

**SPENCER CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
May 15, 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. Presentation of Spencer's Riverfront Plan

4. Consent Agenda:

A. Motion: Approve Minutes of May 1, 2017;

B. Motion: Approve Class E Liquor License, Class B Wine Permit, Class C Permit for **Fareway Store #788**; Special Class C Beer/Wine Permit with Sunday Sales for **Chen's Garden**; Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales for **Hy-Vee**; Class E Liquor License, Class B Wine Permit, Class C Beer Permit and Sunday Sales for **Walgreens #11153**; Class E Liquor License, Class B Native Wine Permit, Class C Beer Permit and Sunday Sales for **Crossroads**; and Temporary Outdoor Service Area for **The Bear Coffee House and Wine Bar** for Flagfest Event June 10, 2017; all subject to final approval by Iowa Alcoholic Beverage Division;

C. Motion: Approve Sidewalk Construction and Assessment Agreement with Luz Delia Gonzalez Davila at 510 9th Avenue West;

D. Motion: Approve KW Electric of Emmetsburg and Geo-Synthetics, LLC of Waukesha, Wisconsin as Subcontractors for 2017 Landfill Cell D 1 Expansion Project;

E. Motion: Approve Quote from Hanson's Plumbing and Heating for \$8,690.00 for Central Garage HVAC Project, CIP Project;

F. Motion: Approve Purchase of Laserfiche Software Package and Canon DR-G1000 Scanner from OPG-3, Inc. of Eagan, Minnesota for \$13,629.16 from CIP Plan;

5. Public Hearing:

A. Amendment to Current Budget for Fiscal Year Ending June 30, 2017;

1. Roll Call: Resolution Amending the Current Budget for Fiscal Year Ending June 30, 2017;

Enclosed in your packet information is a Resolution approving the amendment to the Current Budget for the Fiscal Year Ending June 30, 2017. The amendment for the most part is due to increased expenditures for the drug lab project, sidewalk projects, reimbursement to DOT, Payout for employee retirement and resignations, increases in property insurance, workers comp premiums and capital projects. **Subject to any comments from the Public Hearing, I would recommend approval.**

6. Old Business:

1. **Roll Call: Ordinance Amending Title 9, Chapter 9, Section 2A of the Spencer City Code to Permit “Personal Improvement Services” as a Permitted Use in the “E” Heavy Industrial Zoning District, 2nd 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. 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 of it’s neighboring businesses.

I would recommend approval of the 2nd filing of the Ordinance that calls for the Personal Improvement Services by adopted by Right.

2. **Roll Call: Ordinance Amending Title 4, Chapter 5, Section 17A of the Spencer City Code Adopting a Late Payment Penalty for Solid Waste Charges, 2nd 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 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 2nd filing.**

3. **Roll Call: Ordinance Amending Title 4, Chapter 5, Section 21 of the Spencer City Code Concerning Solid Waste Rates and Charges, 2nd 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 second filing.**

4. **Roll Call: Ordinance Amending Permit and Administrative Fees Imposed Pursuant to the Provisions of Title 8, Building Regulations, of the Spencer City Code, 2nd 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 2nd filing.**

5. **Roll Call: Ordinance Prohibiting the Use of “First-Class Consumer Fireworks” within the City of Spencer, Iowa, 2nd 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. You may also recall at our last meeting there was discussion about how to handle the retail sales of fireworks. As a result of those discussions, a second section was added to the ordinance to regulate the structures that could be used as a site for sales. The language for this section for the most part will require buildings or structures to comply with the Chapter 7 or the National Fire Protection Association.

I would recommend approval of the second filing of the ordinance.

