \$60,867.80 (engineering and construction costs); and said out-of-pocket cost will be paid from 2019A bond proceeds and interest.

**PASSED** this \_\_\_\_\_ day of June, 2019.

**APPROVED** this \_\_\_\_\_ day of June, 2019.

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

ATTEST:

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



# City of Newton Council Report

**Item:** An ordinance amending the City of Newton Code of Ordinances, Title XV, Chapter 158, increasing the maximum allowable building height in the C-T: Tourism Oriented Commercial District.

**Summary:** The maximum allowable height of 35 feet is too restrictive for encouraging tourism oriented commercial development near 168. This amendment increases the maximum height to 80 feet in the C-T zone.

**Financial Impact:** None.



**Report Number:** 19-108

**Date:** May 20, 2019

**Lead Department:** Community Development Department

**Recommendation:**  
Approve

**Proposal:** To amend the maximum height requirement within the C-T Zoning Classification by increasing it from 35 feet to 80 feet.

**Analysis:** As staff has conversations with economic development prospects, it has become apparent that the 35-foot maximum height restriction may be too restrictive to accommodate multi-story projects, such as a hotel, within the commercial zoning classification that is found surrounding Exit 168.

For comparison, the C-O: Office Commercial District has a maximum height restriction of 50 feet, C-A: Arterial Commercial is 75 Feet, and the C-CBD: Central Business District has a maximum height restriction of 100 feet.

Staff recommends that the height be amended to 80 feet, placing it well within the range of the existing maximum allowable heights found in comparable zones within the City and being able to accommodate a multi-story structure with a couple feet to spare (typically 75 feet).

**Notice of Proposal:** Notice of this public hearing was published in the Newton Daily News on May 15, 2019.

**Planning & Zoning Commission Review and Recommendation:** At their meeting on May 7, 2019, the Planning and Zoning Commission, with a unanimous vote of 7-0, recommended approval of the amendment increasing the height within the C-T District from 35 feet to 80 feet.

**Recommendation:** Staff recommends approval of the ordinance.

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

Matt Muckler  
City Administrator

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF NEWTON CODE OF ORDINANCES, TITLE XV, CHAPTER 158, INCREASING THE MAXIMUM ALLOWABLE BUILDING HEIGHT IN THE C-T: TOURISM ORIENTED COMMERCIAL DISTRICT**

**WHEREAS**, the C-T: Tourism Oriented Commercial District was established to provide space for business activities located along Interstate 80 that attract and serve visitors to the community as well as meeting needs of local residents;

**WHEREAS**, the current maximum allowable height for buildings within the C-T: Tourism Oriented Commercial District is found to be too restrictive for multi-story developments that serve and attract visitors to the community;

**WHEREAS**, the Planning and Zoning Commission, at their May 7, 2019 meeting, reviewed and unanimously recommended approval of amending Chapter 158: Zoning, City of Newton Code of Ordinances to increase the maximum allowable height to 80 feet within the C-T: Tourism Oriented Commercial District;

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

**Section 1.** Title XV, Chapter 158 is amended as follows:

158.027(F)(4)(a): Height: ~~35~~ 80 feet; and

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

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

**Section 4.** Effective. This ordinance shall be effective on \_\_\_\_\_, 2019, after the final passage, approval and publication as provided by law.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

(SEAL)

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

ATTEST:

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

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the \_\_\_\_ day of \_\_\_\_\_, 2019 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

## City of Newton Council Report

**Item:** Resolution Adopting a City of Newton Credit Card Policy

**Summary:** Resolution to Adopt a Credit Card Usage Policy for City of Newton Employees

**Financial Impact:** No Financial Impact



**Report Number:** 19-130

**Date:** June 17, 2019

**Lead Department:**  
Finance

**Recommendation:**  
Approve

### Background:

The attached resolution implements a credit card policy for any City employee that is issued a City credit card. The policy was created using examples from other cities across the state of Iowa and incorporating practices currently used by the City. The purpose of this policy is to provide employees with parameters in which to purchase supplies or services and protect the City from unauthorized use of credit cards. The policy outlines procedures in issuing, usage, documentation, and payment of all credit cards.

