

SPENCER CITY COUNCIL MEETING
February 2, 2015
SPENCER, IOWA

The City Council of the City of Spencer, Iowa, met on the 2nd day of February, 2015, at 6:30 o'clock P.M., in regular session in the Council Chambers, City Hall, Spencer, Iowa, pursuant to law, to adjournment and to the rules of said Council.

The meeting was called to order by Mayor Reynold Peterson, in the Chair and the roll being called, the following Council Members were present:

Present: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Absent: None

Nathan Prenzlou, Spencer Family YMCA Director gave an update.

It was moved by Council Member Prentice, seconded by Council Member Swanson to approve items on the consent agenda, as follows:

Minutes of January 5, 2015;

Licenses: Approve Class C Liquor License with Sunday Sales for Monterrey Mexican Restaurant; Class C Liquor License with Sunday Sales for Beer 30 (formerly Grand Tap); and class B Beer Permit with Sunday Sales for Godfather's Pizza; all subject to all requirements and final approval by the Iowa Alcoholic Beverages Division;

Approve Agreement for Grant of Permanent Sanitary Sewer Force Main Easement & Temporary Construction Easement with Clay County, 300 W. Park Street, Spencer;

RESOLUTION NO. 5353: Resolution to Provide for a Notice of Hearing on Proposed Plans, Specifications, Form of Contract and Estimate of Cost for the 2015 PCC Paving Project #1, and the Taking of Bids Therefor (Hearing Date 2/16/2015; Letting Date 2/27/2015);

The Mayor put the question upon the motion, and the roll being called, the vote thereon was as follows:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the motion carried.

The Mayor announced this was the time and place set for a **Public Hearing on Proposed Rezoning of Real Property Owned by The Merrill Company** at 200 4th Street Southwest, Spencer, Clay County, Iowa (from B Multi-family to C-2 Hwy. Commercial);

The Mayor declared the Public Hearing Open.

Written Comments Against:

None

Oral Comments Against:

None

Written Comments in Favor:

None

Oral Comments in Favor:

Mike Peterson, representing The Merrill Company: Discussed need for expansion and that permission has been granted by Craig Poulsen, current property owner. 50 foot buffer and tree planting has been discussed with neighboring property owners.

Dave Schaefer, 223 6th Street S.W: His earlier concerns have been addressed by Merrill Company.

The Mayor declared the Public Hearing Closed.

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE CITY SPENCER AND AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY OF THE MERRILL COMPANY AS DESCRIBED HEREIN AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPENCER, IOWA.

Council Member Bomgaars seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Petska, Orrison, Bomgaars, Swanson, Prentice, Moriarty

Nays: Hanson

Absent: None

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on **1st filing.**

The Mayor announced this was the time and place set for a **Public Hearing on Proposed Rezoning of Real Property Owned by Centers Against Abuse and Sexual Assault** Located at 517 6th Avenue East; Spencer, Clay County, Iowa (from C-2 Hwy. Commercial to A Residential Zoning);

The Mayor declared the Public Hearing Open.

Written Comments Against:

None

Oral Comments Against:

None

Written Comments in Favor:

None

Oral Comments in Favor:

None

The Mayor declared the Public Hearing Closed.

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY OWNED BY CENTERS AGAINST ABUSE AND SEXUAL ASSAULT LOCATED AT 517 6TH AVENUE EAST, SPENCER, CLAY COUNTY, IOWA, AND LEGALLY DESCRIBED HEREIN AND AMENDING THE OFFICIAL ZONING MAP;

Council Member Moriarty seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

Ayes : Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Absent: None

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on **1st filing**.

The City Council investigated and found that notice of the intention of the Council to conduct a public hearing on a Development Agreement between the City and the Green and Yellow, LLC (the "Company") in connection with the construction and operation of new commercial farm implement dealership facilities in the Spencer Consolidated Urban Renewal Areas, which Agreement provides for certain financial incentives in the form of annual appropriation, incremental property tax payments to the Company in a total amount not exceeding \$1,580,000, had been published according to law and as directed by the Council and that this is the time and place at which the Council shall receive oral or written objections from any resident or property owner of the City. All written objections, statements, and evidence heretofore filed were reported to the Council, and all oral objections, statements, and all other exhibits presented were considered.

The following named persons presented oral objections, statements, or evidence as summarized below; filed written objections or statements, copies of which are attached hereto; or presented other exhibits, copies of which are attached hereto:

None

(Here list all persons presenting written or oral statements or evidence and summarize each presentation.)

None

There being no further objections or comments, the Mayor announced that the hearing was closed.

