
NEVADA CITY COUNCIL - MONDAY, SEPTEMBER 8, 2014 6:03 P.M.

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 6th Street, Nevada, Iowa. Mayor Lynn Lathrop, convened the meeting at 6:03 p.m. on Monday, September 8, 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, Brian Hanson, Jane Heintz, Andrew Kelly, Ray Schwichtenberg. Absent: Jim Walker.

Staff Present: Elizabeth Hansen, Kerin Wright, Shawn Cole, Ric Martinez, Ray Reynolds, Shawn Ludwig, Larry Stevens, Erin Clanton and Beth Williams. Also in attendance were: Cali Smith, Mike Smith, Orson Nady, Larry Reinsch, Shelly Lumsden, Laura Bell, Kevin Joos, Al Kockler, LaVon Schiltz, Rick Hawbaker and Kurt Friedrich.

3. APPROVAL OF AGENDA

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

4. CONSENT AGENDA

Motion by Brian Hanson, seconded by Jane Heintz, to **approve the following consent agenda items:**

- A. Approve Minutes of the Regular Meeting held on August 25, 2014
- B. Approve Payment of Cash Disbursements, including Check Numbers 61058-61122 (Inclusive) Totaling \$262,344.05 (See Attached list).

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

5. PUBLIC FORUM

- A. Mayor Lathrop signed a proclamation for National Recovery Month and presented it to Laura Bell, Youth and Shelter Services and Shelly Lumsden, Community and Family Resources.
- B. LaVon Schiltz provided Council with the NEDC report.
- C. Cali Smith addressed the council regarding an incident that took place at her residence.

- D. Larry Reinsch informed the council of the Iowa Jeep Show held in Nevada on September 20th and 21st. They would like the council to support the event. The event draws people from 9 different states.

6. OLD BUSINESS

A. 2013 Street Improvements Project – J&K Contracting

1. Approve Change Order No. 4 in the amount of \$32,599.81

Motion by Brian Hanson, seconded by Andrew Kelly, to **approve Change Order No. 4 for the 2013 Street Improvements Project from J&K Contracting in the amount of \$32,599.81.** After due consideration and discussion the roll was called. Aye: Hanson, Kelly, Schwichtenberg, Clark, Heintz. Nay: None. The Mayor declared the motion carried.

2. Approve Pay Request No. 6 in the amount of \$218,036.69

Motion by Andrew Kelly, seconded by Jane Heintz, to **approve Pay Request No. 6 for the 2013 Street Improvements Project from J&K Contracting in the amount of \$218,036.69.** After due consideration and discussion the roll was called. Aye: Kelly, Heintz, Schwichtenberg, Clark, Hanson. Nay: None. The Mayor declared the motion carried.

B. 6th Street Rehabilitation Project – Manatt's Inc.

1. Approve Change Order No. 1 in the amount of \$5,162.50

Motion by Ray Schwichtenberg, seconded by Brian Hanson, to **approve Change Order No. 1 for the 6th Street Rehabilitation Project from Manatt's Inc in the amount of \$5,162.50.** After due consideration and discussion the roll was called. Aye: Schwichtenberg, Hanson, Heintz, Kelly, Clark. Nay: None. The Mayor declared the motion carried.

2. Approve Change Order No. 2 in the amount of \$2,111.00

Motion by Ray Schwichtenberg, seconded by Jane Heintz, to **approve Change Order No. 2 for the 6th Street Rehabilitation Project from Manatt's in the amount of \$2,111.00.** After due consideration and discussion the roll was called. Aye: Schwichtenberg, Heintz, Kelly, Clark, Hanson. Nay: None. The Mayor declared the motion carried.

3. Approve Pay Request No. 1 in the amount of \$130,555.88

Motion by Ray Schwichtenberg, seconded by Andrew Kelly, to **approve Pay Request No. 1 for the 6th Street Rehabilitation Project from Manatt's in the amount of \$130,555.88.** After due consideration and discussion the roll was called. Aye: Schwichtenberg, Kelly, Clark, Hanson, Heintz. Nay: None. The Mayor declared the motion carried.

7. NEW BUSINESS

- A. Resolution No. 008 (2014/2015): A Resolution accepting and approving the Preliminary and Final Plat of Nady Subdivision, Story County, Iowa

Motion by Jane Heintz, seconded by Brian Hanson, to **approve Resolution No. 008 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Heintz, Hanson, Kelly, Schwichtenberg, Clark. Nay: None. The Mayor declared the motion carried.

