

## **PUBLIC SAFETY COMMITTEE MEETING**

**Monday, May 1, 2017**

**5:45 o'clock P.M.**

### **AGENDA**

#### COMMITTEE MEMBERS:

*Ron Hanson, Chair*

*Leann Jacobsen, Vice-Chair*

*Frank Petska*

*Mayor Peterson, Ex-Officio*

1. Call to Order
2. Discuss Positions at the Communication Center
3. Discuss Fire Tower Concept
4. Items for Future Agendas;
5. Adjourn

## **SPENCER CITY COUNCIL MEETING**

**COUNCIL CHAMBERS, CITY HALL**

**May 1, 2017**

**REGULAR COUNCIL MEETING**

**6:30 o'clock P.M.**

- 1. Pledge of Allegiance**
- 2. ROLL CALL:** Petska, Orrison, Bomgaars, Jacobsen, Hanson, Prentice, Moriarty
- 3. Consent Agenda:**
  - A. Motion: Approve Minutes of April 17, 2017;
  - B. Motion: Approve Class A Liquor License with Sunday Sales for Loyal Order of Moose Lodge, subject to final approval by Iowa ABD;
  - C. Motion: Set Hearing Date for May 15, 2017 at 6:30 o'clock P.M. for Budget Amendment for Fiscal Year 2016/17 Budget;
  - D. Motion: Approve FEMA Generator Grant Application for Cornbelt Lift Station #10;
  - E. Motion: Approve Renaissance Initiative Grant Applications for a total of \$19,344.75;

#### **4. Public Hearings:**

##### **A. Public Hearing on Proposed Zoning Ordinance Text Amendment to the City of Spencer Zoning Code to Permit “Personal Improvement Services” by Right or as a Special Exception Use in the “E” Heavy Industrial Zoning District;**

###### **1. Roll Call: Ordinance Amending Title 9, Chapter 9, Section 2A of the Spencer City Code to Permit “Personal Improvement Services” as a Special Exception Use in the “E” Heavy Industrial Zoning District, 1<sup>st</sup> Filing;**

Enclosed in your packet information is an amended Ordinance to the “E” Heavy Industrial Zoning District by adding a category entitled “Personal Improvement Services” as a Right or as a Special Exception. An example of a Personal Improvement Service is a Yoga Studio. The reason for the amendment is to make it known to the Service that they are located in an “E” Heavy Industrial Zoning District and thus they would have a high bar to declare a nuisance against one if its neighboring business.

The City Council has two options with this ordinance, one being to allow this type of Service by Right or by Special Exception. If you so choose by “Special Exception”, then the individual wanting to put in a Personal Improvement Service would need to go to the Board of Adjustment and pay a \$250.00 fee. Staff however, would recommend that the Council adopt the amended Ordinance that the Personal Improvement Services by Right. It would seem that by having them pay \$250.00 to go before the Board of Adjustment to request a Special Exception to be told that they need to understand that they are choosing to build in an “E” Heavy Industrial Zoning district would seem to be an extra step.

**Subject to comments from the Public Hearing, I would recommend approval of the 1<sup>st</sup> filing of the Ordinance that calls for the Personal Improvement Services by adopted by Right.**

#### **5. Old Business:**

##### **A. Roll Call: Ordinance Amending the Zoning Classification of Real Property in and Adjacent to Lot 1, Speidel First Addition, to the City of Spencer, and Amending the Official Zoning Map of the City of Spencer, Iowa, Final Filing;**

The Ordinance amends the Zoning Classification of two Parcels of Property adjacent to the South Boundary of Lot 1 of Speidel First Addition. These lots are located just east of Asher Motors. This process is to match up the zoning boundary with the property boundary. **Subject to public comments at the hearing I would recommend approval of the final filing of this ordinance.**

**B. Roll Call: Ordinance Amending Title 1, Chapter 10, Section 2 of the Spencer City Code to Revise the Corporate Boundaries of the City, 2nd Filing;**

**1. Roll Call: Motion to Suspend Rules;**

Because this ordinance is more of a Housekeeping item, **Staff is recommending the Council suspend the rules to allow them to take action on the Final Filing.**

**2. Roll Call: Ordinance Amending Title 1, Chapter 10, Section 2 of the Spencer City Code to Revise the Corporate Boundaries of the City, Final Filing;**

The Ordinance amends the Zoning Classification of two Parcels of Property adjacent to the South Boundary of Lot 1 of Speidel First Addition. These lots are located just east of Asher Motors. This process is to match up the zoning boundary with the property boundary. **Subject to public comments at the hearing I would recommend approval of the final filing of this ordinance.**

**C. Roll Call: Ordinance Adopting Temporary Regulations to be Effective on July 23 & 24, 2017 for RAGBRAI, 2<sup>nd</sup> Filing;**

**1. Roll Call: Motion to Suspend Rules;**

**Staff is recommending that the Council suspend the rules on this ordinance as the only thing changed is the date from the last time the City hosted RAGBRAI.**

