

**Committee of the Whole  
December 1, 2014  
6:00 o'clock P.M.  
Conference Room, City Hall**

**COMMITTEE MEMBERS:**

Reynold Peterson  
Frank Petska  
Bill Orrison  
Steve Bomgaars  
Randy Swanson  
Ron Hanson  
Rich Prentice  
George Moriarty

1. Discuss Southern Pointe LLLP Project;
2. Discuss IGL LLC Project;

**SPENCER CITY COUNCIL MEETING  
COUNCIL CHAMBERS, CITY HALL  
December 1, 2014  
Regular Council Meeting  
6:30 o'clock P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **Iowa D.O.T. Presentation on intersection work at the North Junction of US 18/71 (North Y) and Pavement Rehab Project/Detour on US 71 from 15<sup>th</sup> Street SW to B53;**
2. **Consent Agenda:**
  - A. Minutes of November 17, 2014;
  - B. Licenses: Class C Liquor License with Sunday Sales and Catering Privilege for Prime Rib Inc.; subject to final approval by the Iowa Alcoholic Beverages Division;

- C. Residential Tax Abatements: Dean C. & Linda H. Koppen, 94 Stoneybrook Circle S.W.; Kyle Norris, 817 3<sup>rd</sup> Ave. W.; Ira Garvis Jr., 1519 Kristin Drive and Matt & Camela Hindeldey, 1200 Michaels Court;
- D. Roll Call: Resolution Acknowledging Receipt of Calendar Year 2014 Budget Amendment and Calendar Year 2015 Budget of Spencer Municipal Utilities of the City of Spencer, Iowa;

### 3. Public Hearing

**Public Hearing on Proposed Sale of Approximately 7 Acres of Unimproved City Property Located in the West Half of the Northeast Quarter of Section 24, Township 96 North, Range 37 W. of the 5<sup>th</sup> P.M., Clay County, Iowa, to Iowa Great Lakes Construction. LLC ;**

- A. **Roll Call: A Resolution Approving and Authorizing the Sale of Unimproved City Property Located in the West Half of the Northeast Quarter of Section 24, Township 96 North, Range 37 West of the 5<sup>th</sup> P.M, Clay County, Iowa, to Iowa Great Lakes Construction, LLC ;**

Enclosed in your packet information is a resolution authorizing the sale of an approximate 7 acres of land to Iowa Great Lakes Construction LLC. The property is located on the Northeast side of the land we recently purchased from the Holiday Express developers. The land will be used to build a 23-lot residential housing subdivision. Subject to any comments from the public hearing. **I would recommend approval.**

- B. **Motion: Approve Development Agreement with Iowa Great Lakes Construction, LLC;**

Enclosed in your packet information is a development agreement with Iowa Great Lakes Construction LLC. pertaining to the above referenced property. The agreement, for the most part, sets out each of the parties responsibilities.

### 4. Old Business:

- A. **Roll Call: An Ordinance Amending Title 9, Chapter 12, Section 4D Concerning Public Hearings Held by the Planning Zoning Commission, Final 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, Final 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.**

## 5. New Business:

### A. 2014 Fairway Woods First Addition PCC Paving Project:

#### 1. Motion: Approve Pay Estimate for 2014 Fairway Woods First Addition PCC Paving Project to Vaughn DeLoss Construction;

Enclosed in your packet information is the pay estimate for the above referenced project. Because the project is currently 39 days over the contracted working day requirement, I am recommending that the Council deduct the liquidated damages portion from the pay estimate. The pay estimate before you is \$91,129.35 less the liquidated damage calculation **\$10,920.00 (39 days @ \$280)** leaving a balance of \$80,209.35.

#### 2. Motion to suspend the working calendar day counts;

Due to the recent weather change, the Engineer is recommending that the City suspend the working calendar day counts for the 2014 Fair Woods First Addition Project until such time that the weather is conducive to finishing the project out. This action will suspend the liquidated damages until the Engineer lifts the suspension. **I would recommend approval.**

### B. Motion: Approve Waiver of City Permit and Inspection Fees for Southern Pointe, LLLP Housing Project;

This project is the Apartment Complex project proposed by C.H.I. located east of the new Holiday Inn Express and on property owned by the City. As you are aware, the project is being submitted for consideration of tax credits from the State and as part of the application, the community has to match between 6-7% of the estimated construction of the project. As part of the City's match, we are looking to waive the permit and inspection fees, which are estimated at \$1,500. **I would recommend approval.**

### C. Roll Call: Resolution Approving Contract and Performance Bond for Rail and Tie Removal Salvage Project to A & K Railroad Materials, Inc., Salt Lake City, UT;

Enclosed in your packet information is a Resolution to approve the Contract and Bond for the Rail and Tie Salvage Project. **I would recommend approval.**

## 6. Department Reports

- A. Public Works
- B. City Attorney
- C. Parks & Recreation
- D. Planning Department
- E. Library
- F. Fire
- G. Golf
- H. Police

**6. Engineer's Report**

**7. City Manager's Report:**

**8. Mayor's Report:**

**9. Council/Comm. Reports:**

**10. City Clerk's Report**

- Bills and Claims

- Funds Transfers

**11. Other Business/Opportunity to Address the Council**

**12. Adjourn**