Council Member Bomgaars introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Petska; and after due consideration thereof by the Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION NO. 5354: Resolution Approving Development Agreement with Green and Yellow, LLC, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

The Mayor announced this was the time and place set for a **Public Hearing on Voluntary Annexation of a parcel of Real Property Described as Parcel "J" in the SW 1/4 of Section 24-96-37, Clay County, Iowa, requested by Green & Yellow, LLC;**

The Mayor declared the Public Hearing Open.

Written Comments Against:

None

Oral Comments Against:

None

Written Comments in Favor:

None

Oral Comments in Favor:

None

The Mayor declared the Public Hearing Closed.

Council Member Swanson introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Orrison; and after due consideration thereof by the Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION NO. 5355: Resolution Approving the Voluntary Annexation of Parcel "J" In the Southwest Quarter of Section Twenty-Four (24), Township Ninety-Six (96) North, Range Thirty-Seven (37) of the 5th P.M., Clay County, Iowa, to the City of Spencer

Council Member Swanson introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Bomgaars; and after due consideration thereof by the Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared said resolution duly adopted, as follows:

RESOLUTION NO. 5356: Resolution Approving the Plat of Gateway by IGL First First Addition as a Subdivision of the City of Spencer, Clay County, Iowa;

The City Council took up the proposed 2015 Gateway by IGL First Addition Public Improvement Project.

Council Member Orrison moved the adoption of a preliminary resolution pursuant to Section 384.42 of the Code of Iowa. The motion was seconded by Council Member Hanson and passed with record vote as follows:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

The Mayor then declared the resolution adopted, as hereinafter set out.

RESOLUTION NO. 5357: PRELIMINARY RESOLUTION PURSUANT TO SECTION 384.42 OF THE IOWA CODE COVERING

**THE 2015 GATEWAY BY IGL FIRST ADDITION
PUBLIC IMPROVEMENT PROJECT**

The City Clerk stated that the Project Engineers had completed and filed the plat. The City Council reviewed the proposed valuation of each lot within the assessment district and confirmed that such valuations should be included on the schedule to be filed.

The City Clerk stated that the Project Engineers had prepared and filed preliminary plans and specifications, an estimated total cost of the work and the plat and schedule, as directed in the preliminary resolution just adopted.

Thereupon, Council Member Prentice proposed the adoption of the resolution approving and adopting the said preliminary plans and specifications, and plat and schedule and estimate of cost pertaining to such Project. The motion was seconded by Council Member Petska and passed with record vote, as follows:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the resolution duly adopted, as hereinafter set out.

RESOLUTION NO. 5358: Resolution Approving and Adopting Preliminary Plans and Specifications, Estimate of Cost and Plat and Schedule

The Mayor then declared that a motion would be in order for adoption of the Resolution of Necessity.

It was moved by Council Member Moriarty and seconded by Council Member Orrison that the Resolution of Necessity for the 2015 Gateway by IGL First Addition Public Improvement Project be adopted in the form hereinafter set out.

After due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the Resolution of Necessity was finally adopted.

RESOLUTOIN NO. 5359: Resolution of Necessity (2015 Gateway by IGL First Addition Public Improvement Project

It was moved by Council Member Swanson and seconded by Council Member Bomgaars that the City Clerk be directed to file certified copies of the Resolution of Necessity and Preliminary Plat and Schedule of Assessments with the County Treasurer of Clay County.

Whereupon, the Mayor put the question upon the motion, and on voice call vote, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried.

The Mayor announced this was the time and place set for hearing on the plans and specifications, form of contract and estimate of cost for the proposed 2015 Gateway by IGL First Addition Public Improvement Project.

The Mayor declared the Public Hearing Open.

Written Comments Against:

None

Oral Comments Against:

None

Written Comments in Favor:

None

Oral Comments in Favor:

None

The Mayor declared the Public Hearing Closed.

Council Member Petska introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Prentice; and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the resolution adopted as follows:

RESOLUTION NO. 5360: Finally Approving and Confirming Plans, Specifications, Forms of Contract and Estimate of Cost for the Proposed

2015 Gateway by IGL First Addition Public Improvement Project

It was moved by Council Member Hanson, seconded by Council Member Bomgaars that the Council consider proposals received for the proposed 2015 Gateway by IGL First Addition Public Improvement Project and embodied its findings in the resolution next hereinafter referred to. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Swanson introduced the resolution next hereinafter set out, and moved that the said resolution be adopted; seconded by Council Member Moriarty; and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution duly adopted.

RESOLUTION NO. 5361: Resolution awarding a contract for the 2015 Gateway by IGL First Addition Public Improvement Project (DeLossConstruction)

The Mayor announced that, on January 19, 2015, the Council had given its initial consideration to “An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the January, 2015 Addition to the Spencer Consolidated Urban Renewal Areas, Pursuant to Section 403.19 of the Code of Iowa.”