**2. Roll Call: Ordinance Adopting Temporary Regulations to be Effective on July 23 & 24, 2017 for RAGBRAI, Final Filing;**

Enclosed in your packet information is an Ordinance adopting temporary regulations effective on July 23 & 24, 2017 for RAGBRAI. The Ordinance is effectively the same as the one approved at the last RAGBRAI stop in Spencer in 2007 with the exception of changing the dates of the event. **I would recommend approval of the final filing.**

**6. New Business:**

**A. Roll Call: Ordinance Amending Title 4, Chapter 5, Section 17A of the Spencer City Code Adopting a Late Payment Penalty for Solid Waste Charges, 1<sup>st</sup> Filing;**

Enclosed in your packet information is an amendment to the Ordinance pertaining to a late payment penalty for Solid Waste Charges. The ordinance for the most part changes to the finance charge for late payment from 1.5% per month to a penalty of \$10.00 for late payment over 20 days from the date of the invoice. This item was discussed at the last Finance and Personnel Committee Meeting and it was recommended for approval. **I would recommend approval of the first filing.**

**B. Roll Call: Ordinance Amending Title 4, Chapter 5, Section 21 of the Spencer City Code Concerning Solid Waste Rates and Charges, 1<sup>st</sup> Filing;**

Enclosed in your packet information is an amendment to the Solid Waste Rates and Charges. The proposed changes are attached to the ordinance. The Finance and Personnel Committee met on this item and voted to recommend approval. **I would recommend approval of the first filing.**

**C. Roll Call: Ordinance Amending Permit and Administrative Fees Imposed Pursuant to the Provisions of Title 8, Building Regulations, of the Spencer City Code, 1<sup>st</sup> Filing;**

Enclosed in your packet information is an amendment to an ordinance concerning Building Regulations. The ordinance sets our various permit and administrative fees and charges for this section of the code. The Finance and Personnel met on this item and voted to recommend approval. **I would recommend approval of the first filing.**

**D. Roll Call: Resolution Establishing Zoning Permit Fees;**

Enclosed in your packet information is a Resolution establishing Zoning Permit Fees. The Fees were discussed at the last Finance and Personnel Meeting. The Committee voted to recommend approval. **I would recommend approval.**

**E. Roll Call: Resolution Enacting a Schedule of Charges for City Services at Riverside and North Lawn Cemeteries;**

Enclosed in your packet information is a Resolution setting a schedule of charges for City Services at Riverside and North Lawn Cemeteries. These charges were discussed at the Finance and Personnel Committee Meeting. The Committee recommended approval. **I would recommend approval**

**F. Motion: Approve Contracts for Sanitary Landfill Services, effective July 1, 2017 thru June 30, 2020 with Pocahontas County Solid Waste Commission, Palo Alto County, Emmet County, City of Bode and City of Whittemore;**

Enclosed in packet information is the Contracts with the various users of our landfill. The contracts are for 3 years and reflect a 3% increase annually. **I would recommend approval.**

**G. Roll Call: Approve Contract for 2017 PCC Patching & HMA Crack Sealing Project with Rens Concrete, Inc.;**

The City awarded the bid to Rens Concrete last Council meeting for a bid price of \$70,051.00. **I would recommend approval of the contract.**

**H. Roll Call: Resolution Awarding Contract for 2017 Sidewalk Improvement Project (bids were opened 4/27/2017);**

Enclosed in your packet information is a Resolution awarding the Contract for the 2017 Sidewalk Improvement Project. The City took bids on the 27<sup>th</sup>. We received 4 bids, with Beck Excavating being the apparent low bidder, with a bid price of \$155,911.54. The City has previously done work with Beck Excavating on sidewalk projects. **I would recommend approval.**

**I. Roll Call: Resolution Approving Contract and Performance Bond for 2017 Landfill Cell D1 Expansion Project with LeRoy & Sons, Arcadia, Iowa;**

Enclosed in your packet information is a Resolution to approve the Contract and Bond for the 2017 Landfill Expansion project with LeRoy and Sons for a bid price of \$579,660.85. **I would recommend approval.**

**J. Roll Call: An Ordinance Prohibiting the Use of “First Class Consumer Fireworks” within the City of Spencer, Iowa, 1<sup>st</sup> Filing;**

As you are aware, the State recently passed legislation to legalize fireworks in Iowa. The Legislature did however put in an option for cities to opt out of allowing fireworks. It is my understanding that the Fire in Spencer (1931) was part of the reason why fireworks were originally banned. We have enclosed in your packet information a copy of an ordinance that would allow the Council to opt out of allowing fireworks in our City Limits.

**7. Department Head Reports:**

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

**8. Engineer’s Report:**

**9. City Manager’s Report:**

**10. Mayor’s Report:**

**11. Council/Comm. Reports:**

**12. City Clerk’s Report:**

-Bills and Claims

-Funds Transfers

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

**14. Closed Session #1: Pursuant to Section 21.5 (j) of the Iowa Code;**

**15. Closed Session #2: Pursuant to Section 21.5 (j) of the Iowa Code;**

**16. Adjourn**