7. New Business:

A. Roll Call: Local Match Resolution for FEMA Hazard Mitigation Generator Grant, Local Share \$18,747.00;

Enclosed in your packet information is a Resolution confirming the City's commitment of \$18,747.00 as its match for a FEMA Hazard Mitigation Grant. The grant, if approved, will be used for the purchase of a generator. **I would recommend approval.**

B. Roll Call: Ordinance Amending Title 1, Chapter 7, Article A, Section 1 of the Spencer City Code Concerning the City Seal, 1st Filing;

Enclosed in your packet information is a proposed Ordinance concerning the requirement of the use of the City seal on warrants and checks. Technology has changed over the years to where many of our payments and warrants are being issued digitally or electronically and is no longer feasible or customary to attach the seal. Staff is requesting that the requirement of using the city seal on these items be removed from the City Code. **I would recommend approval of the first filing.**

C. Roll Call: Resolution Authorizing and Approving a Loan Agreement and Providing for the Issuance of a \$76,000.00 General Obligation Street Improvement Note;

Enclosed in your packet information is a Resolution authorizing and approving a loan agreement for the issuance of a \$76,000.00 General Obligation Street Improvement note. The note will be used for the City's share of the Fairway Woods Street Project. **I would recommend approval.**

D. Roll Call: Resolution Approving Contract and Performance Bond for 2017 Sidewalk Improvement Project with Beck Excavating, Inc.;

Enclosed in your packet information the Contract and Bond with Beck Excavating Inc.; for the 2017 Sidewalk Improvement Project. **I would recommend approval.**

E. Motion: Contract for Landfill Sanitary Services with Emmet County;

Enclosed in your packet information is the Contract with Emmet County for Landfill Services. **I would recommend approval.**

F. Motion: Resolution to Request the Assistance of the Staff of Northwest Iowa Planning and Development Commission for Administration of Spencer Safe Routes to School Program;

Enclosed in your packet information is a Resolution requesting assistance from the Staff of Northwest Iowa Planning and Development for the administration of our Spencer Safe Routes to School Program. They will be doing the duties similarly to what our previous coordinator was performing. The cost for their service is a not to exceed \$4,500.00. **I would recommend approval.**

G. Motion: Approve Change Order #1 for 2017 4th Avenue West Storm Sewer Project for \$17,138.77 increase;

Enclosed in your packet information is a Change Order for the 2017 4th Ave. West Strom Sewer Project in the amount of \$17,138.77. The Change order consists of the removal of the south railroad side track and extend the 4th Ave. West street replacement north to the main track, construct an additional manhole due to a conflict with an existing water main pipe and pressure grout around the new 60" steel form sewer pipe under the railroad. Because the bid came in substantially under budget, there was still unused portion of the CDBG grant funds that can be used for this change. **I would recommend approval.**

H. Motion: Approve Safe Routes to School Funding Agreement with Spencer Community Schools for 2017-2022 for \$30,000.00 per year;

Enclosed in your packet information is an extension of our agreement with Spencer Community Schools through Fiscal Year 2022. The partnership between us and the school has been tremendous over the years and this is an example of one of them. **I would recommend approval.**

I. Roll Call: Resolution Approving a Three Year Financial Commitment to Iowa Lakes Community College for Small Business Development Staff Member to be Based out of Spencer, Iowa (City Share \$4,750.00 per year);

Enclosed in your packet information is a Resolution approving an agreement with Iowa Lakes Community College concerning the Small Business Development Position. Kelly McCarty, who is currently in that position, will be retiring at the end of June. He has been a tremendous asset and his services have been vital to our community. They are currently in the process of interviewing candidates for the position. The agreement will solidify his replacement will be housed in Spencer and that will be involved with a lot of our retail initiatives. **I would recommend approval.**

J. Motion: Approve Engineering Agreement with Bolton & Menk for North School Park Shelter Project for not to exceed \$15,000.00;

Enclosed in your packet information is an Engineering Agreement with Bolton & Menk for the North School Shelter Project for a price not to exceed \$15,000.00. The project was originally in the CIP for Fiscal Year 2020 but was moved up due to the generosity of a donor. The engineering will be out of those donated funds. **I would recommend approval.**

8. Engineer's Report:

9. City Manager's Report:

10. Mayor's Report:

- A. Motion: Appointment of Holly Brink to the Library Board, term expires 6/30/2020;
- B. Northwest Iowa League Event in Sioux City May 20, 2017;

11. Council/Comm. Reports: Finance & Personnel Meeting May 23, 2017, 5:30 o'clock P.M.

12. City Clerk's Report:

- Bills and Claims
- Funds Transfers

13. Other Business/Opportunity to Address the Council;

14. Adjourn