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NEVADA CITY COUNCIL - TUESDAY, NOVEMBER 13, 2018 6:00 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 Brett Barker, convened the meeting at 6:00 p.m. on Tuesday, November 13, 2018, 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: Barb Mittman, Dane Nealson, Jason Sampson, Luke Spence, Jim Walker. Absent: Brian Hanson.

Staff Present: Matt Mardesen, Erin Clanton, Larry Stevens, Kerin Wright, Ric Martinez, Ray Reynolds, Shanna Speer and Shawn Cole.

Also in attendance were: Al Kockler, John Hall, Jane Heintz, Sean Callison, Ethan Shawgo, Grayson McKinney and Charlie Good.

3. APPROVAL OF AGENDA

Motion by Luke Spence, seconded by Jim Walker, to **approve the agenda**. After due consideration and discussion the roll was called. Aye: Spence, Walker, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

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

Motion by Dane Nealson, seconded by Luke Spence, to **approve the following consent agenda items with the removal of Item E to be considered separately:**

- A. Approve Minutes of the Regular Meeting held on October 22, 2018
- B. Approve Payment of Cash Disbursements, including Check Numbers 70271-70385 and Electronic Numbers 547-554 (Inclusive) Totaling \$521,851.65 (See attached list)
- C. Approve Renewal of Class E Liquor License, Class B Native Wine Permit, and Sunday Sales Privileges for Good & Quick Co., 519 Lincoln Hwy, Effective December 5, 2018
- D. Approve Renewal of Class C Beer Permit, Class B Native Wine Permit and Sunday Sales Privileges for Casey's General Store #2306, 1138 Lincolnway, Effective January 4, 2019
- ~~E. Approve Renewal of Class "C" Liquor License and Sunday Sales Privileges for MiCasta., 1115 6<sup>th</sup> St, Effective December 15, 2018~~
- F. Approve Renewal of Class C Liquor License Permit and Sunday Sales Privileges for El Mezcalito, 1200 6<sup>th</sup> Street, Effective 11/14/18
- G. Accept and File the Annual Financial Report for FY18

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

Motion by Dane Nealson, seconded by Barb Mittman, to **approve consent agenda Item E, Approve Renewal of Class "C" Liquor License and Sunday Sales Privileges for El Mezcalito, removed for separate consideration, pending successful completion of the final fire inspection.** After due consideration and discussion the roll was called. Aye: Nealson, Mittman, Sampson, Spence, Walker. Nay: None. The Mayor declared the motion carried.

5. PUBLIC FORUM

- A. Al Kockler and Charlie Good spoke before the council regarding their concern that the Iowa DOT wants to close 6<sup>th</sup> Street.
- B. Eric Cowles, Department of Transportation, presented the Council with the Iowa Chapter of APWA for Best Project of the Year Award for Transportation Greater than \$2.5M.

6. OLD BUSINESS

- A. Ordinance No.1002 (2018/2019): An Ordinance Repealing Ordinance No. 726 and Granting to Interstate Power and Light Company, its successors and Assigns, a Non-exclusive Twenty-Five Year Franchise to erect, construct, reconstruct, maintain, and operate plant and systems for the Distribution of Natural Gas in the City of Nevada IA and to sell, distribute, and supply Natural Gas to said City and its inhabitants, and Requiring said Company to Pay a Franchise Fee to the City (third and final reading)

Motion by Jason Sampson, seconded by Jim Walker, to **adopt Ordinance No. 1002 (2018/2019), third/final reading.** After due consideration and discussion the roll was called. Aye: Sampson, Walker, Mittman, Nealson, Spence. Nay: None. The Mayor declared the motion carried.

- B. Ordinance No. 1003 (2018/2019): An Ordinance Repealing Ordinance No. 727 and Granting to Interstate Power and Light Company, its successors and Assigns, a Non-exclusive Twenty-Five Year Franchise to acquire, construct, erect, maintain and operate an Electrical System in the City of Nevada IA and to furnish and sell, Electric Energy to the City and its inhabitants, and Requiring said Company to Pay a Franchise Fee to the City (third and final reading)

Motion by Jim Walker, seconded by Luke Spence, to **adopt Ordinance No. 1003 (2018/2019), third/final reading.** After due consideration and discussion the roll was called. Aye: Walker, Spence, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

- C. Lincoln Highway/W 18<sup>th</sup> Street Intersection Project

- 1. Approve Pay Request from Flint Hills Resources to relocate vent pipe and test station at a cost of \$17,247.76

Motion by Barb Mittman, seconded by Dane Nealson, to **approve Pay Request for Lincoln Highway/W 18<sup>th</sup> Street Intersection Project from Flint Hills Resources to relocate vent Pipe and Test Station at a cost of \$17,247.76.** After due consideration and discussion the roll was called. Aye: Mittman, Nealson, Sampson, Spence, Walker. Nay: None. The Mayor declared the motion carried.

2. Approve Pay Request No. 1 from Manatt's in the amount of \$105,932.29

Motion by Dane Nealson, seconded by Jason Sampson, to **approve the Pay Request No. 1 for Lincoln Highway/W 18<sup>th</sup> Street Intersection Project from Manatt's in the amount of \$105,932.29**. After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Spence, Walker, Mittman. Nay: None. The Mayor declared the motion carried.

## 7. NEW BUSINESS

- A. Approve Amendment to Master Agreement with HR Green for Municipal Engineering Services for a Traffic Signal Warrant Study for US 30 & 19<sup>th</sup> Street Interchange not to exceed \$10,000

Motion by Barb Mittman, seconded by Dane Nealson, to **approve the Amendment to Master Agreement with HR Green for Municipal Engineering Services for a Traffic Signal Warrant Study for US 30 & 19<sup>th</sup> Street Interchange not to exceed \$10,000**. After due consideration and discussion the roll was called. Aye: Mittman, Nealson, Sampson, Spence, Walker. Nay: None. The Mayor declared the motion carried.

