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NEVADA CITY COUNCIL - MONDAY, MAY 22, 2017 6:03 P.M.

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1. CALL TO ORDER

The City Council of the City of Nevada, Iowa, met for a meeting in the Council Chambers located at City Hall, 1209 6<sup>th</sup> Street, Nevada, Iowa. Mayor Lynn Lathrop, convened the meeting at 6:03 p.m. on Monday, May 22, 2017, 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: Brian Hanson, Andrew Kelly, Barb Mittman, Jim Walker. Absent: Ray Schwichtenberg, Brett Barker.

Staff Present: Matt Mardesen, Erin Clanton, Larry Stevens, Kerin Wright, Ric Martinez, Mike Neal, Shawn Cole, Ray Reynolds and Tim Hansen.

Also in attendance were: Marlys Barker, Al Kockler, Larry Sloan, Cindy Sloan, Jane Heintz, Holly Bowman, Joey Bowman, Bryan Barker and Andrew Zbaracki.

3. APPROVAL OF AGENDA

Motion by Brian Hanson, seconded by Barb Mittman, to **approve the amended agenda removing Item #11 and #12.** After due consideration and discussion the roll was called. Aye: Hanson, Mittman, Walker, Kelly. Nay: None. The Mayor declared the motion carried.

4. PUBLIC HEARINGS:

A. 2017 Sidewalk Program, Zone 9

1. Public Hearing

At 6:03 p.m. Mayor Lathrop announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **May 4<sup>th</sup> and May 11<sup>th</sup>, 2017.** The public hearing is **for the 2017 Sidewalk Program, Zone 9.**

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 6:03 p.m.

2. Resolution No. 055 (2016/2017): A Resolution of Necessity pursuant to Section 384.49 of the Iowa Code covering Phase 9 of the 2017 Nevada Sidewalk Program

Motion by Jim Walker, seconded by Brian Hanson, to **adopt Resolution No. 055 (2016/2017).** After due consideration and discussion the roll was called. Aye: Walker, Hanson, Kelly, Mittman. Nay: None. The Mayor declared the motion carried.

3. Resolution No. 056 (2016/2017): A Resolution Approving and confirming plans, specifications, form of contract and estimate of cost for the 2017 Nevada Sidewalk Program and approving Request for Quotations

Motion by Andrew Kelly, seconded by Jim Walker, to **adopt Resolution No. 056 (2016/2017)**. After due consideration and discussion the roll was called. Aye: Kelly, Walker, Hanson, Mittman. 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.)

Motion by Barb Mittman, seconded by Brian Hanson, to **approve the following consent agenda items:**

- A. Approve Minutes of the Regular Meeting held on May 8, 2017
- B. Approve Payment of Cash Disbursements, including Check Numbers 66896-66973 and Electronic Numbers 365-372 (Inclusive) Totaling \$4,213,274.97 (See attached list)
- C. Approve Financial Reports for Month of April, 2017
- D. Approve Renewal of Class "E" Liquor License, Class "B" Wine Permit, Class "C" Beer Permit and Sunday Sales Privileges for Kum & Go, LC d/b/a Kum & Go #396, 136 Lincoln Highway, Effective July 1, 2017
- E. Approve Renewal of Class "C" Liquor License and Sunday Sales Permit for Keith Tillotson d/b/a/ Sports Bowl, 1229 12<sup>th</sup> Street, Effective June 3, 2017
- F. Approve Class "C" Liquor License (BW) (Beer/Wine) Permit, Iowa Talent Factory LLC, d/b/a The Talent Factory, 1114 6<sup>th</sup> Street, Effective June 13, 2017
- G. Approve 2017 Bridge Inspection Services Agreement from Shuck-Britson Inc
- H. Approve Purchase of CD's for the following:
  - 1) TIF CH/LIB Reserve Fund - \$860,000 from State Bank & Trust
  - 2) Water 2012C Fund - \$731,202.50 from State Bank & Trust
  - 3) Sewer Construction Fund - \$500,000 from Community Bank
  - 4) Perpetual Care - \$143,000 from Community Bank
- I. Approve the following tax abatements:  
Permit #BP2016-18, 1307 5<sup>th</sup> Street (Single Family Attached)  
Permit #BP2016-17, 1309 5<sup>th</sup> Street (Single Family Attached)  
514 10<sup>th</sup> Street (Home Remodel)

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

6. PUBLIC FORUM

Jim George complimented the Cemetery staff on the well maintained grounds.

