

**Finance & Personnel Committee Meeting**  
**Monday, November 6, 2017**  
**5:45 o'clock P.M.**  
**Conference Room, City Hall**

COMMITTEE MEMBERS:

*Rich Prentice, Chairman*  
*Bill Orrison, Vice-Chair*  
*George Moriarty*  
*Mayor Peterson, Ex-Officio*

1. Call to Order;
2. Discuss Employee Handbook Policy on Criminal Charges;
3. Discuss Request from Grand Avenue Community Outreach (formerly the Dream Center);
4. Items for Future Agendas;
5. Adjourn

**SPENCER CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS, CITY HALL**  
**NOVEMBER 6, 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 October 16, 2017, October 21, 2017 and October 25, 2017;

B. Motion: Approve Class C Liquor License with Catering Privilege and Sunday Sales for **Prime Rib, Inc.;** Class C Liquor License with Sunday Sales for **Sneaker's Sports Lounge** and New Class A Native Distilled Spirits License for **American Heritage Distillers, LLC, dba Century Farms at 2304 Highway Blvd.;**

C. Motion: Approve 2016-2017 Urban Renewal Annual Report;

- D. Motion: Approve Griffin Trust Distribution for 2016 (\$581.07 split evenly between Spencer Jaycees, Spencer YMCA and Head Start Program);

**4. Old Business:**

**A. Roll Call: An Ordinance Amending Title 4, Chapter 1, Section 1 of the Spencer City Code to Adopt Additional Definitions of Nuisances, Final Filing;**

At the September 19th Committee of the Whole meeting, the Council discussed the procedure and process for abating various types of nuisances within the City. Also, at that meeting, Don Hemphill presented to the Council a proposed Ordinance to expand the definition of what constitutes a nuisance. Before you tonight is the proposed ordinance that would add to our nuisance definition. Several of the items being added are areas that the City has received concerns about in the past, but were not clearly identified or spelled out in the current ordinance as being a nuisance.

**I would recommend the Council adopt the proposed ordinance expanding the definition of what constitutes a nuisance on the final filing.**

**5. New Business:**

**A. Roll Call: Ordinance Amending Title 1, Chapter 4, Section 1 of the Spencer City Code Concerning Penalties for Violations of City Ordinances, 1<sup>st</sup> Filing;**

Enclosed in your packet is the first filing of an Ordinance amending Title I, Chapter 4, Section 1 of the Spencer City Code concerning penalties for violations of the City ordinances. This ordinance was discussed at the Public Safety Committee on October 16<sup>th</sup> and essentially removes the threat of jail time for violating the city code. The reason for this change is due to recent changes from the Legislature that would require the City to pay for a court appointed attorney for any defendant who could not afford one, and that jail time was a potential outcome of a guilty verdict. The new penalty language reads "Conviction of a violation of any provision of this Code may result in the sentence of a fine; not less than sixty-five dollars (\$65) and not to exceed six hundred twenty-five dollars (\$625). Criminal penalty surcharges imposed under state law shall be added to a City fine and are not a part of any fine imposed by the City. These penalties shall apply to every Section of this Code, as if the SEction were set out in every other SEction of this Code."

**I would recommend the Council adopt the proposed ordinance modifying penalties imposed for violating the City Code on the 1<sup>st</sup> filing.**

**B. Motion: Approve renewal of Agreement for Acceptance of Spencer Recycling with Van's Sanitation & Recycling;**

Enclosed in your packet is a new agreement with Van's Sanitation for recycling services. The last agreement with Van's expired at the end of October. The new agreement is for a five year period beginning November 1, 2017 through October 31, 2022. The only changes from the prior agreement are the date and Section 3.5, which provides for a payment by the City to Vans of \$12 per ton transported, less a credit of \$5 per ton for loading the material. That credit ends after three years. Our previous agreement did not provide for a payment to haul the recycling to LeMars, however given the current recycling environment, staff was expecting a larger fee to haul than what was proposed. Staff feels that this agreement is fair for both parties involved.

**I would recommend the Council approve the agreement for recycling services with Van's Sanitation.**

**C. Motion: Approve Iowa Economic Development Authority Community Development Block Grant (CDBG) Program Contract for Housing Rehabilitation Project (Award Amount \$201,000);**

Enclosed in your packet is the contract with the Iowa Economic Development Authority Community Development Block Grant program for the City's housing rehabilitation program. As you may recall, the City submitted for these funds in the spring and received notice that we were awarded the grant money pending final approval and funding by the federal government. That funding has come through and this is the final contract before we can begin the project. The project consists of grant of up to \$24,999 for income qualified homeowners in the target zone, for repairs to their homes. The City has contracted with NW IA Planning to administer this grant on our behalf.

**I would recommend that the Council approve the grant contract for the housing rehabilitation program.**

**D. Motion: Approve Grant of Trail Easement Agreement (West 18<sup>th</sup> Street) with Clay County Fair Association, Inc.;**

Enclosed in your packet is a Grant of Trail Easement to the City from the Clay County Fair Association. The easement is for the trail that is proposed along W 18th Street that will run from the intersection of 4th Ave W & W 18th Street, along W 18th Street and will conclude at the intersection of W 18th Street & 18th Ave W. From that point, the trail will run along 18th Ave W as an on-street trail. The plans have been submitted to the DOT for review and eventual letting of this project since the City is receiving grant money for a portion of this trail. It should also be noted that the trail would be inaccessible during the Clay County Fair and for 7 days prior and 7 days after the fair.

