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NEVADA CITY COUNCIL - MONDAY, AUGUST 11, 2014 6:05 P.M.

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1. Call to Order

The City Council of the City of Nevada, Iowa, met for a regular meeting in the Council Chambers located at City Hall, 1209 6<sup>th</sup> Street, Nevada, Iowa. Mayor Lynn Lathrop convened the meeting at 6:05 p.m. on Monday, August 11, 2014, pursuant to the rules of the Council. The agenda was posted on the official bulletin board in compliance with the open meeting law.

2. Roll Call

The roll was called indicating the following named Council Members present and absent. Present: Chris Clark, Jane Heintz, Andrew Kelly, Ray Schwichtenberg and Jim Walker. Absent: Brian Hanson. Brian Hanson arrived at 6:48 p.m.

Staff Present: Elizabeth Hansen, Kerin Wright, Shawn Cole, Dave Johnson, Ric Martinez, Beth Williams, Larry Stevens and Erin Clanton.

Also in attendance were: Brett Van Waus, Rhonda Appelgate, Cali and Mike Smith, Greg Madsen, Fred Samuelson, Sharon Johnson, Jody Lyn Brooke and Raymond Kassel.

3. APPROVAL OF AGENDA

Motion by Jane Heintz, seconded by Andrew Kelly, to **approve the agenda**. After due consideration and discussion the roll was called. Aye: Heintz, Kelly, Schwichtenberg, Clark, and Walker. Nay: None. The Mayor declared the motion carried.

4. CONSENT AGENDA

Motion by Ray Schwichtenberg, seconded by Jim Walker, to **approve the following consent agenda items:**

- A. Approve Minutes of the Regular Meeting held on July 28, 2014
- B. Approve Payment of Cash Disbursements, including Check Numbers 60862-60944 (Inclusive) Totaling \$307,887.41 (See attached list)
- C. Approve Financial Reports for Month of June, 2014
- D. Accept Resignation of Planning and Zoning Board Member, Raymond Kassel
- E. Resolution No. 004 (2014/2015): A Resolution approving FY13/14 year end transfers
- F. Approve Dissemination Agent Agreement with D.A. Davidson & Co. (previously Ruan)

After due consideration and discussion the roll was called. Aye: Schwichtenberg, Walker, Clark, Kelly and Heintz. Nay: None. The Mayor declared the motion carried.

5. PUBLIC FORUM

Mayor Lathrop recognized the Board of Adjustment members that were in attendance, Greg Madsen, Fred Samuelson and Sharon Johnson, to honor Raymond Kassel for his many years of service on the Board of Adjustment. Raymond also served on the Planning and Zoning preceding his appointment to the Board of Adjustment.

6. OLD BUSINESS

- A. Ordinance 981 (2014/2015): An Ordinance amending Chapter 55, Animal Control and Protection (3<sup>rd</sup> and final reading)

Motion by Andrew Kelly, seconded by Ray Schwichtenberg, to **adopt Ordinance 981 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Kelly, Schwichtenberg, Walker, Heintz. Nay: Clark. The Mayor declared the motion carried.

- B. Ordinance 982 (2014/2015): An Ordinance adding Chapter 56, Cat and Dog Licensing (3<sup>rd</sup> and final reading)

Motion by Ray Schwichtenberg, seconded by Andrew Kelly, to **adopt Ordinance 982 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Schwichtenberg, Kelly, Walker, Heintz. Nay: Clark. The Mayor declared the motion carried.

- C. Resolution No. 005 (2014/2015): A Resolution setting Cat and Dog Licensing Fees

Motion by Jane Heintz, seconded by Andrew Kelly, to **adopt Resolution No. 005 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Heintz, Kelly, Schwichtenberg, Walker. Nay: Clark. The Mayor declared the motion carried.

Mayor Lathrop recognized Raymond Kassel and presented him with a plaque for his many years of service to the City of Nevada. Raymond was a member of the Planning and Zoning and Board of Adjustments.

- D. Resolution No. 006 (2014/2015): A Resolution Approving Final Acceptance of Work for 2013 Airport Road, Plat 6 Project by Con-Struct

Motion by Jim Walker, seconded by Ray Schwichtenberg, to **adopt Resolution No. 006 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Walker, Schwichtenberg, Heintz, Kelly, Clark. Nay: None. The Mayor declared the motion carried.

- E. 2013 Street Improvement Project, J & K Contracting

1. Approve Change Order No. 3 in the amount of \$11,550.00

Motion by Andrew Kelly, seconded by Jim Walker, to **approve Change Order No. 3 for the 2013 Street Improvement Project with J&K Contracting in the amount of \$11,550.00**. After due consideration and discussion the roll was called. Aye: Kelly, Walker, Clark, Heintz, Schwichtenberg. Nay: None. The Mayor declared the motion carried.

2. Approve Pay Request No. 5 in the amount of \$285,814.62

Motion by Ray Schwichtenberg, seconded by Jane Heintz, to **approve Pay Request No. 5 for the 2013 Street Improvement Project with J&K Contracting in the amount of \$285,814.62**. After due consideration and

discussion the roll was called. Aye: Schwichtenberg, Heintz, Kelly, Walker, Clark. Nay: None. The Mayor declared the motion carried.

