**City of Nashua**

**CITY COUNCIL MINUTES**

**City Council Chambers, City Hall**

The Nashua City Council met in special session on August 28, 2020 in Council Chambers at City Hall. Pursuant to Iowa Code 21.8 the meeting was also held electronically due to concerns of Covid-19 and social distancing guidelines put in place by Governor Kim Reynolds. The meeting was called to order at 7:07AM with Mayor Betsinger presiding. Council members present were Alex Anthofer, Scott Cerwinske, Thomas Johnson, Harold Kelleher III and Charles Shelby. City employee(s) City Clerk John Ott was present. Nathan Miller from IIW Engineers attended remotely. Mayor Betsinger asked for consideration approving the agenda. Anthofer/M,, Cerwinske/S, M/C. There were no public comments. Nathan Miller from IIW Engineering followed up with answers to the council questions from the previous meeting. The extension of the project completion to October 30th was indicated to be approved by FERC, Iowa Homeland Security has indicated the completion date for FEMA could also be extended to October 30th; however they do not have authorization to approve anything longer as that would have to be handled at the Federal level. He also talked with Minnowa Construction Inc. who indicated they would work with the city on payment for the project, but they were requesting $50,000 be paid within 30 days as a good faith payment. Iowa Homeland Security will require all FEMA eligible work be paid for no later than November 30th. City Clerk Ott will work with bonding attorney on financing needs and options. The city can also request a portion of the FEMA funds be paid prior to work completion and City Clerk Ott will look into what steps need to be followed to receive partial distribution. The remainder of the funds would be paid in January. The council wanted to know when J.F. Brennan (dive team) would be able to mobilize. Nathan said they could start mobilizing within 2 days of receiving authorization to proceed. After Nathan answered the questions from the last meeting he asked if anyone else had any questions. Councilman Johnson asked some questions about any chance for price negotiations. Nathan said there probably isn’t room for negotiations. Johnson then stated that Minnowa had a plan A when they blocked off the middle gate and when that didn’t work and they had to start over that he didn’t see how it was fair for tax payers to have to pay for this additional work, because they weren’t able to complete the job after a contract had already been signed. Councilman Cerwinske asked what was going to happen when they ran into future problems such as trying to drive sheet pile. He wanted to know what his or FERC’s plan was because they had already given a 30 day extension. Nathan said he was confident that they would be able to drive the sheet pile in far enough to satisfy FERC and FEMA even though they may not be able to go down 25’, they will be able to drive it down far enough that it would be secure with the rock pile in front of it and the grout behind it. Councilman Shelby asked if there was a plan B in case they were not able to drive the sheet pile in far enough. Nathan stated that the next plan if it were physically impossible to drive the sheet pile far enough would be to do a grout bag and riprap repair or something similar. Mayor Betsinger stated the bottom line is that we either need to approve the change order or not as we can’t go back. The risk is if it isn’t approved is that they stop working and than nothing is done and we will not got any FEMA funds when we have to start the project over with the bidding process and it will be more expensive than it already is. Mayor Betsinger asked the council for a motion to approve Resolution 20-38 Approving a Change Order for the Minnowa Construction Inc. Contract. Johnson Motioned. Kelleher Seconded. Motion Carried. Roll Call: Ayes - 4, Nays – 1 (Anthofer), Abesnt – 0, Abstain – 0. After approval Nathan said that he would coordinate with Minnowa and let them know that they can continue. He will follow up with Mayor Betsinger every week on the progress to keep us in the loop. He stated that he would work as hard as he can to ensure these project costs stay with what has been established. He is also going to advocate on behalf of the city with Iowa Homeland to ensure that as many of the project costs are eligible for reimbursement as possible. He also stated that he feels Iowa Homeland is fighting for us to make the case to FEMA for reimbusrsement. He is pulling all of the levers that are at his disposal. Mayor Betsinger inquired about bonding. The council discussed some different funding opportunities and will discuss further before a decision is made. There was no other business. Mayor Betsinger called for a motion to adjourn. M/Cerwinske, S/Johnson,. M/C. The meeting was adjourned at 7:42AM.

Pending Approval by City Council

John Ott

City Clerk