

SPENCER CITY COUNCIL MEETING
Council Chambers, City Hall
Monday, March 21, 2016
Regular Council Meeting
6:30 o'clock P.M.

1. Consent Agenda:

- A. Minutes of March 7, 2016;
- B. Licenses: -Ownership Update for Walgreens -Cigarette, Tobacco, Nicotine, Vapor Permit for Rachel & Eddy's Vapes, 221 Grand Avenue;
- C. Roll Call: Resolution to Provide for a Notice of Hearing on Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the 2016 Deerfield Park Improvements Project (park board receives bids 4/12/16, public hearing date and consideration of bids by City Council 4/18/16 at 6:30 P.M.);
- D. Roll Call: Resolution Authorizing and Directing the Temporary Closing of Portions of City Streets in the City of Spencer, Iowa for the 2016 Flagfest Celebration;
- E. Motion: Accept and Approve FY 2014/2015 City of Spencer Audit at prepared by Winther, Stave & Company;
- F. Motion: Approve Shield Agreement with Northwest Iowa Planning & Development Commission for July 1, 2016 through June 30, 2017;
- G. Motion: Approve Renewal of Property and Liability Insurance with ICAP for \$172,337.34;

2. Old Business:

- A. **Roll Call: An Ordinance Amending Title 9, Chapter 9, Section 2A of the Spencer City Code to Permit "Indoor Sports and Recreation" as a Special Exception Use in the "E" Heavy Industrial Zoning District, Final Filing;**

The City has recently been approached by a couple of different individuals to be allowed to put up an "Indoor Sports and Recreation" building in an "E" Heavy Industrial Zoning District. The current zoning does not allow for such of a facility. The Planning and Zoning Commission met on this item and voted to recommend approval to allow this type of use by exception. A copy of the ordinance is enclosed in your packet information. **Subject to any comments from the Public I would recommend approval of the final filing of the ordinance.**

- B. **Roll Call: An Ordinance Amending Title 9, Chapter 3, Section 3 (D) and Title 9, Chapter 4A Section 3 (D) to Provide for Maintenance of Historic Front Yard Setback Distances for Residential Properties Abutting North Grand Avenue, Final Filing;**

The City had recently received a request from individuals located in the North Grand Avenue Residential Historical District to reestablish a 75-foot front yard setback in the Historic District. The District for the most part are the residential houses on Grand Ave. north of 11th Street and south of 18th Street. The proposed setback was originally established and maintained for the area.

However over time the setbacks have been rendered ineffective and no longer enforceable. The City was approached by individuals from the area to make said setbacks permanent. The Planning and Zoning Commission met on this item and voted to recommend approval to the City Council. A copy of the ordinance is enclosed in your packet information. **I would recommend approval of the final filing of the ordinance.**

C. Roll Call: An Ordinance to Update the Schedule of Street and Sidewalk Grades, Final Filing;

Enclosed in your packet information is an ordinance to update the schedule of Street and Sidewalk Grades. This ordinance is required to be updated per our City Code. **I would recommend approval of the final filing.**

D. Roll Call: An Ordinance Amending Title 7, Chapter 11 of the Spencer City Code Concerning Snowmobiles, Final Filing;

As you may recall as we were evaluating how to move forward with the ATV ordinance the City Attorney made reference that we need to review our snowmobile ordinance as well. We have enclosed in your packet, information on an amendment to our snowmobile ordinance. The proposed changes are as follows:

7-11-1: - Definition – For the most part the definition sets out in this section that the term “snowmobile” does not include an all-terrain vehicle.

7-11-2E: - This area sets out the Iowa code sections that pertains to registering snowmobiles.

7-11-3 subsection C – This amendment repeals subsection C and replaces it with Subsection D. This removes authorization for operation of snowmobiles over the Little Sioux River Grand Ave. Bridge.

I would recommend approval of the final filing.

