

**SPENCER CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
November 17, 2014
Regular Council Meeting
6:30 o'clock P.M.**

1. Consent Agenda:

- A. Minutes of November 3, 2014;
- B. Licenses: Class B Wine Permit with Sunday Sales for Okoboji Wine Merchants and Class C Liquor License with Sunday Sales for Plaza Mexico; both subject to final approval by the Iowa Alcoholic Beverages Division;
- C. Approve Agreement for Grant of Permanent Sanitary Sewer Force Main Easement & Temporary Construction Easement for John Thomas and Marie Thomas;
- D. Resolution Adopting Final Assessment Schedule for Nuisance Abatement and Confirming and Levying the Assessments (mowing);
- E. Resolution Proposing the Sale of City Real Property, Scheduling a Public Hearing for December 1, 2014, at 6:30 P.M., and Directing the Publication of Notice;
- F. Approve 2014 Urban Renewal Annual Report;
- G. Approve Jobs Trust Contribution of \$15,000 to the Noteboom Implement Project;

2. Old Business:

A. Roll Call: An Ordinance Amending Title 9, Chapter 12, Section 4D Concerning Public Hearings Held by the Planning Zoning Commission, 2nd Filing;

Enclosed in your packet information is a proposed Ordinance concerning Public Hearings Held by the Planning and Zoning Commission. The purpose for amendment, for the most part, is to allow for the Planning and Zoning Commission the option of not holding a public hearing on minor text amendments. The thought being that those types of hearings do not normally have any public comments thus creating a cost that does not necessarily need to happen. The City Council would still hold a public hearing giving anyone the opportunity to speak on the text amendment. P&Z met on this item and voted to recommend approval. **I would recommend approval.**

B. Roll Call: An Ordinance Amending Title 9, Chapter 16 of the Spencer City Code to Amend Floodway Fringe Overlay District Performance Standards Regarding New and Substantially Improved Structures and Subdivisions; to Insert a Provision on Recreational Vehicles; to Amend General Flood Plain Overlay District Performance Standards and to Add Definitions for "Existing Construction", "Historic Structure", "Minor Projects", "Recreational Vehicle", "Routine Maintenance of Existing Buildings and Facilities", Start of Construction" and Substantial Damage, 2nd Filing;

Enclosed in your packet information is the proposed amendment to the City of Spencer's zoning code pertaining to floodways. A representative from FEMA has recently reviewed our Floodway Ordinance and has recommended some changes to our code. P&Z met on this item and voted to recommend approval. **I would recommend approval.**

3. New Business:

A. Motion: Approve Preliminary Plat for Noteboom First Addition, as recommended by the Planning & Zoning Commission;

On November 12, a preliminary plat for Noteboom First Addition was presented to the Planning and Zoning Commission. The plat, for the most part, is located on the west side of Highway 71, on the land previously owned by Menards. The property in question is currently being annexed into the City limits. P&Z voted to approve the preliminary plat. **I would recommend approval.**

B. Roll Call: Resolution Approving Code of Iowa Section 403.19 Tax Increment Financing Indebtedness Certification to County Auditor and Annual Appropriation of Certain Rebate Payments;

Enclosed in your packet information is a resolution approving the Tax Increment Financing Indebtedness Certification to the Clay County Auditor and Annual Appropriation of Certain Rebate Payments. The Iowa code requires this certification to be filed by December 1, each year. **I would recommend approval.**

C. Roll Call: Resolution to Expand the City of Spencer Quality Housing Initiative Grant Program;

Enclosed in your packet information is a resolution to expand the City of Spencer Quality Housing Initiative Grant Program. The amended program extends the time frame for the incentive to December 2018 as well as limit on the home to \$199,500.00. As we are all aware, the program has helped jump start our housing permits from 4 to over 70 in the last few years. By extending the program, we are anticipating keeping that momentum going. The city's share of the incentive is not increasing however due to this change. **I would recommend approval.**

D. Motion: Assignment of Extension Agreement and Amendment to Contract for Sanitary Landfill Services (for Auto Shredder Fluff following Transfer from Shine Bros. to Spencer NF, Inc.);

Enclosed in your in packet is an assignment agreement with Shine Bros. Corp. pertaining to the 2013 landfill agreement. In the agreement it was contemplated that TJN Enterprises would be part of the agreement as well. The agreement sets out that both Shine Bros. Corp. and TJN are assigning and waiving any rights arising under this agreement to Spencer NF., Inc. The City Attorney has reviewed the request and is recommending approval. **I would recommend approval.**

E. Roll Call: Resolution Authorizing Permanent Transfer of Funds;

Enclosed in your packet information is a Resolution authorizing transfer of funds. Normally these type of transfers are made at the end of the fiscal year. Staff thought it would be prudent to do these now to better reflect the true balances in those funds. **I would recommend approval.**

F. Roll Call: Roll Call: Resolution Awarding Contract for Rail and Tie Removal Salvage Project to A & K Railroad Materials, Inc., Salt Lake City, UT with the City being paid \$45,650.00;

Enclosed in your packet is a Resolution awarding a contract for the rail and tie removal from the City of Spencer's rail line. As you may recall when the State IDOT allowed for the City to shut down the rail, that the track must be removed by May of 2015. The project consists of removing the rail and ties as well as rough grading the property. **I would recommend that we award the contract to A&K Railroad for them paying the City \$45,650.00.**

4. City Manager's Report:

5. Mayor's Report: NW Iowa League Meeting, 11-20-2014 at LeMars

6. Council/Comm. Reports : Committee of the Whole (CIP) 11/25/2014, 6:00 P.M.

7. City Clerk's Report:

- Bills and Claims

- Funds Transfers

8. Other Business/Opportunity to Address the Council

9. Adjourn