

**SPENCER CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
February 16, 2015
Regular Council Meeting
6:30 o'clock P.M.**

PLEDGE OF ALLEGIANCE

ROLL CALL

1. Consent Agenda:

- A.** Minutes of February 2, 2015;
- B.** Licenses: Adding Catering Privilege to Liquor License for The Bear Coffeehouse and Gary's on the River; New Class C Beer/Wine License for Howie's Big Top Pizza at 509 Grand Avenue and New Class C Liquor License with Sunday Sales for Spare Time Bowl, 1900 N. Grand Avenue; both subject to final approval by the Iowa Alcoholic Beverages Division;
- C.** Roll Call: Resolution Proposing the Sale of City Real Property, Scheduling a Public Hearing for March 2, 2015 and Directing the Publication of Notice; (Black Hills/Iowa Gas Utility Company LLC);
- D.** Motion: Set Public Hearing for City of Spencer Budget for Fiscal Year 2015/2016 for March 2, 2015;
- E.** Roll Call: Resolution to Fix a Date for a Public Hearing on a Proposal to Enter into a Sewer Revenue Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principal Amount Not to Exceed \$4,500,000;
- F.** Motion: Set Public Hearing for March 2, 2015 at 6:30 P.M. on Proposed Rezoning of a Parcel of Property at 515 6th Ave. East, legally described as Lot 3, Block 5, Chicago, Milwaukee & St. Paul Railway Third Addition from C-2 Highway Commercial Zoning District to A Residential Zoning District;
- G.** Motion: Approve Application for MAP 21 Grant for Trail Extension, as recommended by Spencer Park Board;
- H.** Roll Call: Resolution to Provide for a Notice of Hearing on Proposed Plans & Specs, Form of Contract and Estimate of Cost for the 2015 HMPG West Central Sewer Retrofit Project and the Taking of Bids Therefor; (hearing date 3/16/15 and letting 3/20/15)
- I.** Motion: Setting Public Hearing for March 2, 2015 on Zoning Text Amendment regarding Food Processing Use Classification;

2. Public Hearings:

A. Public Hearing on the Resolution of Necessity for the 2015 PCC Paving Project No. 1

The purpose of the Public Hearing is to allow for public input concerning the Resolution of Necessity for this project. The hearing pertains to the assessable portion of the project which consists of installation of PCC pavement, PCC sidewalk and other incidental items. The location of the project is located along 4th Ave East (14th Street to 18th Street) and 3rd Ave. East (11th Street to 13th Street).

The project has been on the 5 year CIP since 2005/2008 and was extended out to 2015, which was a little bit longer than the original plan. The decision to pave the street rather than overlay it was based on the fact the current street is a sealcoat street which would not be conducive to an overlay.

The project, as stated above, has a PCC street component to it that utilizes the long standing policy of assessing the abutting property owners 80% and the City of Spencer 20%. There is also a component of sidewalk replacement and/or infill. In 2010 the Council voted to prioritize requiring replacement or infill of sidewalks throughout the City. The Council's vision was to make Spencer a walkable community. The plan was to be a multiphase process. In 2012 the Council passed a resolution setting out 3 of those phases. The first one being making sure all governmental buildings are in compliance, the next one was that sidewalks would be required to be put in when a lot in a residential subdivision is platted after the date of the resolution and **the third one which is relevant to this action in that when a city street is reconstructed, partially or completely, all sidewalks which require repair or reconstruction, located in the block of the reconstruction, shall also be reconstructed and if sidewalk does not exist, new infill sidewalks shall be constructed. The cost of such sidewalk repair, reconstruction and infill construction shall be specially assessed pursuant to the City Special Assessment Policies adopted in Resolution No. 3443. That resolution sets the split at 80/20.**

It is important to point out the City Council created an incentive to encourage individuals to put their sidewalks in before they were mandated. The incentive called for the City to pay for the concrete portion of their sidewalk. Based on preliminary numbers, over 275 individuals have taken advantage of the program. Property owners in this project can also utilize this program should they do that in a timely manner. Because the assessment related to the sidewalks include soft costs (engineering and legal) and those that take advantage of incentive do not Staff is recommending that the Council consider amending the Resolution of Necessity to remove the soft costs from the sidewalk assessment. In most cases that would reduce their assessment by approximately 20%. In addition the City would still pay for the 20% the portion of the sidewalk.

1. Roll Call: Resolution Amending the Proposed Resolution of Necessity for the 2015 PCC Paving Project No. 1;

Subject to comments from the Public Hearing, **I would recommend the Council amend the proposed Resolution of Necessity to remove the soft costs from the sidewalk assessment.**

2. Roll Call: Resolution of Necessity for the 2015 PCC Paving Project No. 1;

I would recommend approval of the Resolution of Necessity.

(Or)

3. Motion: Adjourn Action on Resolution of Necessity for 2015 PCC Paving Project No. 1;

4. Motion: File Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the Clay County Treasurer (if Resolution of Necessity is Adopted);

I would recommend approval.

