

City of Nashua  
CITY COUNCIL MINUTES  
City Hall

The Nashua City Council met in regular session on June 3, 2024, at the Gateway to Northeast Iowa Welcome Center. The meeting was called to order at 7:00PM with Mayor Kelleher III presiding. Council members present were Peggy Hall, Ernie Willsher, and Dan Zwanziger. Jake Johnson arrived at 7:01PM and Samantha Johnson arrived at 7:03PM. City employee(s) City Clerk John Ott was present along with Chickasaw County Sheriff Ryan Shawver, Nashua Park Board member Dennis Niedert, Welcome Center Board Member Karmen Mehmen, and Water/Wastewater Operator Brian Glasgow. There were also 7 guests in attendance.

Mayor Kelleher called for a motion to approve the regular agenda after amending to remove Resolutions 24-35 Appointing Downtown/Main St. Steering Committee Members as well as 24-38 Resolution to Issue Debt to Reimburse City for Expenditures in Connection with Specified Projects. Willsher/M, Hall/S, M/C to approve the amended agenda. RC: 4 ayes, S. Johnson absent.

Mayor Kelleher asked for a motion to approve the consent agenda consisting of minutes from the regular meeting May 20, 2024; Permits: Alcohol/Liquor: Welcome Center; Building Permits: 113 Aspinwall and 50 Chestnut; Demolition/Excavation: 123 Aspinwall Extension Request; Consent Calendar Payment of Claims (May 17-30, 2024) \$104,265.00 + \$9,648.06 (Wages). J. Johnson/M, Willsher/S, M/C. RC: 4 ayes, S. Johnson absent.

Mayor Kelleher called for public comments: There were none.

Hearings/Resolutions

Mayor Kelleher called for a motion to open the public hearing for adopting the Hazard Mitigation Plan 2024 Update. Willsher/M, J. Johnson/S, M/C. The public hearing was opened at 7:02PM. RC: 4 ayes, S. Johnson absent. After discussion, Mayor asked if there were any public comments. There were no public comments. J. Johnson/M, Willsher/S, M/C to close the public hearing. The public hearing was closed at 7:04PM. RC: 5 ayes.

After the public hearing, J. Johnson/M, Willsher/S, M/C to adopt Resolution 24-34 Hazard Mitigation Plan 2024 Update. RC: all ayes.

Mayor Kelleher called for a motion to pass the following resolutions: 24-36 Resolution to Accept the Resignation of Jake Johnson as Park Board Member City Representative. Willsher/M, J. Johnson/S, M/C. RC: all ayes. 24-37 Resolution to Appoint Peggy Hall as Park Board Member City Representative. S. Johnson/M, J. Johnson/S, M/C. RC: all ayes. 24-39 Resolution to Clarify Zoning Classifications for Chapter 101 Storm Water Utility.

There were two letters written addressing the council about Resolution 24-39. One of the letters from Val Johnson addressed her concerns with resolution 24-39 and the other letter from Alex Anthofer addressed his opposition to Resolution 24-39. Attorney Skilton addressed the council and informed them that he reviewed the letters and wanted to remind the council that one of the reasons we have a storm water fee is due to an audit in FY'20 in which the storm water utility fund had a deficit balance on June 30, 2020. The recommendation of the State Auditor was for the city to investigate ways to eliminate this deficit and to return the fund to a sound financial condition. Attorney Skilton said he believes this was reviewed and he reviewed other ordinances under number 101 (Storm Water). He believes the council discussed what the city needed to plan to meet current and future obligations and what it would take to properly fund the account without having to go into other funds. He reminded the council that before the audit there was never a storm water utility fee, and we were following the State Auditor recommendation.

He also stated that he read the concerns and the only addition that he would make on the policy would be that it can be used quickly on the assessor's page to determine whether it is a residential, business property or whatever. It is in addition to the city code where the city code would control there is no difference. He said it is being taxed, it is being registered It is just a convenient place where assessors, attorneys, realtors, and everyone else uses to see what kind of property it is, so it doesn't result in additional tax, it results in finding out information quicker and we don't have this information on a tap online. This is why we use the assessor's page. It wasn't that we were trying to do something bad here.

He also mentioned that he looked at the Pleasant Hill ordinance that was referenced in Alex's letter about a fair way to assess the storm water fee. The first thing he pointed out was that the population for Pleasant Hill is 10,800 and their collection is through the City of Des Moines. He stated that it is a far different thing that we have at this level, but he noted that they do provide a method for annual review of the charge to see if it matches with the fund. He said several other cities do that as well. He wanted to clarify that the resolution was written not to write a new ordinance, but rather to provide more access for people. He said putting in "in addition to city code" would help the resolution and finally it wouldn't hurt to have a policy for annual review, which isn't presently in the ordinance.

