



Minute
Tuesday October 11, 2022 09:10 AM
Regular Meeting of the Nevada City Council

Notice to the public: The Mayor and City Council welcome comments from the public during discussion on agenda items. If you wish to speak, please complete a card found on the podium near this agenda and hand it to the City Clerk before the meeting. When your name is called, please step to the podium, state your name and address for the record, and speak. The Mayor may limit each speaker to five minutes. If you wish to present written materials and/or a signed petition in addition to your oral presentation, those materials need to be delivered to the City Clerk by noon on the Wednesday prior to the meeting to be included in the Council packet. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input when recognized by the Chair. In consideration of all, if you have a cell phone, please turn it off or put it on silent ring. The use of obscene and vulgar language, hate speech, racial slurs, slanderous comments, and any other disruptive behavior during the Council meeting will not be tolerated and the offender may be barred by the presiding officer from further comment before the Council during the meeting and/or removed from the meeting.

1.Call the Meeting 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, August 8, 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, Kerin Wright, Larry Stevens, Erin Mousel, Ryan Hutton, Ray Reynolds, Josh Cizmada

Also in attendance were: Karen Selby, Bill Sullivan, Derrick Black, Garrett Glass, Grant Terry, Kari Bell, Hannah Bell, Kevin Bell, Brent Metzger, Tammy Metzger, Dave Kroese, Steve Bruns, Brenda Dryer

3.Approval of Agenda

Motion by Dane Nealson, seconded by Steve Skaggs, to approve the amended agenda with the removal of item 7A1. After due consideration and discussion the roll was called. Aye: Nealson, Skaggs, Hanson, Mittman, Sampson. Nay: None. The Mayor declared the motion carried.

4.Summit Carbon Solutions Project Presentation

They gave project details, will have the contractors set in the next couple weeks, are working on logistics and a timeline for the project; is set to be completed in a five-state area.

5.PUBLIC HEARING(S)

A. Proposed Amendment to the Development Agreement with Verbio Nevada, LLC

1. Public Hearing, Proposed Amended Development Agreement with Verbio Nevada, LLC

At 6:20 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **July 28, 2022**. The public hearing is **regarding the proposed Amended Development Agreement with Verbio Nevada, LLC.**

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:20 p.m.

2. Resolution No. 016 (2022/2023): Resolution Approving Amended Development Agreement with Verbio Nevada, LLC, Authorizing Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement.

Motion by Steve Skaggs, seconded by Jason Sampson, to **adopt Resolution No. 016 (2022/2023).** After due consideration and discussion the roll was called. Aye: Skaggs, Sampson, Hanson, Mittman, Nealson. Nay: None. The Mayor declared the motion carried.

B. Proposed Development Agreement with Verbio Nevada, LLC

1. Public Hearing on Proposed Development Agreement with Verbio Nevada, LLC

At 6:21 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **July 28, 2022**. The **public hearing is regarding the proposed Development Agreement with Verbio Nevada, LLC.**

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:21 p.m.

2. Resolution No. 017 (2022/2023): Resolution Approving Development Agreement with Verbio Nevada, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Motion by Barb Mittman, seconded by Dane Nealson, to **adopt Resolution No. 017 (2022/2023).** After due consideration and discussion the roll was called. Aye: Mittman, Nealson, Sampson, Skaggs, Hanson. Nay: None. The Mayor declared the motion carried.

C. Proposed Development Agreement with Nancy and Thomas Richards

1. Public Hearing on Proposed Development Agreement with Nancy and Thomas Richards

At 6:21 p.m. Mayor Barker announced that this is the time and place set for a **public hearing** as advertised in the Nevada Journal on **July 28, 2022**. The public hearing is to **regarding the proposed Development Agreement with Nancy and Thomas Richards**.

There were **no written or oral objections** to the aforementioned recommendation. Public hearing closed at 6:22 p.m.

2. Resolution No. 018 (2022/2023): Resolution Approving Development Agreement with Nancy and Thomas Richards, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Motion by Dane Nealson, seconded by Jason Sampson, to **adopt Resolution No. 018 (2022/2023)**. After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

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

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

A. Approve Minutes of the Regular Meeting held on July 25, 2022

B. Approve Payment of Cash Disbursements, including Check Numbers 78297-78375 and Electronic Numbers 1152-1156 (Inclusive) Totaling \$376,014.96 (See attached list) and the First Interstate Purchasing Card for August Payment

C. Approve Class C Liquor License, Sunday Sales for Charles Schadt, d/b/a George's Pizza, 1220 6th Street, Nevada, Iowa, Effective August 22, 2022

D. Receive Recommendation from Planning & Zoning Commission on Rezoning of 640 S. 19th Street and Set Public Hearing for August 22nd at 6:00 p.m. and Authorize Publication of Notice

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

7.Mayor's Appointments

A. Approve Appointments of the following Board/Commission Recommendations

1. Library Board – Brian Weig

2. Historic Preservation Board – Melinda Buyck

Motion by Barb Mittman, seconded by Dane Nealson, to **approve Mayor's recommendation for the appointment of Melinda Buyck to Historic Preservation Commission**. After due consideration and discussion the roll was called. Aye: Mittman, Nealson, Sampson, Skaggs,

Hanson. Nay: None. The Mayor declared the motion carried.

