
NEVADA CITY COUNCIL - MONDAY, SEPTEMBER 12, 2022 6:00 P.M.

1. CALL TO ORDER

The City Council of the City of Nevada, Iowa, met for a meeting in the Council Chambers of Nevada City Hall located at 1209 6th Street, Nevada, Iowa. Mayor Brett Barker, convened the meeting at 6:00 p.m. on Monday, September 12, 2022, 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, Barb Mittman, Dane Nealson, Jason Sampson, Steve Skaggs. Absent: Sandy Ehrig.

Staff Present: Erin Clanton, Jordan Cook, Erin Mousel, Larry Stevens, Ray Reynolds, Andrew Henderson, Ryan Hutton, Tim Hansen, Erin Coughlin

Also in attendance were: Karen Selby, Kip Farthing, Renae Rudkin, Jason Rudkin, Lance Rudkin, Doug Anderson, Jeremy Meyer, Louis Lang

3. APPROVAL OF AGENDA

Motion by Dane Nealson, seconded by Jason Sampson, to **approve the agenda**. After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

4. PUBLIC HEARING(S)

- A. Proposal to consider the Vacation of City Property for September 12, 2022
1. Public Hearing:

At 6:01 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 1, 2022**. The public hearing is **concerning the Vacation of City Property**.

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:01 p.m.

2. Resolution No. 029 (2022/2023): A Resolution to Vacate and Convey an Alleyway adjoining Block Twelve (12) in Burriss Addition

Motion by Steve Skaggs, seconded by Dane Nealson, to **adopt Resolution No. 029 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Skaggs, Nealson, Sampson, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

- B. Golf and ATV/UTV Ordinance
1. Public Hearing:

At 6:02 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 1, 2022**. The public hearing is **concerning amendments to the Nevada Code of Ordinances regarding Golf Carts and ATV/UTV's.**

Doug Anderson expressed how appreciative he was of Council's efforts and support with both ordinances. There were **no further written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:03 p.m.

2. Ordinance No. 1031 (2022/2023): An Ordinance regarding proposed Modified Chapter 77, pertaining to Golf Carts, first reading

Motion by Dane Nealson, seconded by Barb Mittman, to **approve Ordinance No. 1031 (2022/2023), first reading.** After due consideration and discussion the roll was called. Aye: Nealson, Mittman, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

3. Ordinance No. 1032 (2022/2023): An Ordinance regarding proposed New Chapter 78, pertaining to ATV/UTV, first reading

Motion by Jason Sampson, seconded by Brian Hanson, to **approve Ordinance No. 1032 (2022/2023), first reading.** After due consideration and discussion the roll was called. Aye: Sampson, Hanson, Mittman, Nealson, Skaggs. Nay: None. The Mayor declared the motion carried.

C. Proposal to enter into a Sewer Revenue Loan and Disbursement Agreement

1. Public Hearing:

At 6:09 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **September 1, 2022**. The public hearing is **to institute proceedings to enter into a loan and disbursement agreement.**

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:09 p.m.

2. Resolution No. 030 (2022/2023): A Resolution Authorizing and Approving a Loan and Disbursement Agreement, Combining Loan and Disbursement Agreements, and Providing for the Issuance and Securing the Payment of \$20,838,000 Sewer Revenue Bonds, Series 2022A

Motion by Jason Sampson, seconded by Steve Skaggs, to **adopt Resolution No. 030 (2022/2023).** After due consideration and discussion the roll was called. Aye: Sampson, Skaggs, Hanson, Mittman, Nealson. 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 Dane Nealson, seconded by Barb Mittman, to **approve the following consent agenda items:**

- A. Approve Minutes of the Regular Meeting held on August 22, 2022

- B. Approve Payment of Cash Disbursements, including Check Numbers 78455-78545 and Electronic Numbers 1167-1181 (Inclusive) Totaling \$906,098.17 (See attached list) and the First Interstate Purchasing Card for September Payment
 - C. Approve Builders Risk Insurance and payment for FieldHouse Project in the amount of \$9,529.00
 - D. Resolution No. 031 (2022/2023): A Resolution setting Public Hearing regarding proposed amendment to Chapter 55 of the City Code, pertaining to the Keeping of Bees in the City
 - E. Resolution No. 032 (2022/2023): A Resolution setting Public Hearing regarding proposed New Chapter 159 Vacant Property
 - F. Resolution No. 033 (2022/2023): A Resolution Approving Budgeted Beginning Year Transfers for FY2022/2023
 - G. Approve Tax Abatement:
 - 1. Permit #BP2022-0051, 1860 10th Street, Garage
- After due consideration and discussion the roll was called. Aye: Nealson, Mittman, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

