
NEVADA CITY COUNCIL - MONDAY, APRIL 13, 2009 5:30 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 Gearold E. Gull, II, convened the meeting at 5:31 p.m. on Monday, April 13, 2009, 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: Gary Gardner, Tom Haller, Jane Heintz, Walt McDonald, and Mike Neff. Absent: Andy Kelly.

Staff Present: Elizabeth Hansen, Teresa Smith, Don Juhl, Neil Guess, Mike Tupper, Shawn Cole, Tim Hansen, Dana Wipperman, Gary Flack, Beth Williams, and Mike Neal.

Also in attendance were: Tiffany Cornelius, Stasia Renfrow, Lynn Lathrup, Nancy Miller and Dave Weber.

3. APPROVAL OF AGENDA

Motion by Gary Gardner, seconded by Mike Neff, to **approve the agenda with Item 5.D. removed from consideration**. After due consideration and discussion the roll was called. Aye: Gardner, Neff, Haller, Heintz, and McDonald. Nay: None. The Mayor declared the motion carried.

4. HEARING(S)

A. Reichardt Property

1. Resolution No. 69 (2008/2009): A RESOLUTION APPROVING AGREEMENT AND ASSIGNMENT BETWEEN ISABEL MCLAIN REICHARDT LIVING TRUST, LOIS F. REICHARDT, TRUSTEE; NEVADA ECONOMIC DEVELOPMENT COUNCIL, AND THE CITY OF NEVADA AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ON BEHALF OF THE CITY OF NEVADA

Motion by Mike Neff, seconded by Gary Gardner, to **adopt Resolution #69 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Neff, Gardner, Haller, Heintz, and McDonald. Nay: None. The Mayor declared the motion carried.

2. Public Hearing on Issuance of \$475,000 Urban Renewal Tax Increment Revenue Bond (Taxable)

At 5:35 p.m. Mayor Gull opened the **public hearing**. The City Council investigated and found that a notice of intention to institute proceedings for the issuance of the City's \$475,000 Urban Renewal Tax Increment Revenue Bond

had been duly published as provided by law in the Nevada Journal on April 2, 2009 and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. The City Clerk announced that no written objections had been placed on file. Whereupon, the Mayor called for any written or oral objections and Nancy Miller, 23584 600th Street addressed the Council. With no further comments for or against the proposal, the Mayor declared the hearing terminated at 5:37 p.m.

3. Resolution No. 70 (2008/2009): A RESOLUTION AUTHORIZING THE ISSUANCE OF A \$475,000 URBAN RENEWAL TAX INCREMENT REVENUE BOND, PLEDGING TO THE PAYMENT OF THE BOND FUNDS AND PORTIONS OF TAXES CREATED PURSUANT TO THE AUTHORITY OF SUBSECTION 2 OF SECTION 403.19 OF THE CODE OF IOWA AND PROVIDING FOR THE SECURING OF THE BOND, ALL FOR URBAN RENEWAL PURPOSES OF THE CITY OF NEVADA, IOWA

Motion by Gary Gardner, seconded by Tom Haller, to **adopt Resolution #70 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Gardner, Haller, Heintz, McDonald, and Neff. Nay: None. The Mayor declared the motion carried.

4. Resolution No. 71 (2008/2009): A RESOLUTION AUTHORIZING INTERNAL ADVANCE TO TAX INCREMENT REVENUE FUND AND ECONOMIC DEVELOPMENT GRANT

Motion by Tom Haller, seconded by Mike Neff, to **adopt Resolution #71 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Haller, Neff, Gardner, Heintz, and McDonald. Nay: None. The Mayor declared the motion carried.

5. Resolution No. 72 (2008/2009): A RESOLUTION TO FIX A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH NEVADA ECONOMIC DEVELOPMENT CORPORATION, INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO EXCEED \$400,000

Motion by Walt McDonald, seconded by Gary Gardner, to **adopt Resolution #72 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: McDonald, Gardner, Haller, Heintz, and Neff. Nay: None. The Mayor declared the motion carried.

6. Resolution No. 73 (2008/2009) A RESOLUTION APPROVING A CASH FARM LEASE WITH BRETT ANDERSON AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF NEVADA AS LANDLORD

Don Juhl noted that there is a correction necessary on the Agreement adding "19. Crop Share Accounting. [Not Applicable].".

Motion by Walt McDonald, seconded by Tom Haller, to **adopt Resolution #73 (2008/2009)**. Tom Haller stated that he feels this is not in best interest of city to

proceed without bidding the farm lease. After due consideration and discussion, the roll was called. Aye: McDonald, Heintz, Neff, and Gardner. Nay: Haller. The Mayor declared the motion carried.