8. Public Forum

Kari Bell expressed concern with a letter supporting Summit Carbon Solutions.

9. Old Business

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

It is the consensus of Council to have the City Attorney draft and send a notice to owner giving thirty days.

B. Discussion and Appropriate Follow up on Request to Waive the Sewer Charge on 123 8 th Street

Motion by Barb Mittman, seconded by Jason Sampson, to **direct staff to approve credit of sewer charge on account.** After due consideration and discussion the roll was called. Aye: Mittman, Sampson, Skaggs, Hanson, Nealson. Nay: None. The Mayor declared the motion carried.

C. Ordinance No. 1023 (2022/2023): An Ordinance Amending the City Code of Nevada, Iowa, by adding Chapter 158, Property Maintenance and Residential Rental Code, second reading

Motion by Jason Sampson, seconded by Dane Nealson, to **approve Ordinance No. 1023 (2022/2023), second reading.** After due consideration and discussion the roll was called. Aye: Sampson, Nealson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

D. Approve Pay Request No. 14 for WWTF Improvements-Phase 2 from Williams Brothers Construction Inc. (WBCI) in the amount of \$1,242,962.03

Motion by Jason Sampson, seconded by Steve Skaggs, to **approve Pay Request No. 14 for WWTF Improvements-Phase 2 from Williams Brothers Construction Inc. (WBCI) in the amount of \$1,242,962.03.** After due consideration and discussion the roll was called. Aye: Sampson, Skaggs, Hanson, Mittman, Nealson. Nay: None. The Mayor declared the motion carried.

E. Approve Pay Request No. 6 for WWTF Improvements-Phase 3 from Boomerang Corp. in the amount of \$310,132.25

Motion by Dane Nealson, seconded by Jason Sampson, to **approve Pay Request No. 6 for WWTF Improvements-Phase 3 from Boomerang Corp. in the amount of \$310,132.25.** After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

10. New Business

A. Resolution No. 019 (2022/2023): A Resolution to approve the 28E Agreement with the Nevada Rural Township Trustees

Motion by Brian Hanson, seconded by Jason Sampson, to **adopt Resolution No. 019 (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. Approve Purchase of a Fire Extinguisher Training Prop for Fire Department

Motion by Barb Mittman, seconded by Jason Sampson, to **approve option 1, approve purchase of Fire Extinguisher Training Prop for the Fire Department from Gravity Jack in the amount of \$17,499.** After due consideration and discussion the roll was called. Aye: Mittman, Sampson, Skaggs, Hanson, Nealson. Nay: None. The Mayor declared the motion carried.

C. Approve 5-Day Class “B” Beer (BB) (Includes Wine Coolers) Permit and Outdoor Service for Nevada Jaycees to host an Outdoor Service Area at Story County Fairgrounds at 220 H Avenue on Saturday, August 27, 2022 during Lincoln Highway Days

Motion by Dane Nealson, seconded by Jason Sampson, to **approve 5-Day Class “B” Beer (BB) (Includes Wine Coolers) Permit and Outdoor Service for Nevada Jaycees to host an Outdoor Service Area at Story County Fairgrounds at 220 H Avenue on Saturday, August 27 th, 2022 during Lincoln Highway Days.** After due consideration and discussion the roll was called. Aye: Nealson, Sampson, Skaggs, Hanson, Mittman. Nay: None. The Mayor declared the motion carried.

D. Approve Recommendation from Planning and Zoning Commission to Approve the Special Use Permit to Allow Residential Units to be Built on Limited Commercial Zoned Property

Motion by Brian Hanson, seconded by Barb Mittman, to **approve Recommendation from Planning and Zoning Commission to Approve the Special Use Permit to Allow Residential Units to be Built on Limited Commercial Zoned Property.** After due consideration and discussion the roll was called. Aye: Hanson, Mittman, Nealson, Sampson, Skaggs. Nay: None. The Mayor declared the motion carried.

E. Discussion and Appropriate Follow up Regarding an Ordinance for Golf Carts

Following council discussion, City Administrator Cook will make appropriate changes to the ordinance and bring it back to council.

F. Discussion and Appropriate Follow up Regarding an Ordinance for ATV/UTV

Dave Kroese and Brent Metzger expressed concern with the wording of the ordinance, specifically related to “prohibited streets”. Following council discussion, City Administrator Cook will make appropriate changes to the ordinance and bring it back to council.

G. Discussion and Appropriate Follow up on WWTP Project and SRF Financing Review

Michael Maloney, with DA Davidson presented to the council via Zoom regarding the remaining financing for the WWTP as well as updating sewer user rates.

H. Discussion and Appropriate Follow up of New Position of City Engineer

Motion by Steve Skaggs, seconded by Barb Mittman, to **approve option 3, to do nothing at this time, while City Administrator Cook works to gather additional information.** After due consideration and discussion the roll was called. Aye: Skaggs, Mittman, Nealson, Sampson, Hanson. Nay: None. The Mayor declared the motion carried.

11. Adjournment

There being no further business to come before the meeting, motion by Dane Nealson, seconded by Jason Sampson, to adjourn the meeting. Following voice vote, the Mayor declared the motion carried at 8:10 p.m. the meeting adjourned.

Last modified, 10/11/2022 9:59 AM by: admin

This agenda is published for: public,

City Clerk

Mayor