
NEVADA CITY COUNCIL - MONDAY, OCTOBER 10, 2016 6:00 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 6:00 p.m. on Monday, October 10, 2016, 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: Brett Barker, Andrew Kelly, Barb Mittman, Ray Schwichtenberg, Jim Walker. Absent: Brian Hanson.

Staff Present: Kerin Wright, Erin Clanton, Larry Stevens, Ric Martinez, Beth Williams, Shawn Cole and Mike Neal.

Also in attendance were: Marlys Barker, Al Kockler, Jim Frevert, Jane Heintz, Grayson Schmidt, Walt McDonald and Jesse Briley.

3. APPROVAL OF AGENDA

Motion by Brett Barker, seconded by Ray Schwichtenberg, to **approve the agenda**. After due consideration and discussion the roll was called. Aye: Barker, Schwichtenberg, Walker, Kelly, Mittman. Nay: None. The Mayor declared the motion carried.

4. PUBLIC HEARINGS:

At 6:02 p.m. Mayor Lathrop announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 22, 2016**. The public hearing is **on the Proposed Voluntary Annexation to the City of Nevada, Iowa**. There were **no written or oral objections** to the aforementioned recommendation. With no further comments for or against the proposal, the Mayor declared the hearing terminated at 6:02 p.m.

A. Annexation – Jim Frevert for the Estate of Ivan Hansen, South 11th Street

1. Public Hearing
2. Resolution No. 009 (2016/2017): A Resolution Assenting to the Annexation of Certain Real Estate to the City of Nevada, Iowa

Motion by Ray Schwichtenberg, seconded by Andrew Kelly, to **adopt Resolution No. 009 (2016/2017), which includes a contingency regarding the property owner's agreement with CIWA**. After due consideration and discussion the roll was called. Aye: Schwichtenberg, Kelly, Mittman, Walker, Barker. Nay: None. The Mayor declared the motion carried.

5. Approval of CONSENT AGENDA (Any item on the Consent Agenda may be removed for separate consideration.)

- A. Approve Minutes of the Regular Meeting held on September 26, 2016
- B. Approve Payment of Cash Disbursements, including Check Numbers 65670-65742 and Electronic Payments 291-295 (Inclusive) Totaling \$666,691.92 (See attached list)
- C. Approve Renewal of Class "C" Beer Permit and Sunday Sales Privileges for Francis Dean Montgomery d/b/a Cooks Grocery, 1116 Lincoln Highway, Effective 11/08/2016

Motion by Jim Walker, seconded by Barb Mittman, to **approve the consent agenda**. After due consideration and discussion the roll was called. Aye: Walker, Mittman, Schwichtenberg, Barker, Kelly. Nay: None. The Mayor declared the motion carried.

6. PUBLIC FORUM

There was no one present who wished to address the Council at this time.

7. OLD BUSINESS

- A. Discussion and Appropriate Follow up on US30 Task Force Concept Design

Motion by Andrew Kelly, seconded by Jim Walker, to **approve the Task Force's recommended plan as presented for the area inside the city limits**. After discussion motion by Andrew Kelly, seconded by Jim Walker, to **remove motion from the table**. Consensus of council was to table the item and bring back at a later date.

- B. Discussion and Appropriate Follow up on allowing Chickens in City Limits

After discussion regarding Urban Chickens council directed staff to bring back an ordinance for first reading.

8. NEW BUSINESS

- A. Approve 2017 Wellness Program and Incentives

Motion by Ray Schwichtenberg, seconded by Andrew Kelly, to **approve the 2017 Wellness Program and Incentives**. After due consideration and discussion the roll was called. Aye: Schwichtenberg, Kelly, Mittman, Walker. Nay: None. Abstain: Barker. The Mayor declared the motion carried.

- B. Discussion and Appropriate Follow Up on Community Betterment's Recommendations for Welcome Sign Design

No action of the council at this time.

