

**SPENCER CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
February 2, 2015**

1. Update on Spencer Family YMCA, Nathan Prenzlou, Director;
2. **Consent Agenda:**
 - A. Minutes of January 19, 2015;
 - B. Licenses: Approve Class C Liquor License with Sunday Sales for Monterrey Mexican Restaurant; Class C Liquor License with Sunday Sales for Beer 30 (formerly Grand Tap); and class B Beer Permit with Sunday Sales for Godfather's Pizza; all subject to final approval by the Iowa Alcoholic Beverages Division;
 - C. Motion: Approve Agreement for Grant of Permanent Sanitary Sewer Force Main Easement & Temporary Construction Easement with Clay County, 300 W. Park Street;
 - D. Roll Call: Resolution to Provide for a Notice of Hearing on Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the 2015 PCC Paving Project #1, and the Taking of Bids Therefor (Hearing Date 2/16/2015; Letting Date 2/27/2015);

3. **Public Hearings:**

- A. **Public Hearing on Proposed Rezoning of Real Property Owned by The Merrill Company at 200 4th Street Southwest, Spencer, Clay County, Iowa (from B Multi-family to C-2 Hwy. Commercial);**
 1. **Roll Call: An Ordinance Amending the Comprehensive Land Use Plan of the City of Spencer and Amending the Zoning Classification of Real Property of the Merrill Company as Described Herein and Amending the Official Zoning Map of the City of Spencer, Iowa;**

Enclosed in your packet information is an ordinance amending the Comprehensive Land Use Plan and the Zoning Classification of Property of the Merrill Company from B Multi-family to C-2 Highway Commercial. The area in question is an approximate 6 acre piece of land that is located at 200 4th Street SW.

P&Z held a public hearing on this item and received 2 comments. Representatives from the Merrill Company has since met with those individuals to discuss their concerns which for the most part dealt with providing a buffer from their property. It is my understanding that during that meeting it was determined that the Merrill Company would provide for a 50 foot buffer on the south and west portions of the property. The stipulation for the 50 foot buffer is included in the ordinance before you.

During the hearing, Mr. Peterson, from the Merrill Company, addressed the topic of truck traffic. He indicated that he did not anticipate any more truck traffic being created from their use of this land and that the route of the trucks would continue to utilize 4th Street Southwest. According to our City transportation plan this is classified as a minor arterial which we would look for truck traffic to use.

The P&Z voted to recommend approval. **Subject to any new comments at the Public Hearing, I would recommend approval.**

B. Public Hearing on Proposed Rezoning of Real Property Owned by Centers Against Abuse and Sexual Assault Located at 517 6th Ave. East, Spencer, Clay County, Iowa (from C-2 Hwy. Commercial to A Residential Zoning) ;

1. Roll Call: An Ordinance Amending the Zoning Classification of Real Property Owned by Centers Against Abuse and Sexual Assault Located at 517 6th Ave. East, Spencer, Clay County, Iowa and Amending the Official Zoning Map;

Enclosed in your packet information is an ordinance amending the Zoning Classification of Real Property owned by CAASA that is located at 517 6th Ave. East from C-2 Commercial to Residential as well as amending the official zoning map. I believe the building was a church at one time and has since be used as a second hand thrift store. The owner now wishes to have it rezoned as residential. The neighbor to the south has also petitioned to have their property rezoned to residential that will coming back to you in the near future.

The P&Z voted to recommend approval. **Subject to any new comments at the Public Hearing, I would recommend approval.**

C. Public Hearing on Development Agreement with Green and Yellow, LLC;

1. Roll Call: Resolution Approving Development Agreement with Green and Yellow, LLC, Authorizing Annual Appropriation Tax Increment Revenues to the Payment of the Agreement;

Enclosed in your packet information is a Resolution approving a Development Agreement with Green and Yellow, LLC, authorizing annual appropriation TIF payments. The Development Agreement for the most part calls for the Developer to put in approximately \$4,500,000 into capital improvements and building costs. The building they are looking to put up will be approximately 40,000 to 45,000 square feet. As discussed in the Progress and Development Committee Meeting the City will rebate the incremental property taxes over a 13 year period.

All of the requirements for consultation of the other taxing entities have been fulfilled. **I would recommend approval.**

D. Public Hearing on Voluntary Annexation of a Parcel of Real Property Described as Parcel “J” in the SW ¼ of Section 24-96-37, Clay County, Iowa, requested Green & Yellow, LLC;

1. Roll Call: Resolution Approving the Voluntary Annexation of a Parcel “J” in the Southwest Quarter of Section Twenty-Four (24), Township Ninety-Six (96) North, Range Thirty Seven (37) Wes of the 5th P.M., Clay County, Iowa to the City of Spencer;

Enclosed in your packet information is a Resolution approving a Voluntary Annexation from Green & Yellow, LLC. The proposed area being annexed in is located on the East side of Highway 71, South of Menards. The City has notified and consulted all of the required entities as required by State of Iowa Law. **I would recommend approval.**

E. 2015 Gateway by IGL First Addition Public Improvement Project;

1. Roll Call: A Resolution Approving the Plat of Gateway by IGL First Addition as a Subdivision of the City of Spencer, Clay County, Iowa;

Enclosed in your packet information is a Resolution approving the final plat for the IGL First Addition. P&Z has recommended approval. **I would recommend approval.**

