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**City of Nashua**

**CITY COUNCIL MINUTES**

**City Council Chambers, City Hall**

## The Nashua City Council met in regular session on August 21, 2023, in Council Chambers at City Hall. The meeting was called to order at 7:00PM with Mayor Pro Tem Harold Kelleher III presiding. Mayor Anthofer was absent. Council members present were Jake Johnson, Samantha Johnson, Harold Kelleher III, Tim Malven and Ernie Willsher. City employee(s) City Clerk John Ott, Park Board President Nate Sinnwell and 6 guests were also present.

## Mayor Pro Tem Kelleher asked for consideration approving the regular agenda. Willsher/M, J. Johnson/S, M/C. RC: all ayes

## Mayor Pro Tem Kelleher called for a motion to approve the consent agenda: Minutes from the Regular Council Meeting August 7, 2023; Building Permits: 45 Merrill St. and 705 Lexington; Fireworks: 304 Sample St.; Payment of Claims (see claims report): Total Claims to be Paid $24,134.04 + Wages $9,220.72. J. Johnson/M, Malven/S, M/C. RC: all ayes.

Mayor Pro Tem Kelleher asked if anyone had any public comments. There were none.

Mayor Pro Tem Kelleher asked for a motion to set two hearings for dangerous dogs. Malven/M to set the hearings for a special meeting on Wednesday September 27th starting at 7:00PM for the first hearing and the 2nd hearing immediately to follow. J. Johnson/S, M/C. RC: all ayes.

Mayor Pro Tem Kelleher called for a motion to approve the following resolutions: 23-40 Resolution to Approve a Pay Increase for Attaining a CDL License. Willsher/M, J/Johnson/S, M/C. RC: all ayes; 23-41 Resolution to Approve Listing the Dump Truck for Sale via Auction. Malven/M, J. Johnson/S, M/C. RC: all ayes. 23-42 Resolution to Approve FY’22/23 Street Finance Report. Malven/M, Willsher/S, M/C. RC: all ayes.

Business of the Mayor:

The Mayor was absent, but wanted the council to consider setting a date for a workshop to discuss water/wastewater backflow and any other recommended changes. Update dangerous animal policy and AC at the Welcome Center. He also wanted the council to consider ownership of the 2017 Freightliner truck that is currently in the city’s name to keeping it that way vs. giving ownership to the NRFC (Nashua Rural Fire Company) since it is hard to say how the cost share arrangement worked, but it did go through the city so he thought for simplicity they should consider keeping it 50/50.

Department Reports:

City Clerk Ott informed the council that July Bank Reconciliation has been completed and is ready for review. City Clerk Ott requested approval to attend the IMFOA Iowa Municipal Finance Officers Association training October 18-20, 2023. J. Johnson/M, Malven/S, M/C. RC: all ayes.

City Council

Malven and Kelleher commented on the good comments they have been hearing about the city crew and streets.

Nate Sinnwell Park Board President presented his monthly report and talked about the upcoming WODD 2.0, which is scheduled for August 26, 2023, and filled with activities from the Waterhawks, Pork Producers Meal, Beer Tent, the band Wichita, Fireworks followed by more music from the band Wichita. He asked the council to approve applying for a Community Forestry Grant application for Trees. The total project is $2103, and the city’s match is 50% of that amount. J. Johnson/M, Malven/S, M/C to approve the grant application. RC: all ayes.

He also said that the Park Board had discussed renting out the band shelter and they wanted to rent it for the same amount as the price for the small shelters ($10/Half Day and $20/Full Day). J. Johnson/M, Malven/S, M/C. RC: all ayes.

Heather Hackman Library Director gave a monthly report for the council to review.

Discussion/Action

The council discussed and took action on several items.

J. Johnson/M, Willsher/S, M/C to get bids for the Welcome Center AC unit. RC: all ayes.

The council discussed a waiver of service fee request; however after discussion J. Johnson/M, Malven/S, M/C to table until City Clerk can gather more information. RC: all ayes.

The council discussed parking at the beach as there are a lot of people who are parking illegally. Kelleher made a motion to put up two “No Parking Between Signs” signs at the beach as well as putting up a “Public Parking Sign” designating where people are allowed to park legally. Malven/S. M/C. RC: all ayes.

The council discussed promoting Zade McCall to a Supervisor roll with the retirement of Dan Zwanziger. The council discussed setting Zade’s wage at $24/hour and he would be responsible for supervising all parks, public works, and street personnel as well as providing a monthly report to the council and attending council meetings as requested. J. Johnson/M, Willsher/S, M/C. RC: all ayes. City Clerk Ott will draft a resolution for official approval at the next regularly scheduled council meeting September 5, 2023.

