

**Farewell Coffee for Council Member Randy Swanson  
5:30 – 6:30 P.M.**

Please join us to Thank Randy for his years of Service at a City Council Member.  
Refreshments will be served

**SPENCER CITY COUNCIL MEETING  
COUNCIL CHAMBERS, CITY HALL  
December 19, 2016  
Regular Council Meeting  
6:30 o'clock P.M.**

**1. Pledge of Allegiance**

**2. ROLL CALL:** Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

**3. Consent Agenda:**

A. Approve Minutes of December 5, 2016;

B. Licenses:

C. Roll Call: Resolution Adopting Final Assessment Schedule for Nuisance Abatement and Confirming and Levying the Assessments (Mowing);

D. Motion: Approve Residential Tax Abatement for Rod Hanson at 612 4<sup>th</sup> Avenue West;

**4. Public Hearing:**

**A. Public Hearing on Submission of Housing Fund Grant Application for \$201,000.00 to the Iowa Economic Development Authority;**

As you may recall at the last Council Meeting, the Council authorized an application to the Housing Trust Fund Grant Program for a CDBG Block Grant assistance for an owner occupied housing rehabilitation in a targeted area. The area is Census Tract 803 which is bound on the west by the properties located on the east side of 6<sup>th</sup> Avenue West, on east by the properties located on the west side of Grand Avenue, on the north by properties on the south side of the ICE Railroad, and on the south by West Park Street, excluding properties located within the 100 year flood plain.

The purpose of the Public Hearing is to allow individuals to comment on the project.

**5. Old Business:**

- A. **Roll Call: An Ordinance Providing for the Crediting and Distribution of Increased Local Option Sales and Services Tax Revenues Attributable to Certain Retail Establishments in the Local Option Tax District for the Spencer Consolidated Urban Renewal Areas, Pursuant to Sections 423B.7, 423B.10 and 403.19 of the Code of Iowa, 2<sup>nd</sup> Filing;**

This Ordinance establishes a Sales Tax TIF district. By creating a Sales Tax District in this area, we will be able to capture the 1 cent Local Option Tax and use it for a potential incentive to bring in another business. As per the State Code, we met with the Clay County Board of Supervisors on this item. The Board voted unanimously to support our efforts. **I would recommend approval.**

**6. New Business:**

- A. **Roll Call: Resolution Accepting Work Covering the 2016 PCC Patching Project #1;**

Enclosed in your packet information is a Resolution Accepting Work covering the 2016 PCC Paving Project. The Contractor for the project was Randy Helmer's Construction. The Engineer has submitted a letter certifying that the contract has been completed substantially. **I would recommend approval.**

- B. **Motion: Authorize Staff to negotiate a Contract for Engineering Work for Pederson Park Lighting Project with Bolton & Menk;**

As you may recall this project was discussed at the recent CIP meeting. The project for the most part calls for replacing the ballfield lighting in Pederson Park. The City had previously retained Bolton & Menk to do a portion of this project. The project has now been expanded to do the entire project at one time. **I would recommend approval.**

- C. **Motion: Authorize Staff to negotiate a Contract for Engineering Work for Iowa Great Lakes Trail Project, Phase II with Kruse, Cate & Nelson and McClure Engineering;**

The project for the most part, extends the Great Lakes Trail, from Casey's on 4<sup>th</sup> Avenue, North, to our corporate limits. Kruse, Cate & Nelson Engineering and McClure Engineering have teamed up on this project. They both have worked on pieces of this project in the past for us. **I would recommend approval.**

- D. **Roll Call: Resolution Adopting Final Assessment Schedule for 2015 HMGP West Central Sewer Retrofit Project and Amending , Confirming and Levying the Assessments;**

Enclosed in your packet information is the Final Assessment Schedule for the 2015 HMGP West Central Sewer Retrofit Project. You might recall, we accepted the project at our last council meeting. A copy of the assessment schedule is included in your packet information. **I would recommend approval.**