B. Proposed Ordinance – AN ORDINANCE AMENDING CHAPTER 165 (LAND DEVELOPMENT) SECTION 165.20(2) (GENERAL SIGN AND STREET GRAPHICS REGULATIONS) OF THE CITY CODE OF NEVADA, IOWA, BY PROVIDING FOR AND REGULATING TEMPORARY FLAG BANNERS AT THE INTERSECTION OF LINCOLN HIGHWAY AND SIXTH STREET IN THE CITY OF NEVADA

1. Public Hearing

At 5:44 p.m. Mayor Gull announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on March 26, 2009.

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 5:45 p.m.

2. Ordinance No. 948: AN ORDINANCE AMENDING CHAPTER 165 (LAND DEVELOPMENT) SECTION 165.20(2) (GENERAL SIGN AND STREET GRAPHICS REGULATIONS) OF THE CITY CODE OF NEVADA, IOWA, BY PROVIDING FOR AND REGULATING TEMPORARY FLAG BANNERS AT THE INTERSECTION OF LINCOLN HIGHWAY AND SIXTH STREET IN THE CITY OF NEVADA – 1st Reading

Motion by Jane Heintz, seconded by Tom Haller, to consider and adopt the **first reading of Ordinance #947**. After due consideration and discussion, the roll was called. Aye: Heintz, Haller, McDonald, Neff, and Gardner. Nay: None. The Mayor declared the motion carried.

5. CONSENT AGENDA

Motion by Tom Haller, seconded by Gary Gardner, to **approve the following consent agenda items with item D removed from consideration:**

- A. Approve Minutes of:
 - 1. Regular Meeting held on March 23, 2009
 - 2. Special Meeting held on March 26, 2009
- B. Approve Payment of Cash Disbursements, including Check Numbers 34604-34711 (Inclusive) Totaling \$799,695.10 (See attached list)
- C. Record for Permanent Record City Administrator's approval of Chris Maguire to be Probationary Firefighters for the Nevada Fire Department as approved by the Nevada Fire Department
- ~~D. Schedule Public Hearing for May 12, 2009 at 5:30 p.m. and authorize publication of Notice for Budget Amendment #3~~
- E. Approve Software Maintenance Agreement with New World Systems for July 1, 2009 – June 20, 2012

After due consideration and discussion, the roll was called. Aye: Haller, Gardner, Heintz, McDonald, and Neff. Nay: None. The Mayor declared the motion carried.

6. PUBLIC FORUM

- A. Nancy Miller, 23584 600th Avenue, addressed the council regarding the July 4th celebration fundraiser and City of Ames meeting regarding coal for electric plant.

7. OLD BUSINESS

A. Indian Creek Greenbelt Trail Project - Phase 5

1. Resolution No. 74 (2008/2009): A RESOLUTION TO PROVIDE NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE INDIAN CREEK GREENBELT TRAIL PHASE 5 PROJECT, AND THE TAKING OF BIDS THEREFOR

Motion by Mike Neff, seconded by Gary Gardner, to **adopt Resolution #74 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Neff, Gardner, Haller, Heintz, and McDonald. Nay: None. The Mayor declared the motion carried.

2. Resolution No. 75 (2008/2009): A RESOLUTION SETTING PUBLIC HEARING ON THE CITY'S PROPOSAL TO DISPOSE OF A 0.48 ACRE PARCEL FOR A 3.67 ACRE PARCEL OWNED BY OAK PARK ESTATES, L.C., WHICH IS LOCATED IN THE INDIAN CREEK AREA BETWEEN 6TH STREET AND 8TH STREET, AND LOT B, THE SOUTH END OF 8TH STREET, WHICH WILL FACILITATE CONSTRUCTION OF THE GREENBELT TRAIL ON THE PARCELS RECEIVED; AND AUTHORIZING THE CITY CLERK TO PUBLISH **NOTICE** THEREOF

Motion by Tom Haller, seconded by Walt McDonald, to **adopt Resolution #75 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Haller, McDonald, Neff, Gardner, and Heintz. Nay: None. The Mayor declared the motion carried.

- B. Resolution No. 76 (2008/2009): A RESOLUTION TO PROVIDE NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE S-14 RESURFACING PROJECT, AND THE TAKING OF BIDS THEREFOR

Motion by Walt McDonald, seconded by Jane Heintz, to **adopt Resolution #76 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: McDonald, Heintz, Neff, Gardner, and Haller. Nay: None. The Mayor declared the motion carried.

- C. Approve Engineering Services Agreement with Howard R. Green Company for Wastewater Treatment Plant Improvements for Preliminary and Final Design and Bidding Services for the Trickling Filter Improvements and ~~Preliminary Design Services for the Anaerobic Digesters and UV Disinfection System~~ in an Amount Not to Exceed \$92,000

Wastewater Supervisor Mike Neal reported that the normal life of a trickling filter system is 20 years and we are passed that. The installation of a new trickling filter system will enhance our treatment process.

