

**SPENCER CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS, CITY HALL**  
**August 7, 2017**  
**REGULAR COUNCIL MEETING**  
**6:00 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 July 17, 2017;

B. Motion: Approve Class C Liquor License with Sunday Sales and Catering Privilege with Sports Page Bar and Grill and Class B Native Wine Permit for The Hen House, both subject to final approval by Iowa Alcoholic Beverage Division;

C. Motion: Approve Purchase of Central Garage Fuel Dispenser Canopy from Dockendorf Equipment for \$24,945.00, CIP Item;

D. Motion: Approve Sioux Commercial Sweeping as Subcontractor for 2017 PCC Paving & HMA Crack Sealing Project;

E. Roll Call: Resolution Proposing the Establishment of the City of Spencer Menard's Sanitary Sewer District, and the Adoption of Connection Fees, Setting a Public Hearing and Directing the Publication of Notice (Public Hearing Date: September 5, 2017, 6:30 o'clock P.M.);

F. Motion: Schedule Status Hearing for the 4<sup>th</sup> Avenue West Storm Water CDBG Funded Project for August 21, 2017, 6:30 o'clock P.M.;

**4. Old Business:**

**A. Roll Call: Ordinance Amending Title 9, Chapter 11, Section 11 (D) Concerning Minimum Requirements for Residential Structures; Exterior Wall and Roof Material, 2<sup>nd</sup> Filing;**

Enclosed in your packet is an ordinance that will amend Title 9-11-11D of the Spencer City Code regarding the minimum requirements for residential structures; exterior wall and roof material. The ordinance clarifies the material that is acceptable to be used regarding metal roof materials. Several months ago, the Zoning Board of Adjustment heard an administrative appeal of the current interpretation of the acceptable material. The current ordinance allows for standing seam metal roofs while prohibiting corrugated metal. The ordinance does not mention ribbed panels that have been marketed by the building industry for use on dwellings in other jurisdictions. The amendment would clarify the difference between these two building systems, and would prohibit its use on dwellings. An individual appealed the decision by Kirby that would prohibit his use of the metal roof with visible screw heads. His claim was that that type of roof was commonly used as residential roofing. The Board of Adjustment denied the request and suggested that the Planning and Zoning Commission review the requirements. The Planning Commission has reviewed the intent of the original ordinance to prohibit visible screws on metal roofs for the main residential structure and recommends the attached changes be adopted that will clarify the issue.

**I would recommend the Council approve the 2<sup>nd</sup> filing of the ordinance.**

**B. Roll Call: Resolution Approving and Authorizing the Exchange of City Property with Property of Jacobsen Homes Corp.;**

Enclosed in your packet is a resolution exchanging certain real estate with Jacobsen Homes Corp. and granting a trail easement to the City for the current recreational trail. Currently, the rock border wall, constructed by Jacobsen's is located on City property (Parcel Q on the enclosed map), as well as our recreational trail. Just to the east of the rock border wall, Jacobsen's own a small slice of property (Parcel R) on the south side of our trail. The exchange agreement will swap these two parcels of land between Jacobsen and the City as well as then grant to the City a permanent and perpetual easement for the existing trail. One reason for this boundary adjustment is that the Jacobsen's want to extend their outdoor service area for The Bear and cannot do so on land not owned by them. The other reason for this agreement is that the City does not want the liability of owning their rock wall.

This item was tabled from the last meeting to allow staff time to discuss the costs associated with this transfer and who would pay for it. After some discussion, it was decided that the costs would be split between the Jacobsen's and the City 50/50. Each entity is responsible for approximately \$1,100.00.

**I would recommend the Council approve the exchange of property with Jacobsen Homes Corp.**

**5. New Business:**

**A. Motion: Approve City Manager Position Profile as presented by Consultant Richard Fursman from Huelife;**

Enclosed in your packet is the Position Profile that was developed by Huelife for the City Manager Search. The Candidate criteria was based upon the interviews Richard Fursman conducted with the Mayor, Council and Department Heads on July 28th. After the Profile is approved, the search can begin. Currently the schedule has a deadline to apply of September 10, selection of top 5 candidates on October 2<sup>nd</sup> and interviews on October 20<sup>th</sup> and 21<sup>st</sup>.

**I would recommend the Council approve the Position Profile as presented by Huelife.**

**B. Roll Call: Resolution to Request the Assistance of the Staff of the Northwest Iowa Planning and Development Commission for General Administration of CDBG Economic Development Authority Housing Grant;**

Enclosed in your packet is resolution approving an agreement with NW IA Planning and Development for administration of the CDBG Housing Grant. As you may recall, it was announced in early July, that the City had been awarded a \$201,000 grant from the State of Iowa to assist 6 homes with rehabilitation projects. The agreement will hire NW IA Planning to oversee the administration of the project and the contractors involved in the projects. Funds to pay for NW IA Planning will come from the CDBG grant funds.