- C. Discussion and Appropriate Follow Up on Request to Waive portion of sewer bill

Motion by Brett Barker, seconded by Ray Schwichtenberg, to **approve the request from Mr. Tickle to waive a portion of the August sewer bill, the credit would be using the city wide average sewer usage cost and subtracting from the August sewer charge**. After due consideration and discussion the roll was called. Aye: Barker, Schwichtenberg, Walker, Kelly, Mittman. Nay: None. The Mayor declared the motion carried.

- D. Resolution No. 010 (2016/2017): A Resolution setting date for public hearing on designation of the expanded Nevada Urban Renewal Area and on urban renewal plan amendment

Motion by Brett Barker, seconded by Jim Walker, to **adopt Resolution No. 010 (2016/2017)**. After due consideration and discussion the roll was called. Aye: Barker, Walker, Kelly, Mittman, Schwichtenberg. Nay: None. The Mayor declared the motion carried.

- E. Resolution No. 011 (2016/2017): A Resolution adopting final assessment for the 2016 Sidewalk Project

Motion by Jim Walker, seconded by Barb Mittman, to **adopt Resolution No. 011 (2016/2017)**. After due consideration and discussion the roll was called. Aye: Walker, Mittman, Schwichtenberg, Barker, Kelly. Nay: None. The Mayor declared the motion carried.

9. REPORTS

Brett Barker advised the results from the Wellness/Recreation Center will be available on Wednesday. He will share the results at the next council meeting.

Beth Williams reported the Library landscape looks great. The Friends of the Library book sale and the Annual Fall Volunteer Luncheon is scheduled for this month. Williams will be attending the Iowa Library Association Conference the end of the week.

Mike Neal noted staff has been working on storm sewer repairs. They are trying to finish as much patching before winter. They will also be flushing hydrants. He will be working with engineers on upcoming projects.

Ric Martinez updated the council on Director of Fire and EMS Ray Reynolds' condition. Reynolds is anticipated to be back mid November.

Kerin Wright advised the Employee Blood Draw is scheduled for Wednesday with the Health Fair with employees slated for Tuesday, October 18th. Wright updated council on the city administrator search and informed them of upcoming special council meetings November 7th, 17th and 18th. Council Development Committee is reviewing the DuPont Amendment and the ROSK Incentive Agreement. Lake Shore Drive issue will be on the next agenda. Wright will be out of the office Wednesday October 19th through Friday, 21st for the Iowa Municipal Finance Officer's Conference in Des Moines.

Larry Stevens reported they are looking at the 2017 street repair and televising the sanitary sewers. There are a few issues that may need repairs. More details will be provided at a later date. December 1st plans should be completed.

Erin Clanton updated council on the Carsrud matter. She is also working on the ROSK Development Agreement with Wright.

10. **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.

Motion by Andrew Kelly, seconded by Brett Barker, to **Go INTO Closed Session**. After due consideration and discussion the roll was called. Aye: Kelly, Barker, Mittman, Schwichtenberg, Walker. Nay: None. The Mayor declared the motion carried.

Motion by Brett Barker, seconded by Ray Schwichtenberg, to **Go OUT of Closed Session**. After due consideration and discussion the roll was called. Aye: Barker, Schwichtenberg, Walker, Kelly, Mittman. Nay: None. The Mayor declared the motion carried.

11. Discussion and Appropriate Follow up on 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.

Motion by Andrew Kelly, seconded by Jim Walker, to **Reject ICAP's proposed settlement of \$2,500**. After due consideration and discussion the roll was called. Aye: Kelly, Walker, Barker, Mittman, Schwichtenberg. Nay: None. The Mayor declared the motion carried.

12. ADJOURNMENT

There being no further business to come before the meeting, motion by Brett Barker, seconded by Jim Walker, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 8:30 p.m. the meeting adjourned.

Lynn Lathrop, Mayor

ATTEST:

Kerin Wright, City Clerk

Published: _____
Council Approved: _____