Neil Guess reported that the agreement covers design through the bidding process, not construction services. The digesters and disinfection system improvements were removed from the purchase order because the proposed new are pending.

Motion by Walt McDonald, seconded by Jane Heintz, to **approve the engineering services agreement**. After due consideration and discussion, the roll was called. Aye: McDonald, Heintz, Neff, Gardner, and Haller. Nay: None. The Mayor declared the motion carried.

D. Authorize Purchase of Tractor/Loader for Wastewater Department

Quotes were received as follows:

From Ryerson Implement:

- Used 2008 John Deere 4720 Compact Tractor with 400 LX Loader - \$30,000 less trade in of \$10,200 = \$19,800
- New 2009 John Deere 4720 Compact Tractor with 400 LX Loader - \$46,421 less trade in of \$19,921 = \$26,500

From Vetter Equipment:

- New 2007 Case IH Farmall 60 Compact Tractor, L360 Loader and Pallet Forks - \$29,494 less trade in of \$11,269 = \$18,225.00
- New 2009 Case IH Farmall 60 Compact Tractor, L360 Loader and Pallet Forks - \$35,630 less trade in of \$11,269 = \$24,361

Mike Neal is recommending purchase of 2007 Case from Vetter because this is a new unit with full warranty for less cost.

Motion by Mike Neff, seconded by Gary Gardner, to **authorize purchase of 2007 Case for \$18,225.00**. After due consideration and discussion, the roll was called. Aye: Neff, Gardner, Haller, Heintz, and McDonald. None. The Mayor declared the motion carried.

E. Discussion of Ordinance: AN ORDINANCE AMENDING CHAPTER 66 (LOAD AND WEIGHT RESTRICTIONS), SECTION 66.05 (TRUCK ROUTES) OF THE CITY CODE TO MAKE NECESSARY CHANGES TO TRUCK ROUTES and appropriate follow-up

Walt McDonald reported that he requested the proposed changes to the truck route as a temporary measure until the Union Pacific can move back the sign post on 11th Street just south of E Avenue. He took pictures of the tire tracks behind the curb during the first part of April. Neil Guess, Elizabeth Hansen and he met with the Union Pacific on April 2 about moving sign post back.

Motion by Walt McDonald, seconded by Gary Gardner, to consider and adopt the **first reading of Ordinance #949**. After due consideration and discussion, the roll was called. Aye: McDonald, Gardner, Haller, Heintz, and Neff. Nay: None. The Mayor declared the motion carried.

8. NEW BUSINESS

- A. Resolution No. 77 (2008/2009): A RESOLUTION DIRECTING STAFF TO PURSUE AGREEMENT WITH CITY OF AMES AND STORY COUNTY FOR THE 2009 DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AND SUPPORT THE APPLICATION – for equipment & program

Police Chief Mike Tupper reported that Nevada has not been eligible in the past for this grant. The current grant requires that all eligible members in the county apply jointly therefore we will be applying with the City of Ames and Story County. The grant application will cover equipment and programs that are currently not being funded. Eligibility for the grant is based on UCR crime statistics. There will be a Memorandum of Understanding between Ames/Story Co/Nevada for consideration at a future meeting.

Motion by Tom Haller, seconded by Jane Heintz, to **adopt Resolution #77 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Haller, Heintz, McDonald, Neff, and Gardner. Nay: None. The Mayor declared the motion carried.

- B. Resolution No. 78 (2008/2009): A RESOLUTION SUPPORTING THE SUBMISSION OF AN UNITED STATES DEPARTMENT OF JUSTICE COPS (COMMUNITY ORIENTED POLICING SERVICES) GRANT APPLICATION FOR THE STAFF COSTS RELATED TO THE HIRING OF ONE ADDITIONAL POLICE OFFICER

Police Chief Mike Tupper reported that this grant application will cover the additional cost for one police officer (beginning salary and benefits only) for a period of three years. The City has to agree to maintain position for one year after the three-year period. The City would still have the costs to train and equip the officer during the four-year period.

Motion by Gary Gardner, seconded by Tom Haller, to **adopt Resolution #76 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Gardner, Haller, Heintz, McDonald, and Neff. Nay: None. The Mayor declared the motion carried.

- C. Discussion of the process for severance of the area north of the Union Pacific Rail Road north right-of-way line and west of 600th Avenue from the city

City Administrator Elizabeth Hansen reported on the process to sever property. Council direct staff to get more information and bring it back at a future meeting.