J. Johnson/M, Malven/S, M/C to table the Community Vision due to the short deadline. RC: all ayes.

The council reviewed and discussed the 28E Agreement with the NRFC taking into consideration Mayor’s considerations from earlier. J. Johnson/M to sign the title of the 2017 Freightliner over to the NRFC (Nashua Rural Fire Company) and the (NRFC) would own 100% of the vehicle and be responsible for 100% of the maintenance and insurance. Malven/S, M/C. RC: all ayes.

J. Johnson/M and Willsher/S to formally approve the purchase of tires for the skid loader from a previous Department Head Purchase Request Form.

Willsher/M, J. Johnson/S, M/C to replace the D.A.R.E. sign for a cost of approximately $50.00 even though it was outside city limits it was still the responsibility of the City of Nashua according to the Iowa DOT.

The council discussed putting up barriers along Woodbridge St. to block one lane of traffic due to the building that is dilapidating. After Attorney Skilton recommended taking a different route, J. Johnson/M, Malven/S, M/C to table the purchase of the barriers. RC: all ayes. Skilton stated that if there was a “No Trespassing Sign” and note that violators will be prosecuted. The city could issue a ticket for those who crossed the barrier. The city could assess any costs to the home owner for the barriers since it is their property causing the need to block off the street; however being able to assess and collect are not the same thing. Council member J. Johnson stated that we need to get at least the South ½ of the road open. Attorney Skilton said we could condemn the property. J. Johnson asked if we needed to put barricades up. Attorney Skilton stated that the council will be addressing 657A procedures later and he suggested tabling approval of any expense on barricades for now. The council decided to just move to the discussion on 657A.

Skilton stated that when you are dealing with the 657A and property rights and how significant they are this is an area that is ripe for litigation. He also stated that there is another procedure and if the city council is acting in that accord it is cheaper that way. If the city files a 657A petition he said don’t expect it to be cheap or to cut any corners. If you exercise your authority as city council First get the building(s) inspected by an independent inspector and a report , give notice of condemnation, have a hearing allowing the property owner to appeal the decision on condemnation and then get bids for demolition, let the owner know each step along the way how the city feels about it, if they will not let the owner off the hook whether or not they have nothing or are a corporation and whether or not the city wants to take possession and deed, but prior to taking deed always coordinate with the county and school for any back taxes and complete a lien search to make sure there are no liens on the property. He stated that the 657A is the last resort after trying to take care of things yourself to determine if there is a funding source and if not you just let it sit and determine when the city is going to spend the money and take possession or not. Condemnation is a good thing to tell the public because it is linked with a dangerous building and you mark it and tag it no entry and you have done your job and due diligence with the public as the council. His recommendation was to use the process and authority as a council prior to filing a 657A petition due to the costs. After discussion, J. Johnson/M, Kelleher/S to follow recommendation from Skilton and conduct a lien search, and communicate with county and school about forgiving any back taxes for 223 Main St and to search for the steps that have been completed in the condemnation process for the other buildings on Main St. that are dilapidating. RC: all ayes.

S. Johnson/M, Malven/S, M/C to approve blocking off a portion of Livingston St. for an estate auction located at 217 Livingston on September 30th. RC: all ayes. The owner at 214 Livingston would be the only property that would have a driveway blocked due to the closure. The property owners have confirmed with the owner of 214 Livingston that it would not be a problem. Greeley St. to Brasher St. will be closed to through traffic.

S. Johnson motioned to approve amending the sewer portion of a utility bill for a resident who was watering his newly seeded lawn. She motioned to calculate his average usage since he moved in and amend his bill to charge for his average usage. Kelleher/S, M/C. RC: all ayes.

The council discussed whether or not it should allow continuation of health insurance for an employee who retired after the age of 65 with 100% of the premium cost being paid by the employee. City Clerk Ott stated that he didn’t think it would be legal since the employee had already retired per guidance that he had received from the city’s HR Attorney; however, Val Johnson, the city’s insurance agent stated that since she was not notified in writing that the employee had retired she thought the former employee would be able to continue their coverage on the city’s plan as long as the city didn’t notify her in writing to discontinue his insurance plan because he had retired. After discussion, S. Johnson motioned to check with the legalities of providing continuation of insurance for a recently retired employee and if it is legal, to allow the retired employee to continue their current health insurance plan through December 31, 2023 at 100% of the cost being paid by the employee. Malven seconded. M/C. RC: 4 ayes Willsher nay. City Clerk Ott will check with the HR Attorney.