E. Roll Call: Ordinance Amending Title 2, Chapter 14 to Establish a Quorum of the Plumbers Examining Board, Final Filing;

Enclosed in your packet information is an amended Ordinance to establish what constitutes a quorum of the Plumbers Examining Board. The current ordinance does not officially set out what number represent a quorum. The amended ordinance will set out that it would need a minimum of 2 members of the 3 must be present at the meeting to be able to transact business. **Staff looks at this as a housekeeping item and would recommend approval of the final filing.**

F. Roll Call: An Ordinance Amending Provisions of Title 2, Chapter 13, Amending Title 1, Chapter 7 Section 3G and Amending Title 8, Chapter 3, Section 15, Concerning the Electrical Examiners Board, 2nd Filing;

Enclosed in your packet information is an amended ordinance to the Electrical Examiners Board. The ordinance for the most part changes the title “Electrical Examiners Board” to the “Electrical Board”. The ordinance deletes any reference to the Board pertaining to examination or licensing as those duties are now handled by the State of Iowa, sets out that the Board will allow Board

Members be eligible to serve if they live in Clay County and the Board will meet annually on the first week in February and any other time as deemed necessary. **I would recommend approval.**

3. New Business:

A. Motion: Approve Preliminary Plat for Speidel First Addition;

Enclosed in your packet is the Preliminary Plat for Speidel First Addition to the City of Spencer. The parcel of land included in this plat is east of Asher Motor. The Planning and Zoning Commission met on March 9th and approved the Plat with the following conditions: 1) easement for sanitary sewer east of plat; 2) include a water main to be installed to the NE corner of subdivision including the addition of a fire hydrant; and 3) agree to contract & waiver for any future special assessments. The plat that is included in your packet has been modified to address these conditions. **I would recommend approval.**

B. Motion: Approve Retaining HR-OneSource for services in connection with the search for a Fire Chief for \$15,000.00 plus out of pocket expenses, not to exceed \$3,500.00;

As most of you are aware, Fire Chief Duncan has decided to retire. His target date of retirement is July 31, of this year. With that said, it is time to start the process of hiring his replacement. Staff is recommending that we retain HR-OneSource, which is the same firm we used to replace our Police Chief and our Finance Director. The cost for their services is \$15,000.00 plus a not to exceed out of pocket expenses of \$3,500.00. I believe that is approximately \$5,000.00 less than the Police Chief search. **I would recommend approval.**

C. Motion: Approve Change Order #1 for 2015 PCC Paving Project No. 1 with Vander Pol Excavation, regarding completion date;

Enclosed in your packet is Change Order #1 in connection with the 2015 PCC Paving Project No. 1 to change the completion date for the 3rd Ave portion of the project. As you may recall, last fall the City asked the contractor to hold off on starting 3rd Ave due to timing issues and the onset of winter. The completion date for the project will be extended until June 3, 2016. **I would recommend approval of the change order.**

D. Motion: Approve Change Order #1 for 2015 HMPG West Central Sewer Retrofit Project with Vander Pol for Change in Work, Intermediate Completion Period Extensions and Deduct of \$226,880.69;

Enclosed in your packet is Change Order #1 in connection with the HGMP FEMA Sewer Retrofit Project. The purpose of the Change Order is to include minor overruns on construction line items. The Change Order also includes a unit price correction for ditch stabilization rock and includes some new items for pavement modifications and temporary water services. This Change Order will add 68 calendar days to intermediate completion periods on various blocks. The overall completion period does not change. At this point, the City is still holding back 73 working days' worth of Liquidated Damages (\$36,500.00). **I would recommend approval of the Change Order.**

- E. Motion: Approve Professional Services Contract with Kruse, Cate & Nelson for Administration of 2016 Miscellaneous Maintenance Projects (Crack Sealing, PCC Patching, Manhole Rehabilitation and Sealcoat Project);**

Enclosed in your packet information is an agreement with KCN for the 2016 Street Maintenance Projects. The projects for the most part included Crack Sealing, PCC Patching, Manhole Rehabilitation and Sealcoat Projects. **I would recommend approval.**

- F. Motion: Approve Off Street Parking and Sidewalk Agreement and Grant of Easement with Timothy and Sherri Steffen;**

Enclosed in your packet is an agreement between the City and Mr. and Mrs. Steffen to allow off street parking on W 7th Street and in return the granting of an easement for the construction and maintenance of a public sidewalk along the south edge of the property. The sidewalk will abut W 7th Street. The parking would accommodate the planned housing units to be constructed on the property. **I would recommend approval of the agreement.**

4. Engineer's Report:

6. City Manager's Report:

- 7. Mayor's Report:**
- Northwest Iowa League of Cities Meeting 3/24/16 at Storm Lake
 - Announcement of intention to appoint Michaela Sailer-Matthiesen to the Civil Service Commission, term expires 4-01-2020

8. Council/Comm. Reports:

- 9. City Clerk's Report**
- Bills and Claims
 - Funds Transfers

10. Other Business/Opportunity to Address the Council

11. Adjourn