- B. Approve Professional Services Agreement with HR Green for a WWTP Facility Plan not to exceed \$85,000

Motion by Luke Spence, seconded by Jim Walker, to **approve the Professional Services Agreement with HR Green for a WWTP Facility Plan not to exceed \$85,000**. After due consideration and discussion the roll was called. Aye: Spence, Walker, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

- C. Resolution No. 018 (2018/2019): A Resolution approving Minor Subdivision for Nevada Business Park 5<sup>th</sup> Addition, 1542 Fawcett Parkway, Lot 4 of the Nevada Business Park

Motion by Jim Walker, seconded by Luke Spence, to **adopt Resolution No. 018 (2018/2019)**. After due consideration and discussion the roll was called. Aye: Walker, Spence, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

- D. Resolution No. 019 (2018/2019): A Resolution Approving the Submission of an Iowa Department of Transportation Revitalizing Iowa's Sound Economy (RISE) Grant Application for the Construction of the South D Avenue Paving Improvements

Motion by Jim Walker seconded by Dane Nealson, to **adopt Resolution No. 019 (2018/2019)**. After due consideration and discussion the roll was called. Aye: Walker, Nealson, Sampson, Spence, Mittman. Nay: None. The Mayor declared the motion carried.

## 8. REPORTS (City Administrator/Mayor/Council/Department Heads)

City Administrator Mardesen reported:

- NEDC/Nevada Chamber/Nevada Schools and the City met to discuss forming a committee for uniform visioning and branding concept.
- On October 24<sup>th</sup> BenefitSource presented this year's elections to staff. December 1 is our renewal.
- NEDC Board is discussing options with investors to place a USDA Building in Nevada.
- Staff met with HR Green to discuss GIS Mapping and evaluate the need.
- November 7<sup>th</sup> ICAP representative Todd Christianson attended the Employee Safety Committee meeting. He shared with the group the resources ICAP has to offer.

Mayor Barker reported attendance at the Kiwanis meeting with Mayor Haila. Council Member Mittman and Barker also attended the Middle Schools project on the perfect community. He noted several members of the council attended the ribbon cutting at Burke. Senator Ernst was at a meeting in Ames last week that Mayor Barker attended. He presented her a CIWA packet and asked that she look into the situation. He will be following up with her in the near future. Fill the Foyer meeting was held before the council meeting tonight and there is a Community Betterment Committee meeting immediately following.

Council Member Walker reported on the Community Coffee held last Saturday. They discussed nuisance issues, communication, projects and safety concerns. Council Member Sampson also attended the Burke ribbon cutting. Council Member Spence relayed the Story County Opioid Task Force will be having a conversation on Thursday, November 15<sup>th</sup> at Mary Greeley. He also shared about the eye-opening display YSS has called Hidden in Plain Site, showing what kids are doing in present day. Council Member Neilson thanked the fire department for their responses to the structure fires this last week.

Library Director Speer relayed that they have begun the search for a staff retirement at the end of the year. She has also received a resignation from the custodian. The library is accepting donations the month of November of non-perishable items that will be donated to Community Cupboard to raise awareness of National Hunger and Homelessness. Staff is budgeting for a new library system that will be more user friendly and use less staff time. They are also finishing up the Strategic Plan.

Director of Fire/EMS Reynolds reported they are continuing to work on nuisances. There are a lot of junk vehicles and they are working on a strategy to get them removed. The UHP Unit was used on one of the structure fires.

Planning and Zoning Supervisor Cole noted the sidewalk project is almost complete. The 7<sup>th</sup> Street Curb and Gutter project is completed. Council Member Mittman asked about an alley where there is material left from utility work. Cole will look into it.

Public Safety Director Martinez advised they hope to make a conditional offer for a police officer before the end of the week. Additional background on one other police officer candidate and potentially offer in December.

City Clerk Wright advised FY20 Budget worksheets are being completed. Next council meeting the TIF Annual Appropriations and certification will be presented to council. Council Budget Committee is scheduled to meet before the next council meeting to review the budget worksheets.

City Engineer Stevens updated the council on Lincoln Highway and the Central Business District Projects. It may be a challenge getting utilities to the downtown buildings.

9. 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 Jim Walker, seconded by Dane Nealson, to **GO INTO Closed Session**. After due consideration and discussion the roll was called. Aye: Walker, Nealson, Sampson, Spence, Mittman. Nay: None. The Mayor declared the motion carried.

Motion by Dane Nealson, seconded by Luke Spence, to **GO OUT of Closed Session**. After due consideration and discussion the roll was called. Aye: Nealson, Spence, Walker, Mittman, Sampson. Nay: None. The Mayor declared the motion carried.

10. Potential Action on Termination and Release of Minimum Assessment Agreement and Development Agreement with DuPont

Motion by Dane Nealson, seconded by Jim Walker, to **approve the Settlement Agreement with DuPont and authorize the Mayor to execute any documents necessary to effectuate the terms of the Settlement Agreement and terminate the Minimum Assessment Agreement**. After due consideration and discussion the roll was called. Aye: Nealson, Walker, Mittman, Sampson, Spence. Nay: None. The Mayor declared the motion carried.

## 11. ADJOURNMENT

There being no further business to come before the meeting, motion by Barb Mittman, seconded by Dane Nealson, to **adjourn the meeting**. Following voice vote, the Mayor declared the motion carried at 7:15 p.m. the meeting adjourned.

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Brett Barker, Mayor

ATTEST:

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Kerin Wright, City Clerk

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