The council discussed replacing city facilities with LED lighting. Malven/M, Kelleher/S, M/C to table until we get more information. RC: all ayes.

The council discussed nuisance properties and Jake/M, Kelleher/S to table creating the list of nuisance properties and how to address them until they have a workshop.

The council also discussed a couple of potential grant opportunities through Powering Affordable Clean Energy (PACE) and Empowering Rural America New ERA Program. After discussion, J. Johnson/M, Malven/S, M/C to not continue with the application process as the project would not be affordable without assistance from other funding sources. RC: all ayes.

The council discussed trailer park service fees and how to bill them. J. Johnson/M to work with the trailer park owner to see if they want individual trash/recycle bins or a dumpster for the trailer park and also to see if they want to be responsible for the water meters or if they still want the city to provide the water meters and continue the monthly meter fee. Willsher/S, M/C. RC: all ayes.

The council discussed amending the water ordinance to change the verbiage to include responsibilities for backflow and cross contamination. After discussion, the council decided to add it to a workshop for further discussion.

The council also talked about putting some guidelines in place for pay increases for employees attaining certain certifications. No decisions were made, so it will be added to either a future workshop or council meeting.

The council discussed the culvert on the remainder of Charles City Rd. City Clerk Ott will talk to Zade to get more clarification on the plan.

The council discussed taking care of the weeds along the fence at the end of Main St. No decisions were made.

Other business:

City Clerk Ott informed the council that the July ’23 Incident Report was available from the Fire Department if anyone wanted to look at it.

There was no other business. S. Johnson motioned to adjourn. J. Johnson/S, M/C. RC: 5 ayes. The meeting adjourned at 9:45PM.