- B. Resolution No. 009 (2014/2015): A Resolution accepting and approving the Final Plat of the Indian Ridge, Plat 5

Motion by Brian Hanson, seconded by Andrew Kelly, to **approve Resolution No. 009 (2014/2015)**. After due consideration and discussion the roll was called. Aye: Hanson, Kelly, Schwichtenberg, Clark, Heintz. Nay: None. The Mayor declared the motion carried.

- C. Discussion and Appropriate Follow-up on request from Van Wall implement

Motion by Ray Schwichtenberg, seconded by Brian Hanson, to **approve an offer to renegotiate the Van Wall Agreement to a total of \$526,000 with the last payment of \$70,000. Amending Section B1 of the Agreement, subject to Bond Counsel approval.**

Motion Ray Schwichtenberg, seconded by Brian Hanson, to **amend the motion to include Van Wall paying the fee to cover the cost of amending the agreement and all subject to Bond Counsel approval.** After due consideration and discussion the roll was called. Aye: Schwichtenberg, Hanson, Heintz, Kelly and Clark. Nay: None. The Mayor declared the motion carried.

After due consideration and discussion regarding the **Amended Motion to approve an offer to renegotiate the Van Wall Agreement to a total of \$526,000 with the last payment of \$70,000, Amending Section B1 of the Agreement. Also adding to the motion to include Van Wall paying the cost of amending the agreement, all subject to Bond Counsel approval,** the roll was called. Aye: Heintz, Schwichtenberg. Nay: Clark, Hanson, Kelly.

8. REPORTS:

Elizabeth Hansen

- Hansen will be attending the IDOT Commissioners meeting in Ames on Tuesday, September 9th.
- NEDC is working on Project Axle, a potential project for Nevada
- The Community Leadership meetings will be scheduled for the 2nd Wednesday of each month.
- Staff met today to work on the CIP Planning for the next 5 years.
- Hansen is attending the International City/County Manager's Association Annual Conference in Charlotte, North Carolina next week.

Beth Williams reported United Way workers were at the Library doing yard work and inside work. She thanked Al Kockler, State Bank and Trust and Pederson Insurance for allowing their staff to donate their time. Williams is in the process of hiring an Assistant Director.

Shawn Cole advised the projects are going well. C Avenue is approximately 3/4th completed. Con-Struct paved Indian Ridge and will return to Nevada after one more job. Saturday staff switched over the 16" mains. The drainage issue on 590th has been resolved.

Ray Reynolds reported fire fighter volunteers will be installing smoke alarms. The Red Cross will film the event and use it for promoting smoke alarms. Approximately 350 homes will be installed. The alarms will be installed in a targeted high risk area first. Burke is contributing to the project. A certificate of occupancy has been given to Lil Cubs Daycare and it opened Monday. Half the community has newly painted fire hydrants. During the painting it was found 20% of the caps were not working. The hydrants will be tested annually in the future.

Ric Martinez reported an incident at Nevada High School earlier in the day. He read the press release from Dr. Gray, School Superintendent. The threat was not substantiated but police officers were at school through the end of day.

Kerin Wright reported the Auditor's will be finishing up this week. The Street Finance Report is complete and on the next agenda for council approval. Budget preparation is beginning.

Larry Stevens reported on the CIP meeting with staff. He stated that discussions were held regarding Lincoln Highway and the remainder of 6th Street.

Erin Clanton reviewed the Gift Law with the Council. Council Members are considered a public official and should not accept something for nothing or less than it is worth from a restricted donor. A restricted donor might be a contractor with the city.

9. CLOSED SESSION-Closed Session pursuant to Iowa Code Section 21.5(1)(i) to evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session and appropriate follow-up.

Motion by Ray Schwichtenberg, seconded by Chris Clark, to **go INTO Closed Session**. After due consideration and discussion the roll was called. Aye: Schwichtenberg, Clark, Hanson, Heintz and Kelly. Nay: None. The Mayor declared the motion carried.

Motion by Jane Heintz, seconded by Brian Hanson, to **go OUT of Closed Session**. After due consideration and discussion the roll was called. Aye: Heintz, Hanson, Kelly, Schwichtenberg, Clark. Nay: None. The Mayor declared the motion carried.

10. ADJOURNMENT

There being no further business to come before the meeting, motion by Chris Clark, seconded by Jane Heintz, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 8:35 p.m. the meeting adjourned.

Lynn Lathrop, Mayor

ATTEST:

Kerin Wright, City Clerk

Published: _____
Council Approved: _____