**E. Roll Call: Resolution Adopting Final Assessment Schedule for 2015 PCC Paving Project No. 1 and Amending, Confirming and Levying the Assessments;**

Enclosed in your packet information is the Final Assessment Schedule for the 2015 PCC Paving Project. You might recall, we accepted the project at our last council meeting. A copy of the assessment schedule is included in your packet information. **I would recommend approval.**

**F. Motion: Approve Infringing Use Agreement with Southside Monuments, LLC., for placement and maintenance of a sign;**

Enclosed in your packet information is a copy of an Infringing Use Agreement with Southside Monuments that would allow them to place a sign in the City's property that is located across from East Leach Park. You might recall that they had requested, some time ago, to be allowed to purchase or lease this area. The City's reluctance to move forward on their request was primarily due to future street right-of-way needs. At your last council meeting we took care of that concern when you voted to deed a portion of that land to IDOT.

The agreement in your packet would allow them utilize the remaining land to put up their sign. For consideration of the City granting the infringing use they would be required to pay \$500.00 per year for each calendar year the agreement is in place. They would also be required to reimburse the City for legal expense for an amount not to exceed \$500.00. Because the sign would be an off premise sign, they would need to get a permit from the DOT before they could install the sign. With that said, in the event that the DOT does not grant a permit the lease would be deemed null and void. **I would recommend approval.**

**G. Action regarding City Council Vacancy:**

With Randy submitting his resignation letter effective December 31, to become a Clay County Supervisor, we felt it prudent to move forward on what method the Council would want to choose to fill Randy's Council seat. The two options are below.

**1. Roll Call: Resolution Proposing to Fill by Appointment, the Vacancy of Fourth Ward Council Member of the City of Spencer, Iowa;**

If the Council would desire to select this option they would need to adopt this resolution stating that it is the intent of the Council to appoint an individual to this vacancy. The Council would then set a time in which individuals would need to submit their request to be considered for the appointment. It would be my recommendation that those interested would need to submit a summary why they should be appointed by January 9, 2017. The Council could then look to appoint someone at its January 16, 2014 Council Meeting. The new appointee would only serve in that council seat until the November election in 2017. At that time an election for the remaining two years of that term would be on the ballot.

This option also allows for electors to file a petition with the council to have a special election for this position. The petition would need to have at least 15% of the voters that voted for this seat in the preceding election or not less than 10. According to our records the number of votes cast at that time was 67. Therefore, they would need to have at least 11 signatures. It is always better to get more than required in case, 1 or more of those signatures are not eligible to vote in that ward. They would need to file the petition with the City Clerk within 14 days after the publication of the notice to appoint or 14 days from the appointment.

Or

**2. Roll Call: Resolution Calling a Special Election to Fill the Existing Vacancy of Fourth Ward Council Member, City of Spencer, Iowa;**

If the Council should desire to choose this option, Staff would recommend that they set the election for February 21, 2017, which would allow for the proper number of days needed to notify the Clay County Commissioner of Elections. The estimated cost for the election is between \$2,000 to \$3,000.

**7. Engineer's Report:**

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

**9. Mayor's Report:**

- A. Announce openings on Civil Service Commission & Library Board;
- B. Motion: Appointment of Warren Meier to the Electrical Board, Term Expires 6/30/20;

**10. Council/Comm. Reports:**

Committee of the Whole for Budget,	1/3/17, 5:45 P.M.
P.W. Committee for Budget,	1/9/17, 6:00 P.M.
Public Safety and Prog. & Dev. for Budget,	1/23/17, 6:00 P.M.
Finance & Personnel for Budget,	1/30/17, 6:00 P.M.

**11. City Clerk's Report:**

- Bill and Claims
- Funds Transfers

**12. Update on Riverfront Master Plan Process from Riverfront Committee**

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

**14. Adjourn**