- D. Authorize Purchase of Jet/Vac for Wastewater Department

Quotes were received as follows:

SINGLE AXLE:

From Bruce Municipal Equipment – 2009 Vactor Model 2110 Sewer Truck	
Retail	\$323,563.00
Trade In Allowance	<u>20,000.00</u>
Total Price	\$303,563.00

From Trans-Iowa Equipment – 2009 Vactor Model 2110 Sewer Truck	
Retail	\$318,785.00
Trade In Allowance	<u>25,000.00</u>
Total Price	\$293,785.00

TANDEM AXLE CHASSIS:

From Trans-Iowa Equipment – 2009 Vactor Model 2112 Sewer Truck	
Retail	\$336,902.00
Trade In Allowance	<u>25,000.00</u>
Total Price	\$311,902.00

Streets Supervisor Gary Flack reported that the new unit will replace the 1991 JetVac. Staff was able to obtain a second quote on the single axle unit from Bruce Municipal Equipment.

Walt McDonald asked how many feet too long the tandem axle was to fit in the shop. Gary Flack replied between 10-12 feet. The unit must be stored inside during the winter since the tank is left full of water and needs to be frost free. The advantage of tandem axle is more water load but the single axle unit is more maneuverable on city streets. Delivery could be expected in 4-6 months.

Motion by Gary Gardner, seconded by Walt McDonald, to authorize the purchase of the **2009 Vactor Model 2110 from Trans-Iowa Equipment for \$293,785**. After due consideration and discussion, the roll was called. Aye: Gardner, McDonald, Neff, Haller, and Heintz. Nay: None. The Mayor declared the motion carried.

- E. Resolution No. 79 (2008/2009): A RESOLUTION OF TRANSFER FROM WASTEWATER OPERATION/MAINTENANCE (FUND 6200) TO WASTEWATER CAPITAL EQUIPMENT (FUND 6220) - \$275,000

Motion by Gary Gardner, seconded by Walt McDonald, to **adopt Resolution #76 (2008/2009)**. After due consideration and discussion, the roll was called. Aye: Gardner, McDonald, Neff, Haller, and Heintz. Nay: None. The Mayor declared the motion carried.

- F. Approve Letter of Support for Highway 30 Interchange Project

Elizabeth A. Hansen reported that the study area of Highway 30 includes intersections of 6th Street, S-14 and West 18th Street (Airport Road). After speaking with Representative Thomas Latham about federal funding for the project his office requested additional information including a letter of support/funding sources. Neil Guess and she will be meeting with the Iowa Department of Transportation Commission tomorrow regarding the project to get the project back on the 5-year plan and funding.

Motion by Gary Gardner, seconded by Tom Haller, to **direct staff to prepare support letter and funding commitment**. After due consideration and discussion, the roll was called. Aye: Gardner, Haller, Heintz, McDonald, and Neff. Nay: None. The Mayor declared the motion carried.

9. REPORTS

A. Elizabeth Hansen, City Administrator:

- She is attending the SMART conference on May 2. The deadline for registration is April 23 for anyone else wanting to attend.
- Jim Walker reported that the school's architect is still working on Gates Hall analysis and the auditorium committee has not seen the analysis.
- The Nevada Rotary, Story County Medical Center, City of Nevada, Nevada Community Schools, Youth and Shelter Services, several local business will be sponsoring a Mock Crash for the Nevada High School on April 28 dealing with underage drinking and the consequences.
- The Streets Department will be training May – October so if you see or hear about staff working together please let them know.
- The preliminary site plan for the Middle/High School was received last Thursday. Staff comments were sent out on Friday.

B. Council Members:

- Walt McDonald asked staff to present visual of equipment, land, etc. under consideration. He reported that HF496 pertaining to transfer land directly from a city to a county fair board passed both the House and Senate with an effective date of July 1, 2009. At this time it has not been signed.

C. Staff:

- Library Director Beth Williams reported that this week is National Library Week. To celebrate there will be Musical Lunch Breaks, fine amnesty, and community cupboard collection.
- Wastewater Supervisor Mike Neal thanked Water Supervisor Ryan Porath for assisting while he was not at work and thanked Harold See for coping during his absence.
- Streets Supervisor Gary Flack reminded everyone that Spring Clean Up is April 25.
- Police Chief Mike Tupper reviewed the E911 Board meeting. The Mayor reported that he has spoke with E911 attorney and they want to have member representatives seated to participate at the next meeting. The department has begun an aggressive nuisance abatement schedule on 110 properties, up from 80 last year. He will be attending the Governors Traffic Safety Conference April 14-16.
- Neil Guess reported that the contractor will be in town weather permitting on April 14 to begin work on the 8th Street properties where the ground settled. They will top dress and seed.

10. ADJOURNMENT

There being no further business to come before the meeting, motion by Jane Heintz, seconded by Walt McDonald, to **adjourn the meeting**.

Following voice vote, the mayor declared the motion carried at 7:30 p.m. the meeting adjourned.

Gearold E. Gull, II, Mayor

ATTEST:

Teresa R. Peterson-Smith, City Clerk

Published: _____
Council Approved: _____