F. Discussion and Appropriate Follow-up on Crow's Nest Concession Stand SCORE Park

Elizabeth Hansen requested this item be tabled until more information can be obtained so a better decision can be determined.

Brian Hanson arrived at 6:48 p.m.

G. Discussion and Appropriate follow up on Animal Control/Public Safety Clerk position

Motion by Andrew Kelly, seconded by Jim Walker, to **delay the Animal Control/Public Safety position 60 days and request a proposal from Story County Animal Shelter what services they could provide for housing animals and animal control issues.** After due consideration and discussion the roll was called. Aye: Kelly, Walker, Clark, Hanson, Heintz and Schwichtenberg. Nay: None. The Mayor declared the motion carried.

7. REPORTS

Lynn Lathrop and Jane Heintz reported on the Community Betterment Committee meeting. More layouts were reviewed and redesigned. They are applying for grants and hope to have a concept for the council soon.

Elizabeth Hansen:

- Region XII will be hosting a meeting Tuesday, August 12<sup>th</sup> at city hall with area banks and realtors to explain the procedures of the City's First Time Homebuyer Program.
- The minutes for the Nevada Community Leadership Team meeting are in the packet. Hansen inquired if any other council members were interested in joining the team. Chris Clark and Jane Heintz volunteered to serve.
- 6<sup>th</sup> Street is being mobilized. On Tuesday, August 12<sup>th</sup> it will be closed from E Avenue to US Highway 30.
- The Guide to Nevada will be ready soon.

Jim Walker inquired whether a grant had been written to Prairie Meadows to help with the City Hall Campus project. Hansen will look into this one again.

Beth Williams advised the summer reading program has finished up. They have had computer challenges this month. Staff is busy gearing up for school to begin.

Shawn Cole reported Valley View and C Avenue have been poured. The sewer should be done early next week. C Avenue will be turned over to Con-Struct next week.

Chris Clark inquired if the bench in front of his store could be moved over to Snack time for his customers. Hansen advised it would be taken care of.

Elizabeth Hansen commented the articles in the paper from Ray Reynolds and Shawn Cole were very good. Brian Hanson reiterated this and suggested more of these articles be completed.

Ric Martinez reported the public safety department put old department photos up on their Facebook page and they received good comments. The more hits the Facebook page gains the more access they have to provide information to the public when it is needed. Ray is at a conference this week, but wanted the council to know they have 3 more applications for the fire department, 1 is already a paramedic. The east bay at the fire station is done with lighting. Staff is working on the accent lighting. They are busy trying to get everything completed before Lincoln Highway Days.

Kerin Wright reported Wednesday, August 20<sup>th</sup> IMWCA will send someone to audit payroll for Workers Comp. Then Monday, August 25<sup>th</sup> the State Auditors will be here to complete their audit. The street finance report is due September 30<sup>th</sup> and the training will be held in Ames on Tuesday, August 26<sup>th</sup>.

Larry Stevens advised council he has submitted letters of continuation for the railroad quiet zones. Quiet Zones are subject to review every three years. He has been working closely with Walt McDonald to make sure everything is done correctly. McDonald has been instrumental in keeping the zones up to code. If everything is not approved there might be some improvements that are necessary but we would have a few years to take care of it.

Erin Clanton reviewed the Rules of Procedure from the Standard Operating Procedure Policy. All concerns need to go through the City Administrator and not through the employees direct. There is a procedure in place if a complaint is received. If an employee comes to a council member with a concern the issue is to be directed back to their supervisor. She also reviewed how citizens get on the agenda. Citizens can speak at the public forum or they can submit a form to speak at the time of an agenda item. They can also submit written correspondence by noon the Wednesday before a council meeting.

8. CLOSED SESSION: Closed Session pursuant to authority found in Iowa Code 21.5(1)(c) 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 and appropriate follow-up.

Motion by Brian Hanson, seconded by Chris Clark, to **go into Closed Session at 7:30 p.m. pursuant to Iowa Code Section 21.5 (1) (i) 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 and appropriate follow-up.** After due consideration and discussion the Mayor put the question upon the motion and the roll being called, the following members voted. Ayes:Hanson, Clark, Heintz, Kelly, Walker and Schwichtenberg. Nays: None. Whereupon, the Mayor declared the motion carried.

At 8:25 p.m. it was moved by Ray Schwichtenberg, seconded by Chris Clark, to **go out of Closed Session.** After due consideration and discussion the Mayor put the question upon the motion and the roll being called, the following members voted. Ayes: Schwichtenberg, Clark, Heintz, Kelly, Walker and Hanson. Nays: None. Whereupon the Mayor declared the motion carried.

9. ADJOURNMENT

There being no further business to come before the meeting, motion by Brian Hanson, seconded by Chris Clark, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 8:30 p.m. the meeting adjourned.

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Lynn Lathrop, Mayor

ATTEST:

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Kerin Wright, City Clerk

Published: \_\_\_\_\_  
Council Approved: \_\_\_\_\_