### Recommendation:

Staff recommends approval of the attached Resolution.

Matt Muckler  
City Administrator

**RESOLUTION NO. 2019– \_\_\_\_\_**

**RESOLUTION ADOPTING A CITY OF NEWTON CREDIT CARD POLICY**

**WHEREAS**, the City of Newton is in need of a credit card policy; and

**WHEREAS**, the attached credit card policy was created using examples from other Iowa cities and incorporating practices currently used by the City of Newton; and

**WHEREAS**, the purpose of this policy is to provide employees parameter in which to purchase supplies or services and protect the City from unauthorized use of credit cards; and

**WHEREAS**, the policy outlines procedures issuing, usage, documentation, and payment of all City issued credit cards:

**NOW THEREFORE, BE IT RESOLVED** that the proposed credit card policy be approved.

**PASSED** this 17th day of June, 2019

**APPROVED** this \_\_\_\_\_ day of June, 2019

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

ATTEST:

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

# CITY OF NEWTON CREDIT CARD POLICY

## **Section 1: Purpose:**

- a. A City issued credit card is intended to provide employees with an effective and efficient method of purchasing, reserving, guaranteeing and paying for specific services and/or purchases
- b. The program is intended to eliminate numerous credit application forms and related records required to set up and maintain charge accounts with infrequently used vendors who provide small repair and maintenance parts and services.
- c. The use of City issued credit cards shall be in compliance with other City policies and procedures. It is the responsibility of each cardholder to comply with these policies

## **Section 2: Roles and Responsibilities:**

- a. The conduct of all City employees shall meet the highest ethical standards, and that standard is a part of the City's credit card program. All participants in the program are responsible for conducting themselves in such a way as to exemplify the public trust that they hold.
- b. **Program Administrator:** The Finance Officer will act as the program administrator for the City of Newton. Responsibilities shall include:
  1. Handling issues with the card provider and cardholders regarding compliance with program policies.
  2. Providing policy and procedure revisions to each department director or manager.
  3. Recommending appropriate action in the event of unauthorized use of a card.
  4. Coordinating the card application process and keeping a record of all cardholders and limits.
  5. Handling issues with the card provider and cardholders regarding changes in cardholder status.
- c. **Payment Administrator:** The Financial Analyst will act as payment administrator. Responsibilities shall include:
  1. Handling questions concerning payment procedures.
  2. Processing payments in accordance with the program policies.
  3. Reporting all variances from policies and procedures to the Finance Officer.

d. **Cardholder:** Responsibilities shall include:

1. Knowing and complying with City issued credit card policies and procedures, and ensuring all purchases are made in accordance with the City's purchasing policy.
2. Ensuring that funds have been budgeted and available to pay for the items and/or services being purchased.
3. Notifying the vendor, when applicable, that the purchase is tax exempt and to ensure that taxes are not added to the prices of items and/or services purchased.
4. Timely provide receipts to the Payment Administrator (Financial Analyst) with departmental approval and the appropriate account number. Failure to provide receipts could result in suspension or termination of the credit card.
5. Resolving all disputes on individual accounts in accordance with the program guidelines.
6. Promptly report any variance from the program to the Program Administrator (Finance Officer).

**Section 3 – Security**

- a. All credit cards are the property of the City of Newton.
- b. It is the responsibility of the cardholders to keep the card and related account information in a safe and secure location.
- c. Cardholders shall immediately report lost or stolen cards to the program administrator. If a card is lost or stolen during non-business hours, the cardholder shall immediately report the loss or theft to the card provider and report the loss or theft to the program administrator immediately on the first business day thereafter.
- d. Cardholders shall return cards to the Program Administrator when employment with the City of Newton is terminated.