Al Kockler and Larry Sloan addressed the detour signs for the construction project. It was requested to consider additional signage for the downtown district.

7. OLD BUSINESS

- A. Ordinance No. 994 (2016/2017): An Ordinance Amending Chapter 41, Public Health & Safety, Regulating the Sale, Use or Explosive of Fireworks within the City (second and waive third reading)

Motion by Brian Hanson, seconded by Andrew Kelly, to **adopt the second reading of Ordinance No. 994 (2016/2017)**. After due consideration and discussion the roll was called. Aye: Hanson, Kelly, Mittman, Walker. Nay: None. The Mayor declared the motion carried.

Motion by Brian Hanson, seconded by Andrew Kelly, to **waive the third reading of Ordinance No. 994 (2016/2017)**. After due consideration and discussion the roll was called. Aye: Hanson, Kelly, Mittman, Walker. Nay: None. The Mayor declared the motion carried.

## 8. NEW BUSINESS

- A. Approve Amendment to HR Green Agreement for the 2017 CIP Street Improvements, 8<sup>th</sup> Street Sewer and Water Extensions at Indian Creek services in the amount not to exceed \$23,000

Motion by Jim Walker, seconded by Barb Mittman, to **approve the Amendment to HR Green Agreement for the 2017 CIP Street Improvements, 8<sup>th</sup> Street Sewer and Water Extensions at Indian Creek**. After due consideration and discussion the roll was called. Aye: Walker, Mittman, Kelly, Hanson. Nay: None. The Mayor declared the motion carried.

## 9. REPORTS:

City Administrator Mardesen:

- The Rec Center Task Force met on May 12<sup>th</sup> and agreed to wrap up the RDG Study. They will look at a possible Plan B to evaluate costs.
- May 9<sup>th</sup> and 10<sup>th</sup> IAMU and ICAP performed safety visits. Mardesen thanked Tim Hansen for providing tours of the facilities. Some minor issues may need addressing.
- The Veterans Lifetime Recreation Project (VLR) provided the enclosed business plan.
- Orchard View Subdivision is on the Story County Supervisors meeting tomorrow morning.
- A City/School meeting is being planned to discuss the long range plans for Billy Sunday field and SCORE.
- Mardesen advised he is still waiting for the analysis from CIWA.

Mayor Lathrop noted he met with the Legion to discuss Memorial Day services.

Planning and Zoning Administrator Cole reported sidewalk plans were sent out. Projects are progressing well and paving should be started this week on 6<sup>th</sup> Street. Water services may be finished on 7<sup>th</sup> and Storm on 8<sup>th</sup> Street this week.

Park and Recreation Director Hansen advised staff is preparing for summer. He thanked George for the kind words regarding the cemetery.

Public Works Director Neal relayed staff has been cleaning up after the storm. They also helped pour sidewalk at SCORE. They will go back to filling pot holes when the weather allows. He also noted the wastewater plant is short staffed.

Public Safety Director Martinez advised the new officer is catching on quick. After a lot of hours investigating, the department made an arrest in the Kum and Go robbery.

City Clerk Wright reported the TIF rebate payments were made. Administration is back to full staff. She will be out of the office next week.

City Engineer Stevens thanked council for their support. DNR will review the 8<sup>th</sup> Street water and sewer work. The services will have to cross the creek. He will follow up with the DOT regarding the US30 plans and assess the detours currently for 6<sup>th</sup> Street. The detour is the same ones used in previous years.

#### 10. APPEAL HEARING

Council held a hearing at which Ms. Bowman and her legal counsel participated.

Motion by Jim Walker, seconded by Andrew Kelly, to **affirm the Public Safety Department decision**. After due consideration and discussion the roll was called. Aye: Walker, Kelly, Mittman, Hanson. Nay: None. The Mayor declared the motion carried.

~~11. **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.~~

~~12. 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.~~

#### 13. ADJOURNMENT

There being no further business to come before the meeting, motion by Jim Walker, seconded by Andrew Kelly, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 7:55 p.m. the meeting adjourned.

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Lynn Lathrop, Mayor

ATTEST:

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Kerin Wright, City Clerk

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