2. **Roll Call: Preliminary Resolution Pursuant to Section 384.42 of the Iowa Code Covering the 2015 Gateway by IGL First Addition Public Improvement Project;**
3. **Roll Call: Resolution Approving and Adopting Preliminary Plans and Specifications, Estimate of Cost and Plat and Schedule for the 2015 Gateway by IGL First Addition Public Improvement Project;**
4. **Roll Call: Resolution of Necessity for the 2015 Gateway by IGL First Addition Public Improvement Project;**
5. **Motion: Direction the City Clerk to File Certified Copies of the Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the County Treasurer of Clay County;**

Items 2-5 above are the necessary legal proceedings for the special assessment portion of this project. **I would recommend approval.**

F. Public Hearing on Plans, Specifications, Forms of Contract and Estimate of Cost for the Proposed 2015 Gateway by IGL First Addition Public Improvement Project'

1. **Roll Call: Resolution Finally Approving and Confirming Plans, Specifications, Forms of Contract and Estimate of Cost for the Proposed 2015 Gateway by IGL First Addition Public Improvement Project;**

Enclosed in your packet information is a Resolution approving the Plans, Specs, Form of Contract and Estimated costs for this project. The project primarily consists of a water distribution system, sanitary sewer collection system, storm sewer system, and PCC street pavement to serve an approximate 23 lot residential housing subdivision. The Estimated Costs for the project is \$ 479,860. **I would recommend approval.**

2. **Review Bids Received for 2015 Gateway by IGL First Addition Public Improvement Project (bids received 1/30/2015);**

Staff will be receiving bids at 1:00 on Friday. Our Engineer for the project (KCN) will present the results of the bids Monday night. Staff will have a recommendation at that time. Depending on the results of the bids you will need to take action on item 3(a) or 3(b) below.

3. **A. Motion to table action on awarding Contract for the 2015 Gateway by IGL First Addition Public Improvement Project;**

Or

- B. Roll Call: Resolution Awarding a Contract for the 2015 Gateway by IGL First Addition Public Improvement Project;**

4. Old Business:

- A. Roll Call: An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2015 Addition to the Spencer Consolidated Urban Renewal Areas, Pursuant to Section 403.19 of the Code of Iowa, 2nd Filing;**

Enclosed in your packet information is an ordinance providing for the division of taxes levied on taxable property in the newly created Urban Renewal Area (Green and Yellow LLC). **I would recommend approval.**

5. New Business:

A. Motion: Approve Agreement for Engineering Services with McClure Engineering for Wastewater System Improvements 2015 Wastewater Treatment Plant Rehabilitation;

Enclosed in packet information is an Engineering Agreement with McClure Engineering for the 2015 Wastewater Treatment Plant Rehabilitation Project. This phase of the contract pertains to Preliminary/Final Design as well as the advertising, bidding and contract award. The contract calls for a lump sum of \$269,875. The total cost of the project when complete is approximately \$3,700,000. **I would recommend approval.**

B. Roll Call: Resolution Approving an Off-Street Parking and Sidewalk Agreement and Grant of Easement with Northwest Iowa Mental Health D/B/A Seasons Center for Behavioral Health;

Enclosed in your packet information is a Resolution for an Off-Street Parking and Sidewalk Agreement with Seasons Center. The parking request is located on 2nd Ave. East, South of East 5th Street to the alley. Public Works has reviewed the request and is recommending approval. **I would recommend approval.**

C. Roll Call: Resolution Approving an Off-Street Parking and Sidewalk Agreement and Grant of Easement with Spencer Municipal Hospital;

Enclosed in your packet information is a Resolution for approval for a request of an Off-Street Parking and Sidewalk Agreement with Spencer Municipal Hospital. The parking request is located on the north side of East 11th Street extending from the existing Off-Street parking west to the existing west driveway. Public Works has reviewed the request and is recommending approval. **I would recommend approval.**

D. Motion: Approve Change Order No. 1 to 2014 East 18th Street HMA Resurfacing and Milling Project with OMG Midwest, Inc., DBA Tri-State Paving for an increase of \$1236.30;

Enclosed in your packet information is Change Order No. 1 for the 2014 East 18th Street HMA Resurfacing and Milling Project with Tri-State Paving for an increase of \$1,236.30. Please note that the change order was reduced by \$2,000 for liquidated damages due to lateness of completion of the project. **I would recommend approval.**

E. Motion: Approve proposal from HR OneSource to review and update City of Spencer Personnel Policy for a maximum cost of \$3000;

Enclosed in your packet information is a Proposal from HR OneSource to review and update the City of Spencer Personnel Policy for a price not to exceed \$3,000. The City has not had a review of our Personnel Policy is sometime. There have been a lot of changes in the law recently on personnel issues and we want to make sure we are up to date. **I would recommend approval.**

6. Department Reports

- A. Public Works
- B. City Attorney
- C. Parks & Recreation

- D. Planning Department
- E. Library
- F. Fire
- G. Police

7. Engineer's Report

8. City Manager's Report:

9. Mayor's Report:

10. Council/Comm. Reports: -Diversity Training, Feb. 11, 2015, 7:00-9:00 P.M., Muni. Golf

-Employee Appreciation, February 6, 2015, 5:30 Social Hour,
6:30 Dinner, Event Center

11. City Clerk's Report

- Bills and Claims
- Funds Transfers

12. Other Business/Opportunity to Address the Council