**Section 4 – Dollar Limits**

- a. The Program Administrator, in conjunction with the City Administrator will establish limits for each cardholder.
- b. If a purchase is larger than the regular limit for a cardholder, the cardholder may request from the Program Administrator a temporary increase in the limit. This requires approval from the City Administrator.

**Section 5 – Unallowable Purchases**

- a. City issued credit cards shall not be used for the following types of transactions:
  1. Cash advances. This includes gift cards to be used to pay for City Services.
  2. Purchase of alcoholic beverages.
  3. Travel related expenses for spouses or any other non-covered person.
  4. Personal use items not reimbursable to the City.

5. Rental or lease of motor vehicles unless pre-approved as a travel expense.
  6. Purchases from Vendors with which the City has an account.
- b. The City credit card shall not be used for personal identification or as a personal credit reference.
  - c. Personal expenses processed on a City purchasing card are considered to be in violation of the program policies and are subject to disciplinary action.

Misuse of the City's credit card, failure to secure, or failure to report stolen or missing credit card immediately upon discovering could result in disciplinary action toward the employee. Employees would not be held responsible for any fraudulent charges to the credit card after it has been reported missing or stolen.

# City of Newton Council Report



**Item:** Resolution Authorizing Approval of the City of Newton Employee Handbook as Amended

**Summary:** Following the adoption of the 2019-2024 collective bargaining contracts; several revisions need to be made to the Employee Handbook effective July 1, 2019.

**Financial Impact:**  
None.

**Report Number:** 19-131

**Date:** June 17, 2019

**Lead Department:**  
Administration

**Recommendation:**  
Approval

**Background:**

The Employee Handbook establishes policies that address General Policies, Compensation, Leaves, and Insurance for non-bargaining employees, as well as, for bargaining employees for items not covered in labor agreements.

Over the years the City has worked in its negotiations to provide similar benefits so that one group does not have something too far different from the other groups. There are exceptions to this as Fire Fighters and Police Officers have varied shifts and assignments that are atypical and as such receive different types of benefits. However, in the basic areas of the contracts - insurance, sick leave, vacation time, annual pay increases, holidays, etc. – the terms and thus the benefits are very similar and efforts are made to keep them consistent.


Following the adoption of the 2019-2024 collective bargaining contracts; revisions to the sick leave accruals need to be made to the Employee Handbook effective July 1, 2019.

**5.8 Sick Leave**

All regular full-time employees shall accrue sick leave at the rates and with the maximum accumulations as follows. Sick leave for regular part time employees shall be prorated.

<u>Hours Per Day</u> <u>Worked</u>	<u>Sick Leave</u> <u>Per Month</u> <u>Earned</u>	<u>Maximum Accrual</u>
8 Hours	42 8 Hours	4200 960 Hours
10 Hours	45 10 Hours	4500 1200 Hours
24 Hours	46 12 Hours	1,680 Hours

**Recommendation:** Staff recommends approval of the Resolution.

  
Matt Muckler  
City Administrator



**RESOLUTION NO. 2019 – \_\_\_\_\_**

**RESOLUTION AUTHORIZING APPROVAL OF THE CITY OF  
NEWTON EMPLOYEE HANDBOOK AS AMENDED.**

**WHEREAS**, the City Council of the City of Newton maintains an Employee Handbook to address General Policies, Compensation, Leaves and Insurance for its employees; and

**WHEREAS**, the Employee Handbook is required to be periodically updated and amended; and

**WHEREAS**, the City Council approved contract agreements with the Teamsters, Police and Fire Unions which included changes to the sick leave accruals; and

**WHEREAS**, the proposed amendments to the Employee handbook align with the approved union contracts.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Newton; that the amended City of Newton Employee Handbook is hereby approved effective July 1, 2019.