6. PUBLIC FORUM

- A. Council Member Mittman talked about the CROP Hunger Walk that has taken place in Story County for the past fifty years, and urged citizens to take part in the walk on October 2, 2022.
- B. Mayor Barker proclaimed September as Library Card Sign-Up Month and urged everyone to sign-up or renew their own card.
- C. Mayor Barker proclaimed September 26-30 as National Clean Energy Week and encouraged individuals and organizations to continue implementing the cleanest, lowest-emitting energy technologies available.

7. OLD BUSINESS

- A. Ordinance No. 1029 (2022/2023): An Ordinance Amending the Zoning Map of the City of Nevada, Iowa, by Rezoning the Property at 640 South 19th Street Outlot A from AR (Agricultural-Residential Reserve District) to R-4 (Multiple Family Dwelling District), second reading

Motion by Jason Sampson, seconded by Barb Mittman, to **approve Ordinance No. 1029 (2022/2023), second reading.** After due consideration and discussion the roll was called. Aye: Sampson, Mittman, Nealson. Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

- B. Ordinance No. 1030 (2022/2023): An Ordinance amending provisions pertaining to Sewer User charges, Chapter 99, second reading

Motion by Brian Hanson, seconded by Steve Skaggs, to **approve Ordinance No. 1030 (2022/2023).** After due consideration and discussion the roll was called. Aye: Hanson, Skaggs, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

- C. Approve Pay Request No. 15 for WWTF Improvements-Phase 2 from Williams Brothers Construction Inc. in the amount of \$2,419,103.84

Motion by Jason Sampson, seconded by Steve Skaggs, to **approve Pay Request No. 15 for WWTF Improvements-Phase 2 from Williams Brothers Construction Inc. in the amount of \$2,419,103.84.** After due consideration and discussion the roll was called. Aye: Sampson, Skaggs, Hanson, Mittman, Neelson. Nay: None. The Mayor declared the motion carried.

- D. Approve Pay Request No. 7 for WWTF Improvements-Phase 3 from Boomerang Corp. in the amount of \$40,873.75

Motion by Dane Neelson, seconded by Barb Mittman, to **approve Pay Request No. 7 for WWTF Improvements-Phase 3 from Boomerang Corp. in the amount of \$40,873.75.** After due consideration and discussion the roll was called. Aye: Neelson, Mittman, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

- E. Approve Pay Request No. 1 for WWTF Improvements-Phase 4 from OnTrack Construction, LLC in the amount of \$998,897.20

Motion by Barb Mittman, seconded by Jason Sampson, to **approve Pay Request No. 1 for WWTF Improvements-Phase 4 from OnTrack Construction, LLC in the amount of \$998,897.20.** After due consideration and discussion the roll was called. Aye: Mittman, Sampson, Skaggs, Hanson, Neelson. Nay: None. The Mayor declared the motion carried.

- F. Approve Pay Request No. 3 for the Fieldhouse from HPC LLC in the amount of \$132,996.20

Motion by Brian Hanson, seconded by Dane Neelson, to **approve Pay Request No. 3 for the Fieldhouse from HPC LLC in the amount of \$132,996.20.** After due consideration and discussion the roll was called. Aye: Hanson, Neelson, Sampson, Skaggs, Mittman. Nay: None. The Mayor declared the motion carried.

- G. CDBG-CV MicroEnterprise Funding, Forgivable Loan Agreements

1. Resolution No. 034 (2022/2023): Feltner Properties

Motion by Dane Neelson, seconded by Steve Skaggs, to **adopt Resolution No. 034 (2022/2023).** After due consideration and discussion the roll was called. Aye: Neelson, Skaggs, Hanson, Mittman, Sampson. Nay: None. The Mayor declared the motion carried.