Pending Approval by Council

## John Ott

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| |  |  |  | | --- | --- | --- | | CLAIMS REPORT (August 3-17, 2023) | |  | | VENDOR | REFERENCE | AMOUNT | | U.S. POST OFFICE | CH-NUISANCE CERTIFIED LETERS | $25.00 | | JAN CLEMENT | WC CRAFTER COMMISION JULY'23 | $129.75 | | DEUTH, BRENDA | WC CRAFTER COMMISION JULY'23 | $40.88 | | SHERYL DORMAN | WC CRAFTER COMMISION JULY'23 | $179.33 | | FRISKY FOX VINEYARD LLP | WC CRAFTER COMMISION JULY'23 | $115.65 | | TERRY HINRICHS | WC CRAFTER COMMISION JULY'23 | $168.75 | | HOMESPUN TREASURER | WC CRAFTER COMMISION JULY'23 | $36.00 | | ANDREA KING | WC CRAFTER COMMISION JULY'23 | $42.38 | | SHARON LEERHOFF | WC CRAFTER COMMISION JULY'23 | $174.25 | | MAAS, ROBERTA C. | WC CRAFTER COMMISION JULY'23 | $172.28 | | MARYLEE MEHMEN | WC CRAFTER COMMISION JULY'23 | $46.13 | | JANET PETEFISH | WC CRAFTER COMMISION JULY'23 | $118.13 | | DANIELLE SCHELL | WC CRAFTER COMMISION JULY'23 | $36.75 | | NANCY SCHERER | WC CRAFTER COMMISION JULY'23 | $88.78 | | SANDY'S STICHES | WC CRAFTER COMMISION JULY'23 | $64.50 | | SENNER, ANN L | WC CRAFTER COMMISION JULY'23 | $79.05 | | TERESA STAUDT | WC CRAFTER COMMISION JULY'23 | $67.50 | | LISA STEINLAGE | WC CRAFTER COMMISION JULY'23 | $88.50 | | SHIRLEY STEVENSON | WC CRAFTER COMMISION JULY'23 | $36.38 | | WEINBERG, THERESA | WC CRAFTER COMMISION JULY'23 | $43.20 | | WORDES CYNTHIA A | WC CRAFTER COMMISION JULY'23 | $89.60 | | BAKER & TAYLOR | LIB-BOOKS | $172.22 | | BUTLER-BREMER COMMUNICATIONS | LIB-PHONS AUG'23 | $37.60 | | CENTER POINT LARGE PRINT | LIB-BOOKS | $39.74 | | COUNTRY LIVING | LIB-SUBSCRIPTIONS 1 YR | $37.42 | | CURRENTWARE, INC | LIB-TECH SUPPLIES | $399.00 | | DEMCO | LIB-OFFICE/PROGRAM SUPPLIES | $345.96 | | DISCOUNT SCHOOL SUPPLIES | LIB-PROG SUPPLIES | $24.80 | | DISNEY MOVIE CLUB | LIB-DVDS/CDS | $89.67 | | HEATHER M. HACKMAN | LIB-TRAVEL | $78.39 | | ILLINOIS LIBRARY ASSOC | LIB-PROGRAM SUPPLIES | $79.74 | | INGRAM | LIB-BOOKS/OTHER | $194.21 | | NASHUA PUBLIC LIBRARY | LIB-PETTY CASH /USPS/SUPPLIES | $27.93 | | RAPID PRINTERS | LIB-SUPPLIES | $56.99 | | SECRETARY OF STATE | LIB-APP FOR NOTARY HH | $30.00 | | STATE LIBRARY OF IOWA | LIB-TRAINING | $20.00 | | JOSH CASTER | AMB - DRIVER | $50.00 | | CORATHERS, TABATHA | AMB-ATTENDANT | $20.00 | | DETTMER, CHERYL | AMB-7/16 EMT | $30.00 | | FISHER, KARAGAN | AMB-EMT | $60.00 | | GERBER, BROOKELYNN | AMB-7/8 DRIVER | $25.00 | | GERBER, SHEA | AMB-DRIVER | $45.00 | | TOM JOHNSON | AMB-DRIVER | $25.00 | | KARELS, ABRAM | AMB-7/16 DRIVER | $65.00 | | MCCALL, ZADE | AMB-DRIVER | $25.00 | | MOHS, DANNON | AMB -7/12 EMT | $55.00 | | NELSON, KURT | AMB-DRIVER | $75.00 | | NELSON, TONI | AMB-EMT | $120.00 | | SCROGGINS, DEBORAH | AMB-7/29 EMT | $30.00 | | SHOEMAKER, CINDY | AMB -7/25 DRIVER | $65.00 | | SUDOL, MELISSA | AMB-ATTENDANT | $40.00 | | ZENDA VIKTUREK | AMB-JUL/AUG'23 MED DIR STIPEN | $485.00 | | MELISSA BERENDS | CH-CLERK SCHOOL IMFOA | $776.57 | | BUTLER-BREMER COMMUNICATIONS | PHONE EXP AUG'23 | $300.80 | | GALLS, LLC | AMB-TRAUMA KIT FROM FD WATSON | $2,969.33 | | GERBER, SHEA | ST-CDL REIMBURSE | $32.50 | | ION ENVIRONMENTAL SOLUTIO |  | $7,385.00 | | LEROY'S REPAIR | PARK-NEW CHAIN,SHARPEN,FUEL/OI | $89.98 | | MEHMEN, KARMEN | WC-ALCOHOL LICENSE RENEW'23/24 | $125.00 | | MICK GAGE PLBG & HTG, INC | WTR-CARD 1018 MAIN CURB STOP | $482.81 | | OTT, JOHN | CH-MUN PROF ACAD | $756.63 | | WEX BANK | CITY FUEL EXPENSES | $1,180.49 | | TRIONFO SOLUTIONS, LLC | DEATH/DISABILITY JUNE'23 | $170.13 | | IRS - USA TAX PAYMENT | FED/FICA TAX | $2,741.26 | | TREASURER STATE OF IOWA | STATE TAX | $419.41 | | IOWA DEPARTMENT OF REVENUE | SWR-SALES TAX JULY'23-Q3 | $325.14 | | IOWA DEPARTMENT OF REVENUE | WET-SALES TAX JULY'23-Q3 | $1,292.04 | | IOWA DEPARTMENT OF REVENUE | WC-Q3-SALES TAX JULY'23 | $184.11 | | TRIONFO SOLUTIONS, LLC | DEATH/DISABILITY JULY'23 | $170.13 | | CSG FORTE PAYMENTS | WTR/SWR-ACH BANK FEES JULY'23 | $41.25 | | Accounts Payable Total |  | $24,134.04 | | Payroll Checks |  | $9,220.72 | | \*\*\*\*\* REPORT TOTAL \*\*\*\*\* |  | $33,354.76 | | GENERAL FUND |  | $15,205.88 | | ROAD USE |  | $3,035.73 | | EMPLOYEE BENEFIT |  | $139.20 | | WATER |  | $8,193.05 | | SEWER |  | $6,780.90 | | TOTAL FUNDS |  | $33,354.76 | | |  |
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