He informed the council that he took the concerns seriously and he did check, and the legal opinions are supported by the state auditor that this fund was appropriate. He noted that the state auditor's audit is online and that was all he had to say. Council member J. Johnson wanted to clarify that Attorney Skilton thought it was fine to use the County Assessor's website and Skilton replied yes, "in addition to the City Code" which you are already doing. J. Johnson asked if that is all the city was changing. Skilton replied that's it "in addition to the city code." Attorney Skilton asked City Clerk Ott if there have been any major changes on commercial properties coming in. City Clerk Ott stated that there have not been major changes and noted that the storm water fee isn't a tax, but a service fee. S. Johnson inquired about defining developed properties. J. Johnson stated that whatever classification it is on the assessor's website is the fee that is assessed whether it is developed or not developed. J. Johnson inquired about one of the concerns that was noted of two council members benefitting from the resolution. Attorney Skilton stated that he has written an opinion on this and there is only a conflict for a council when bidding on a contract for the city or when someone is running for reelection and neither of these situations apply. He also noted that he has advised people in an awkward situation to recuse themselves from a vote, but that is a personal choice and not a required choice.

After Skilton answered council questions and gave his opinion on the two letters, J. Johnson motioned to approve resolution 24-39 with additional language "in addition to city code", Zwanziger/S, M/C to approve resolution 24-39 with additional language "in addition to city code." RC: all ayes.

Business of the Mayor:

Mayor Kelleher wanted to thank the community for the way it pulled together after the storm. He also talked about putting up a blockade on Woodbridge St. to help keep traffic away from the 223 Main St. building.

City Clerk Ott informed the council that he will be gone from June 19<sup>th</sup> – 21<sup>st</sup> for training and Deputy Clerk Berends will be gone June 24<sup>th</sup>-27<sup>th</sup> for training as well. He told the council that if they are interested in having an asbestos abatement specialist come to a future meeting and talk about asbestos abatement since no one on the council has gone through that process before. After discussion, the council thought that would be a good idea. City Clerk will line up someone to come talk to the council about the asbestos abatement process.

City Council

No comments

Dennis Niedert from the Park Board presented their monthly report. He talked about the lake cleanup that is scheduled for Saturday June 8<sup>th</sup>. He also mentioned that the festivities for WODD on Thursday will be held at the park this year. City Clerk Ott mentioned that at the last council meeting the City had approved paying for 50% of the insurance for liquor liability and this will be paid to the Nashua Civic League and the \$706, which is 50% of the cost was a public purpose because it helped support a local event that the public was encouraged to attend and it also brought in visitors from outside Nashua to help raise money for Nashua.

Karmen Mehmen presented the monthly report for the Welcome Center. She mentioned the issue with the fire alarm panel, which City Clerk Ott said he has contacted someone, and they will be contacting him to schedule an appointment to look at it. She also mentioned that they have been having issues with their Ipad and Square for processing transactions. City Clerk Ott stated that he has purchased a new Ipad and that didn't fix the problem, so he purchased a Square stand which should be here this week.

Brian Glasgow from Ion Environmental Solutions presented the monthly report for the Water/Wastewater Department. He received the quote for the Parkson screen \$79,241 plus install from Woodruff Construction \$18,650. They are still networking to help the city find a replacement Grade III wastewater operator for when their contract ends at the end of June, but haven't had much luck. They mentioned that after visiting with the DNR it sounds like they may be able to stay on as the Grade III operator if the city were able to find a Grade I operator. They went over the DNR inspection. Most items were fairly minor and easily addressed with the exception of removing trees from the reed beds and cleaning up the sludge in the storage tank. They will prepare the response for the DNR this week and will copy the city. They also let the council know that the new chlorination equipment will be installed the week of June 6<sup>th</sup>.

Ryan Shawver Chickasaw County Sheriff presented his monthly report. They were in Nashua 181 hours in the month of May. He reviewed the law report and talked about some of the calls they were dispatched to during the month.

Discussion/Action

The council discussed and/or acted on several items.

The council talked about the buildings on Main St. City Clerk Ott stated that he has been working on them, but making sure that all the I's are dotted and T's crossed takes time, but he has been talking with a lot of people and the city is moving forward, but slowly.

City Clerk Ott talked about the Indeed job posting. He mentioned that he talked with a representative from Indeed about the job posting and worked directly with Indeed to help tweak the posting to draw more qualified candidates. He informed the council that one recommendation Indeed said was important was to list a wage or wage range. The council also discussed changing the posting to reduce the required qualifications to a Grade I water supply and distribution and a Grade I wastewater after what Brian said about the city potentially being able to hire a Grade I operator and Ion Environmental staying on as the Grade III. After discussion, S. Johnson/M, J. Johnson/S to amend the job posting to a Grade I water supply and distribution and Grade I wastewater with a minimum starting wage of \$20.00 per hour. RC: all ayes. J. Johnson/M, Hall/S, M/C to table action on Codification Questions – Set #2. RC: all ayes.

City Clerk Ott informed the council that the abatement process for 123 Lexington has been started and he has contacted the city's housing inspector and is working on setting up an inspection time. Council member S. Johnson recommended contacting the Sheriff's Office and having them go into the house first because people have been going in and out of the house.