2. Resolution No. 035 (2022/2023): Great Plains Millwork

Motion by Steve Skaggs, seconded by Jason Sampson, to **adopt Resolution No. 035 (2022/2023).** After due consideration and discussion the roll was called. Aye: Skaggs, Sampson, Hanson, Mittman, Neelson. Nay: None. The Mayor declared the motion carried.

3. Resolution No. 036 (2022/2023): Sweet Dreams Mattress

Motion by Jason Sampson, seconded by Barb Mittman, to **adopt Resolution No. 036 (2022/2023).** After due consideration and discussion the roll was called. Aye: Sampson, Mittman, Neelson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

4. Resolution No. 037 (2022/2023): Wild Roots Salon

Motion by Brian Hanson, seconded by Dane Nealson, to **adopt Resolution No. 037 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Hanson, Nealson, Sampson, Skaggs, Mittman. Nay: None. The Mayor declared the motion carried.

5. Resolution No. 038 (2022/2023): Meyer Chiropractic

Motion by Dane Nealson, seconded by Barb Mittman, to **adopt Resolution No. 038 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Nealson, Mittman, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

6. Resolution No. 039 (2022/2023): Thisday Photography

Motion by Steve Skaggs, seconded by Brian Hanson, to **adopt Resolution No. 039 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Skaggs, Hanson, Mittman, Nealson, Sampson. Nay: None. The Mayor declared the motion carried.

8. NEW BUSINESS

- A. Resolution No. 040 (2022/2023): A Resolution to approve Minor Subdivision, ROSK Subdivision

Motion by Brian Hanson, seconded by Jason Sampson, to **adopt Resolution No. 040 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Hanson, Sampson, Skaggs, Mittman, Nealson. Nay: None. The Mayor declared the motion carried.

- B. Ordinance No. 1033 (2022/2023): An Ordinance amending Chapter 69, No parking, funeral parking, first reading

Motion by Steve Skaggs, seconded by Dane Nealson, to **approve Ordinance No. 1033 (2022/2023): An Ordinance Amending Chapter 69, No Parking, Funeral Parking, first reading**. After due consideration and discussion the roll was called. Aye: Skaggs, Nealson, Sampson, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

- C. Neighborhood Improvement Incentive Program Application, Flummerfelt Homes, Sunridge Estates in the amount of \$25,355

Motion by Dane Nealson, seconded by Barb Mittman, to **approve Neighborhood Improvement Incentive Program Application, Flummerfelt Homes, Sunridge Estates in the amount of \$25,355**. After due consideration and discussion the roll was called. Aye: Nealson, Mittman, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

9. REPORTS: (CA/Mayor/Council/Staff)

City Administrator Cook reported on meetings attended and has set dates for strategic planning sessions.

Mayor Barker gave a shout out to Lincoln Highways Days and commended Director Reynolds on the 9/11 event at Verbio. He also completed the entrance exam for the auditors.

Council Member Hanson commented on the potential need for maintenance of the west water tower.

Council Member Sampson updated council on LHD. Overall, it went well and Friday had better attendance than in previous years.

Council Member Skaggs talked about the successful movie event at the Camelot and shared the Camelot Foundation will be starting the "Save the Windows" campaign.

Sergeant Henderson reported on Officer VanderHart – he's doing great with field training.

10. Discussion and Appropriate Follow up Regarding Dangerous Building, 536 4th Street

No action was taken by council

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.

At 6:29 p.m. motion by Brian Hanson, seconded by Jason Sampson, to **approve to go INTO Closed Session.** After due consideration and discussion the roll was called. Aye: Hanson, Sampson, Skaggs, Mittman, Nealson. Nay: None. The Mayor declared the motion carried.

At 6:54 p.m. motion by Jason Sampson, seconded by Dane Nealson, to **approve to go OUT OF Closed Session.** After due consideration and discussion the roll was called. Aye: Sampson, Nealson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

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.

No action was taken by council on the closed session.

13. ADJOURNMENT

There being no further business to come before the meeting, motion by Dane Nealson, seconded by Brian Hanson, to **adjourn the meeting.** Following voice vote, the Mayor declared the motion carried at 6:55 p.m. the meeting adjourned.

Brett Barker, Mayor

ATTEST:

Erin Mousel, Deputy City Clerk

Published: _____

Council Approved: _____