**I would recommend that the Council approve the grant of trail easement with the Clay County Fair Association.**

**E. Motion: Approve Grant of Trail Easement Agreement (4<sup>th</sup> Avenue West) with Clay County Fair Association;**

Enclosed in your packet is a Grant of Trail Easement to the City from the Clay County Fair Association. The easement is for the Great Lakes Trail, Phase II project and will run along 4th Ave W, north of W 18th Street to the northern edge of Fair property. The plans for this trail are in final design stages and will be submitted to the DOT for review and eventual letting of the project in the spring of 2018. It should also be noted that the trail would be inaccessible during the Clay County Fair and for 7 days prior and 7 days after the fair.

**I would recommend that the Council approve the grant of trail easement with the Clay County Fair Association.**

**F. Motion: Approve Purchase of 1 Generator for the Corn Belt Lift Station from Ziegler Power Systems for \$37,949.00 (FEMA Backup Generator Project DR 4234-0012-IA);**

As you may recall, the City applied for and received funding from a FEMA Hazard Mitigation Grant for the purchase and installation of six emergency backup generators for our sanitary sewer lift stations. Due to funding limitations, the project was broken into two components, one grant for the generator at the Corn Belt lift and the second grant included the remaining five lift stations. The City has taken quotes for these generators and is recommending that the generator for the Corn Belt lift station be purchased from Ziegler Power Systems in the amount of \$37,949. This cost is below the grant budget amount. This is only for the generator itself, and doesn't include the cost of electrical work or the concrete pad. Those costs will be obtained soon.

**I would recommend that the Council approve the low quote of \$37,949 from Ziegler Power Systems for the Corn Belt lift station generator.**

**G. Motion: Approve Purchase of 5 Generators for sewage lift stations for from Ziegler Power Systems for \$170,869.00 (FEMA Backup Generator Project DR 4234-007-01)**

As you may recall, the City applied for and received funding from a FEMA Hazard Mitigation Grant for the purchase and installation of six emergency backup generators for our sanitary sewer lift stations. Due to funding limitations, the project was broken into two components, one grant for the generator at the Corn Belt lift and the second grant included the remaining five lift stations. The City has taken quotes for these generators and is recommending that the generator for the 5 lift station be purchased from Ziegler Power Systems in the amount of \$170,869. This cost is below the grant budget amount. This is only for the generator itself, and doesn't include the cost of electrical work or the concrete pad. Those costs will be obtained soon.

**I would recommend that the Council approve the low quote of \$170,869 from Ziegler Power Systems for the remaining 5 lift station generators.**

**H. Roll Call: Resolution Approving and Authorizing the Purchase of Real Property at 101 West 5<sup>th</sup> Street, Spencer, Iowa;**

Enclosed in your packet is a resolution approving and authorizing the purchase of real property at 101 W 5<sup>th</sup> Street. The property is currently owned by Northwest Bank and is used for part of their support operations. The City's intent is that this building will be established as Spencer City Hall. The purchase will promote and facilitate the construction of a new Northwest Bank building in the City of Spencer and the retention or expansion of existing Northwest Bank employment. The anticipated possession date is March 31, 2019.

**I would recommend that the Council approve the resolution purchasing real property at 101 W 5<sup>th</sup> Street.**

**I. Roll Call: Resolution Proposing the Transfer of City Real Property, at 418 2<sup>nd</sup> Ave. West, Setting a Public Hearing for November 20, 2017, 6:30 P.M. and Directing the Publication of Notice;**

Enclosed in your packet is a resolution setting a date for public hearing on the proposed transferring of city property located at 418 2<sup>nd</sup> Ave West in accordance with the Letter of Intent on file with the City Clerk. The Public Hearing will be held on November 20<sup>th</sup> at 6:30 PM. the sale is contingent upon the City successfully completing the purchase of property as acted upon above. the City is proposing to sell the current facility to Farmers Trust and Savings Bank for a proposed expansion of their facility.

**I would recommend the Council approve setting the public hearing for November 20, 2017 for the proposed transfer of real city property.**

**J. Motion: Approve Removal and Disposal of Nuisance at 904 4<sup>th</sup> Avenue S.E, Property owned by Nancy and James Breffle Trust;**

Enclosed in your packet is a letter from Planning and Zoning Director Kirby Schmidt detailing the steps taken to date with the property located on 904 4<sup>th</sup> Ave SE, owned by Nancy and James Breffle Trust. Notice of a nuisance was sent by certified mail on September 13<sup>th</sup> and received by the Mrs. Breffle on September 15<sup>th</sup>. The deadline for abating the nuisance was October 16<sup>th</sup> and as of this week, the nuisance still exists. As was discussed with the Council at the Committee of the Whole meeting on September 19<sup>th</sup>, staff discussed having the Council act and order the final abatement of a nuisance. This will be the first property since that meeting that the City will need to go in and clean up the stated nuisance.

**I would recommend that the Council declare that a nuisance exists pursuant to City Code and grant permission to city staff to have the nuisance abated and costs associated therewith assessed back to the property.**

**K. Roll Call: Resolution Accepting Work on 2017 Landfill Cell D1 Expansion Project;**

Enclosed in your packet is a letter from Kruse, Cate and Nelson stating that the 2017 Landfill Cell D1 Expansion project is substantially completed in accordance with the plans and specifications.

**I would recommend the Council adopt the resolution accepting work on the 2017 Landfill Cell D1 Expansion project.**

**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:**

**10. Council/Comm. Reports:** Committee of the Whole (CIP Plan) 11/27/2017, 5:30 P.M.

**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 (I) of the Iowa Code to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session;**

**14. Adjourn**