City Clerk Ott informed the council that the Ipad which cost \$300 and the Square stand which will cost \$149 need to be replaced in order to get the Welcome Center cash register back up and operational. J. Johnson/M, S. Johnson/S, M/C to approve the purchases. RC: all ayes.

Other Business:

City Clerk Ott let the council know that the Fire Department minutes from May are available for review.

He also informed the council of some issues that need to be addressed with the camp host. City Clerk Ott was instructed to talk to Park Board President Nat Sinnwell and let him know about the concerns.

S. Johnson/M to adjourn, J. Johnson/S, M/C. RC: all ayes. The meeting adjourned at 7:51PM.

Pending Approval by Council  
John Ott

#### CLAIMS REPORT (May 17-30, 2024)

VENDOR	REFERENCE	AMOUNT
LINCOLN SAVINGS BANK	HSA	\$1,400.00
AVESIS	WISION INS JUN'24	\$76.51
CRONIN, SKILTON, SKILTON	UR-LEGAL FEES	\$246.17
DELTA DENTAL OF IOWA	DENTAL INS JUNE'24	\$272.78
FLOYD CO. MEDICAL CENTER	AMB-RX APR/MAY'24	\$50.00
HANNEMANN CONSTRUCTION	PARK-STEEL ROOF ON BR	\$5,050.00
HAWKINS, INC.	WA-CI & SO2	\$90.00

HEARTLAND ASPHALT, INC.	ST-2 TON HAUL COLD MIX 3/5/24	\$250.00
ILLINOIS LIBRARY ASSOC	LIB-BOOKS-PROG MAT	\$130.70
IOWA LEAGUE OF CITIES	CH-GRANTFINDER SUBSCRIPT'24-25	\$100.00
IOWA STATE UNIVERSITY	CH-MUNICIPAL PROF ACADEMY JO	\$200.00
J & M DISPLAYS, INC.	WODD-FIREWORKS SHOW 2024	\$5,000.00
JENDRO SANITATION SERVICE	GEN-GAR/REC APR-MAY'24	\$23,959.40
LEROY'S REPAIR	LAWN MOWER SEAFOAM	\$8.99
MICK GAGE PLBG & HTG, INC	SE-MAIN JET 5/13	\$650.00
ENTERPRISE MEDIA INC	WC-TOURISM BOOK CHICK CO	\$274.00
RAPID PRINTERS	WA/SE-500 RED TAGS	\$105.00
SENNER, ANN L	WC-TABLECLOTHS	\$15.00
SIMMONS PERRINE MOYER BERGMAN	DAM-LEGAL EXP REPAIRS APR'24	\$1,617.40
ULINE	WC-10X5X13 BAGS	\$183.66
WEDEKING ELECTRIC LLC	WA-LIGHTS ON WATER TOWER	\$243.70
BLUE CROSS WELLMARK	HEALTH INS JUNE'24	\$5,233.04
SCBA SALES & RENTALS LLC	FD-4 FILTR/VALVE/DOVETAIL	\$3,687.10
THE MILL, INC.	PARK-SEEDING	\$145.00
FIRST STATE BANK	LOADER LOAN PRINCIPAL	\$32,080.00
CALHOUN-BURNS & ASSOC.	ST-BRIDGE INSPECTION '24	\$927.75
MCCLEARY, CHAD	WA CONTRACT JUNE'24	\$7,462.00
IOWA MUN FINANCE OFF ASSOC	UTILITY CLERK DUES	\$20.00
J & M DISPLAYS, INC.	WODD FIREWORKS FOR BLUES'BBQ'	\$2,500.00
MIDAMERICAN ENERGY	GAS/ELEC '24	\$5,199.82
NASSCO	WC-SOAP DISP	\$21.00
PEDERSON PLUMBING	PARK-BR REPAIR LAKESHORE	\$125.00
SUPERIOR WELDING SUPPLY CO	AMB-AIR CYL TEST	\$52.75
IPERS	REGULAR IPERS	\$3,868.10
IRS - USA TAX PAYMENT	FED/FICA TAX	\$2,626.51
TREASURER STATE OF IOWA	STATE TAX	\$371.66
AMAZON	WC-SQUARE PARTS CABLE/CHARGER	\$21.96
Accounts Payable Total		\$104,265.00
Payroll Checks		\$9,648.06
***** REPORT TOTAL *****		\$113,913.06
GENERAL FUND		\$46,442.07
LAKE/DAM		\$56.29
URBAN REVITAL		\$98.50
ROAD USE		\$4,696.15
EMPLOYEE BENEFIT		\$2,137.18
DEBT SERVICE		\$32,080.00
DAM REPAIR-AFTER FEMA		\$1,639.90
PERM FUNDS-CITY WATSON		\$5,000.00
WATER		\$10,112.00
SEWER		\$11,650.97

TOTAL FUNDS

\$113,913.06