**PASSED** this \_\_\_\_\_ day of June 2019.

**APPROVED** this \_\_\_\_\_ day of June 2019.

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

ATTEST:

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

## City of Newton Council Report



**Item:** Resolution approving an amendment to the development agreement with Newton Elite Properties, LLC increasing the economic development grant amount

**Summary:** The project experienced an unanticipated cost related to establishing an ADA compliant front entrance

**Financial Impact:** An additional \$3,212.59 from Commercial D&D Funds

**Report Number:** 2019-132

**Date:** June 17, 2019

**Lead Department:**  
Administration

**Recommendation:**  
Approve

### Background:

In June 2018, the City of Newton entered into a development agreement with Newton Elite Properties to rehabilitate the former Scoreboard Building at 122 North 2<sup>nd</sup> Avenue West.

During the rehabilitation process, the developer was required to rework the front entrance to meet the adopted codes for the City of Newton. This project cost an additional \$6,425.18. This resolution provides additional grant funds to assist with one half of that additional cost.

The development agreement in Section B (2) provided a \$5,000 economic development grant. This resolution amends Section B(2) as follows by adding underlined language:

The City hereby agrees to advance the proceeds of the Grant to the Developer in an amount equal to \$5,000 immediately upon receipt by the City of satisfactory Real Estate Transaction Documentation, including a fully- executed Assessment Agreement. The City hereby agrees to provide an additional grant in an amount not to exceed \$3,212.59 for the provision of an ADA compliant front entrance.

**Recommendation:** Staff recommends approval of the Resolution.

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

Matt Muckler  
City Administrator

**RESOLUTION 2019-\_\_\_\_\_**

**RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH NEWTON ELITE PROPERTIES, LLC PROVIDING AN ADDITIONAL ECONOMIC DEVELOPMENT GRANT**

**WHEREAS**, the City of Newton (City) and Newton Elite Properties, LLC (Developer) entered into an agreement on June 19, 2018 for the redevelopment of 122 North 2<sup>nd</sup> Avenue West in Newton; and

**WHEREAS**, the Developer has incurred additional expense for the provision of an ADA compliant front entrance; and

**WHEREAS**, the City wishes to further participate in the project by assisting with the additional incurred expense for the ADA compliant front entrance;

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

That the attached Amendment to Development Agreement by and between the City of Newton, Iowa, and Newton Elite Properties, LLC, which provides for an additional grant in the amount not to exceed \$3,212.59 from Commercial D&D Funds is approved; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute the attached amendment.

**PASSED** this \_\_\_\_\_ day of June, 2019.

**APPROVED** this \_\_\_\_\_ day of June, 2019.

(Seal)

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

**ATTEST:**

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

**Amendment to Development Agreement**

**122 North 2<sup>nd</sup> Avenue West**

This amendment to the Development Agreement (dated June 19, 2018) for 122 North 2<sup>nd</sup> Avenue West is entered into between the City of Newton, Iowa (the "City") and Newton Elite Properties, LLC (the "Developer") as of \_\_\_\_\_ day of June, 2019.

WHEREAS, the Developer incurred additional expense related to the provision of an ADA compliant front entrance; and

WHEREAS, the additional incurred expense was in an amount of \$6,425.18 and has been paid to the contractors by the Developer; and

WHEREAS the City will provide financial assistance in the form of an economic development grant to be used to reimburse the developer for a portion of the additional incurred expense not to exceed \$3,212.59.

NOW, THEREFORE, the parties hereto agree to the following amendment to the previously Section B(2) of the Development Agreement is amended as follows by adding underlined language:

The City hereby agrees to advance the proceeds of the Grant to the Developer in an amount equal to \$5,000 immediately upon receipt by the City of satisfactory Real Estate Transaction Documentation, including a fully- executed Assessment Agreement. The City hereby agrees to provide an additional grant in an amount not to exceed \$3,212.59 for the provision of an ADA compliant front entrance.

CITY OF NEWTON, IOWA

By: \_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk

NEWTON ELITE PROPERTIES, LLC

By: \_\_\_\_\_

Owner