B. Public Hearing on Plans, Specifications, Form of Contract and Estimate of Cost for the 2015 PCC Paving Project No. 1

The purpose of the Public Hearing is to allow for public input pertaining to the Plans, Specs, form of contract and estimated costs. The project which consists of installation of PCC pavement, PCC sidewalks, water main, storm sewer intakes, and sanitary sewer. The location of the project is located along 4th Ave East (14th Street to 18th Street) and 3rd Ave. East (11th Street to 13th Street). The estimated cost for the project including Water Main is \$785,004. The funding for the project is being paid out of Street Reserves, Special Assessments, Storm Sewer Reserves, Sanitary Sewer Reserves as well as SMU (water main expenses). The bid letting will be held on February 27, 2014.

1. Roll Call: Resolution Finally Approving and Confirming Plans, Specifications, Form of Contract and Estimate of Cost for the 2015 PCC Paving Project No. 1;

I would recommend approval.

C. Public Hearing on Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project;

The purpose of the Public Hearing is to allow for public comment on the Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project. The hearing pertains to the assessable portion of the project which consists of installation of PCC pavement, PCC sidewalk and other incidental items. The location of the project on West 7th Street from 6th Ave. West to 9th Ave. West.

The project has been in discussions for approximately 3 years. The project, as stated above, has a PCC street component to it that utilizes the long standing policy of assessing the abutting property owners 80% and the City of Spencer 20%. There is also a component of sidewalk replacement and/or infill. In 2010 the Council voted to prioritize requiring replacement or infill of sidewalks throughout the City. The Council's vision was to make Spencer a walkable community. The plan was to be a multiphase process. In 2012 the Council passed a resolution setting out 3 of those phases. The first one being making sure all governmental buildings are in compliance, the next one was that sidewalks would be required to be put in when a lot in a residential subdivision is platted after the date of the resolution and **the third one which is germane to this action in that when a city street is reconstructed, partially or completely, all sidewalks which require repair or reconstruction, located in the block of the reconstruction, shall also be reconstructed and if sidewalk does not exist, new infill sidewalks shall be constructed. The cost of such sidewalk repair, reconstruction and infill construction shall be specially assessed pursuant to the City Special Assessment Policies adopted in Resolution No. 3443. That resolution sets the split at 80/20.**

It is important to point out the City Council created an incentive to encourage individuals to put their sidewalks in before they were mandated. The incentive called for the City to pay for the concrete portion of their sidewalk. Based on preliminary numbers, over 275 individuals have taken advantage of the program. Property owners in this project can also utilize this program should they do that in a timely manner. Because the assessment related to the sidewalks include soft costs (engineering and legal) and those that take advantage of incentive do not Staff is recommending that the Council consider amending the Resolution of Necessity to remove the soft costs from the sidewalk assessment. In most cases that would reduce their assessment by approximately 20%. In addition the City would still pay for the 20% the portion of the sidewalk.

1. Roll Call: Resolution Amending the Proposed Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project;

Subject to comments from the Public Hearing, **I would recommend the Council amend the proposed Resolution of Necessity to remove the soft costs from the sidewalk assessment.**

2. Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project;

I would recommend approval of the Resolution of Necessity.

(Or)

3. Motion: Adjourn Action on Resolution of Necessity for 2015 HMGP West Central Sewer Retrofit Project ;

4. Motion: File Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the Clay County Treasurer (if Resolution of Necessity is Adopted);

I would recommend approval.

5. Resolution Ordering Preparation of Detailed Plans, Specifications, Notice of Hearing, Notice to Bidders and Form of Contract;

I would recommend approval

3. 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, Final 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.**

B. 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, 2nd Filing;

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. **I would recommend approval.**

C. 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, 2nd Filing;

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.**

4. New Business:

A. Roll Call: Resolution Approving the Final Plat of Stub's Sixth Addition as a Subdivision of the City of Spencer, Clay County, Iowa;

Enclosed in your packet information is the Final Plat for Stub's Sixth Addition. This plat is a 23-lot residential subdivision. P&Z met on this item and voted unanimously to recommend approval. **I would recommend approval.**

B. Roll Call: Resolution Approving Submission of an Application for a SRF Water Resource Grant;

Enclosed in your packet information is a Resolution to approve an application for Clean Water SRF Water Restoration Sponsored Project. In 2009 the Iowa General Assembly passed legislation to allow for a new method for funding water quality protection. If successful, The City could capture approximately \$370,000 of interest paid on our SRF loan to be used to improve water quality in a watershed. The Little Sioux River Watershed is the area the Staff has identified for this application. Derek Namanny, who is an Urban Conservationist, will be present at the meeting to describe the program in more detail. **I would recommend approval.**

C. Roll Call: Resolution Approving Contract and Bond for the 2015 Gateway by IGL First Addition Public Improvement Project (DeLoss Construction)

Enclosed in your packet information is a Resolution approving the Contract and Bond for the 2015 Gateway by IGL Project. **I would recommend approval.**

D. Motion: Approve Subcontractors for 2015 IGL Public Improvement Project:

Lundell Construction Co. Inc., Cherokee, IA
MLS-Mark's Lawn Service, Granville, IA
Larry Leckband, Ocheyedan, IA

I would recommend approval.

- 5. Engineer's Report**
- 6. City Manager's Report:**
- 7. Mayor's Report:**
- 8. Council/Comm. Reports:**
- 9. City Clerk's Report**
 - Bills and Claims
 - Funds Transfers
- 10. Other Business/Opportunity to Address the Council**
- 11. Adjourn**