

**SPENCER CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
August 21, 2017, 6:30 o'clock P.M.
REGULAR COUNCIL MEETING**

1. Pledge of Allegiance

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

3. Consent Agenda:

- A. Motion: Approve Minutes of August 7, 2017;
- B. Motion: Approve Class C Beer Permit with Sunday Sales for Tienda y Carniceria La Morenita; subject to final approval by Iowa Alcoholic Beverage Division;
- C. Roll Call: Resolution Authorizing and Directing the Temporary Closing of Portions of City Street (West 5th Street) in the City of Spencer as Requested by Spencer Main Street on August 31, 2017 for a Special Event;
- D. Roll Call: Resolution Proposing the Transfer of City Real Property in Exchange for the Grant of Trail Easement with Midwest Electrical & Energy Solutions, Inc. (Pixlers), Setting a Public Hearing for September 5, 2017 and Directing the Publication of Notice;
- E. Roll Call: Resolution Proposing the Transfer of City Real Property in Exchange for the Grant of Trail Easement with The Kardell Family Trust Dated September 24, 2002, Setting a Public Hearing for September 5, 2017 and Directing the Publication of Notice;
- F. Motion: Approve Quote received from H & S Roofing for \$10,317.00 for Roof Replacement on the Wood Shop at the Central Garage (CIP Item);

4. Public Hearing:

A. Public Hearing on Status of Funded Activities for the City of Spencer 4th Avenue West Stormwater CDBG Funded Project;

- Mayor Declares the Public Hearing Open
 - Written Comments:
 - Oral Comments:
 - Darren Bumgarner, Northwest Iowa Planning & Development Commission will give required report;
- Mayor Declares the Public Hearing Closed

The Public Hearing is a requirement of the Community Development Block Grant (CDBG) that the City received for the 4th Avenue West project. The purpose of the hearing will be to discuss the status of CDBG funding for the project. As you know, the project involved the separation of combined stormwater and sanitary sewer systems. There is no Council action to be taken once the hearing has concluded. Darren Bumgarner with Northwest Iowa Planning will be at the meeting to present the required information.

5. 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, Final;

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 Schmidt 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 that the Council approve the Final reading of the ordinance.

6. New Business:

A. Roll Call: Resolution of Support for Clay County to Affiliate with the Northwest Iowa Regional Housing Trust Fund as a Participating County;

Included in your packet is a resolution in support for Clay County to affiliate with the Northwest Iowa Regional Housing Trust Fund. Currently, Clay County has its own local Housing Trust Fund, but the board has recently decided that it would be more beneficial for the citizens of Clay County to affiliate with the Northwest Iowa Regional Housing Trust Fund as a participating County. The reason that the City needs to adopt this resolution is that when the Clay County Trust Fund was certified with the Iowa Finance Authority, it was necessary for the Board of Supervisors and each city in the county to adopt a resolution of support. With the change in affiliation, each entity must again adopt a resolution of support. It is my understanding that the Board of Supervisors have already adopted their resolution of support.

I would recommend the Council adopt the Resolution of Support for the Clay County Housing Trust Fund.

B. Roll Call: Resolution Approving and Authorizing the Mayor to Sign an Environmental Protection Agency “Amended Order for Compliance on Consent”;

As you are aware, the City has been under an EPA consent order to separate our combined storm/sanitary sewer systems. This order has been the driving force behind the past several sewer projects, as well as the detention basin and interceptor lines installed for the Treatment Plant. Since the completion of those projects, the City has experienced only one overflow event where the sewer was bypassed to the river and that actually occurred from an error with a weir setting at one of the lift stations. Otherwise, rain events have not caused the City to have to bypass to the river for the past few years. Because of that success, staff engaged the EPA to see if they would be willing to modify our consent order. After our discussions with the EPA, they have proposed an amended order for compliance on consent which eliminates the requirement for total separation of the sanitary sewer and storm sewers. The City also agrees to revise and submit a Long Term Control Plan, and then implement such plan as well as provide annual reports to the EPA as to the implementation of the Plan. The new order also provides that upon successful implementation of the Long Term Control Plan, the City may request termination of the amended order. At the last Council meeting, the Council entered into an agreement with McClure Engineering to update the Long Term Control Plan and that Plan should be ready by the end of November. Overall, this is great news for the City as future street projects can focus on other infrastructure needs, rather than solely on separation needs. It is still the intent of the City to continue separating areas as needed.

I would recommend approval of the resolution authorizing the execution of the Amended Order for Compliance on Consent with the EPA.

C. Roll Call: Resolution Approving Contract and Performance Bond for 2017 North Park Trail Project with Godbersen-Smith Construction Company;

Enclosed in your packet is a resolution approving the contract and performance bond for the 2017 North Park Trail project. At the August 7th meeting, the Council awarded this contract to Godbersen-Smith Construction Company. As you may recall, this project will install a recreational trail from West 10th Street to West 18th Street along the old RR right of way, and then on the north side of West 18th Street, west to the intersection with 4th Avenue West. Part of this project will come from TAP funds through the DOT.

I would recommend the Council approve the contract and bond with Godbersen-Smith for the 2017 N Park Trail project.

D. Motion: Approve Change Order #2 to 2017 4th Avenue West CDBG Storm Sewer Project, subject to approval by the DNR (for an increase of \$164,925.80)

Enclosed in your packet is Change Order #2 to the 4th Avenue West CDBG Storm Sewer Project. The purpose of the Change Order is to extend the project north on 4th Avenue West an additional 210 feet. This extension will allow the City to utilize an additional \$42,000.00 of the available CDBG grant funds for this project. Currently, we estimate that with this extension, the City will use \$595,000.00 (99%) of the \$600,000.00 CDBG grant. The as-bid project was under CDBG application budget and that is the reason there are still funds available. The Contractor shall have 20 additional calendar days (50 consecutive days) to complete all work on 4th Avenue East between West 11th Street and the extended end of project, including the West 11th Street intersection. The 50 day period shall be between September 18, 2017 and November 15, 2017. Change order approval at this time will allow for the ordering of materials.

I would recommend approval of Change Order #2 for the 2017 4th Avenue West CDBG Storm Sewer project.

7. Engineer's Report:

8. City Manager's Report:

9. Mayor's Report: Next City Council Meeting is Tuesday September 5, 2017, 6:30 o'clock P.M.

Motion: Approve Appointment of Lori Schillinger to Planning & Zoning Commission, term expires 6/30/22;

10. Council/Comm. Reports:

Schedule Committee of the Whole to review Comprehensive Use Plan;

Progress & Development Committee, September 5, 2017, 5:30 o'clock P.M. to discuss Pederson Park Lighting Project;

11. City Clerk's Report:

- Bills and Claims
- Funds Transfers

12. Other Business/Opportunity to Address the Council;