**I would recommend approval of the agreement for administration services between the City and NW IA Planning.**

**C. Roll Call: Resolution Awarding Contract for 2017 North Park Trail Project, Iowa DOT TAP Program (Bids were received by IDOT July 18, 2017 and Reviewed by Park Board July 27, 2017);**

Enclosed in your packet is a bid tabulation from the bid opening for the North Park Trail Project. The bids were opened by the Iowa DOT on July 18<sup>th</sup>. The apparent low bid was submitted by Godbersen-Smith construction Co. out of Ida Grove, IA in the amount of \$215,322.40. The engineer's for this project was \$272,800. Funding for this project will come from Park Reserves as well as a MAP-21 Trail grant, thus the reason for the IA DOT letting the project.

**I would recommend the Council award the North School Park Trail project to Godbersen-Smith Construction Co.**

**D. 2017 Pederson Park Electrical and Lighting Improvements Project (Bids were received July 27, 2017 and Reviewed by Park Board July 27, 2017);**

- 1. Review Bids Engineers;**
- 2. Motion: Table Action**
- 3. Roll Call: Resolution Awarding Contract for 2017 Pederson Park Electrical and Lighting Improvement Project;**

Enclosed in your packet is a bid tabulation from the bid opening for the 2017 Pederson Park Electrical and Lighting Improvement project. The apparent low bid was submitted by Pro Tech Electric Service out of Omaha, NE in the amount of \$1,127,340.00. The engineer's estimated cost for this project was \$1,277,780.00, amounting to the low bid coming in \$150,440.00 below the estimate. Funding for this project is coming from a variety of sources. In total the City has committed \$1,000,000.00 plus engineering costs towards the project with our funds coming from GO Bonds that the Council approved in March and Hotel/Motel Tax Funds that have been set aside for this project. The remainder of the amount of the project over \$1,000,000.00 was to be paid for by the Youth Baseball/Softball Association. At the last Council meeting, questions were raised as to the plan by the Youth Association for repayment of their portion of the project. Del and I met with the incoming president of the Association on Thursday to discuss the project and their plan for fundraising. The meeting went very well, however, we are not at a point that an exact plan for raising their share has been finalized. They will be providing me with their financials in the coming days so that we can review them. Several other questions were raised that I will need to investigate as well. Therefore, I do not believe that we are ready to award this contract at this meeting.

**I would recommend that the Council table the Resolution to award a bid for the 2017 Pederson Park Electrical and Lighting Improvement project until the August 21<sup>st</sup> Council meeting.**

**E. Motion: Approve Change Order #1 for 2017 Sidewalk Improvement Project with Beck Excavating for an increase of \$17,616.43;**

Enclosed in your packet is Change Order #1 for the 2017 Sidewalk Improvement Project. The scope of the work included in this Change Order includes increasing the thickness of the sidewalk in a couple of locations from 4" to 5", adding additional sidewalk along the south side of the aquatic center parking lot to connect to the trail on the east side of the parking lot and increasing the width of that section from 4.5' to 5'. The original project had the sidewalk terminating at the edge of the parking lot and pedestrians would have to cross the parking lot or walk in the grass. Since the original project came in under what was budgeted for this project, staff discussed the possibility of adding this additional piece of sidewalk to the project to make a safer overall project.

**I would recommend the Council approve Change Order #1 for the 2017 Sidewalk Improvement Project with Beck Engineering.**

**F. Motion: Approve Agreement for Engineering Services with McClure Engineering for Long Term Control Plan for Combined Sewer Overflow (CSO) for \$29,600.00;**

Enclosed in your packet is an agreement for engineering services with McClure Engineering for the update to our Long Term Control Plan for Combined Sewer Overflow. As you may recall, the City is currently under an EPA consent order to eliminate its combined sewer overflows. The City has aggressively attacked this issue and constructed the new interceptor sewer line and corresponding retention basin at the Treatment Plant as well as constructed several separation projects within the targeted area. In early June, staff met with the EPA to discuss the status of our consent order and to seek some relief from it. Based on the visit, the EPA has proposed a modification to the Consent Order that would remove the obligation of the City to eliminate 100% the overflows. In order to proceed with this amendment, the City is required to update our Long Term Control Plan for Combined Sewer Overflows and this agreement will get us that plan. While the City may no longer be under a Consent Order to separate, I would presume that when we construct future infrastructure projects in an area that needs separation that the City will continue to do so. The relief from the Consent Order means that separation projects will not drive our infrastructure projects and the City can get back to projects that fix/upgrade other failing infrastructure. Funding for this agreement will come from the Wastewater Treatment Plant Reserves.

**I would recommend that the Council approve the Engineering Agreement with McClure Engineering in the amount of \$29,600.00.**

**6. Department Head Reports:**

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

**7. Engineer's Report:**

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

**9. Mayor's Report:** Motion: Approve Appointments:

- Amanda Bare to Compensation Advisory Board, Ward 3, term expires 6/30/2023;
- Terry Jespersen to the Compensation Advisory Board, to fulfill Redge Berg's term, term expires 6/30/2021;
- Jerry Bond to the Electrical Board, term expires 6/30/2021;

**10. Council/Comm. Reports:** Committee of the Whole, 8/14/2017, Comprehensive Land Use Plan

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

- Bills and Claims
- Funds Transfers

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

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

**14. Adjourn**