It was moved by Council Member Orrison and seconded by Council Member Bomgaars that the aforementioned ordinance be given its second consideration and that it be adopted. The Mayor put the question on the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the motion duly carried and declared that said ordinance had been given its second consideration.

It was moved by Council Member Bomgaars, seconded by Council Member Moriarty to approve Agreement for Engineering Services with McClure Engineering for Wastewater System Improvements for 2015 Wastewater Treatment Plant Rehabilitation Project. The motion was declared carried when all Council Members present voted aye on voice call vote;

Council Member Moriarty introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Hanson; and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the resolution adopted as follows:

RESOLUTION NO. 5362: A RESOLUTION APPROVING AN OFF-STREET PARKING AND SIDEWALK AGREEMENT AND GRANT OF EASEMENT WITH NORTHWEST IOWA MENTAL HEALTH D/B/A SEASONS CENTER FOR BEHAVIORAL HEALTH

Council Member Swanson introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Petska; and after due consideration thereof by the Council, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

Ayes: Petska, Orrison, Bomgaars, Swanson, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the resolution adopted as follows:

RESOLUTION NO. 5363: A RESOLUTION APPROVING AN OFF-STREET PARKING AND SIDEWALK AGREEMENT AND GRANT OF EASEMENT WITH SPENCER MUNICIPAL HOSPITAL

It was moved by Council Member Bomgaars, seconded by Council Member Orrison to approve Changer Order No. 1 to 2014 East 18th Street HMA Resurfacing and Milling Project with OMG Midwest, Inc., DBA Tri-State Paving for an increase of \$1236.30. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Petska, seconded by Council Member Prentice to approve proposal from HR OneSource to review and update City of Spencer Personnel Policy for a maximum cost of \$3000. The motion was declared carried when all Council Members present vote aye on voice call vote.

Department Reports:

Public Works

City Attorney

Park & Rec.

Planning Dept.

Library

Fire Dept.

Police Dept.

Engineer's Report:

City Manager's Report:

Mayor's Report: Appointment of Bill Orrison as Mayor Pro-Tem for 2015

Council/Comm. Reports: Upcoming Meetings & Events

Employee Appreciation, February 6, 2015, 5:30 P.M.

Diversity Training, February 11, 2015, 7:00 - 9:00 P.M.,
Municipal Golf Course

It was moved by Council Member Prentice, seconded by Council Member Swanson to approve the Bills & Claims and Funds Transfers. The motion was declared carried when all Council Members present voted aye on voice call vote.

Other Business:

It was moved by Council Member Petska, seconded by Council Member Orrison to adjourn the meeting of the Spencer City Council at 7:30 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

Reynold Peterson, Mayor

ATTEST:

Theresa Reardon, City Clerk
(SEAL)

End of January Claims

VENDOR	DESCRIPTION	AMOUNT
Shane Breidinger	snow removal	390.00
Treas, State of IA	sales tax	6213.30
IA Workforce Dev	unemployment	7887.09
Dept Human Services	pr deduct	1155.96
Employee Benefit System	employee prem	22197.09

Farmers Bank	pr taxes	33735.36
Farmers Bank	account charges	146.99
ICMA	pr deduct	859.23
IPERS	pr deduct	51231.80
Muni Fire & Pol Retire	pr deduct	61359.16
Treas, State of IA	pr taxes	20509.00
Sp Employee Assoc	pr deduct	250.00
Sp Muni Utilities	Ec Development	300000.00
Sp Chamber of Comm	Storefront Init	60000.00
AFLAC	pr deduct	2595.58
Colonial Life	pr deduct	332.34
TOTAL		568862.90

FUND TOTALS

GENERAL	77294.56
RST CASH	360000.00
SP REVENUE	78246.33
SEWER	11233.41
AIRPORT	1039.71
SOLID WASTE	25343.48
LANDFILL	12727.28
REG COLL CNTR	28.69
GOLF COURSE	2949.44
TOTAL	568862.90

February 2, 2015 Claims

VENDOR	DESCRIPTION	AMOUNT
EMPLOYEE BENEFIT SYSTEMS	premiums	99906.00
ALEX AIR APPARATUS, INC.	misc	687.98
BLACK HILLS ENERGY	utilities	1526.79
ARNOLD MOTOR SUPPLY	repairs	824.27
AUDIO EDITIONS	books	95.95
AUDIO VIDEO CONNECTION	supplies	535.00
BAKER & TAYLOR CO.	books	9.51
BOOK LOOK	books	619.58
PAULA BROWN	mileage	22.42
CANON FINACIAL SERVICES	contract	121.55
VERIZON WIRELESS	camera	80.02
CHRISTIANS SHEET METAL WORKS	maintenance	70.00
CLAY COUNTY	local option	15791.67
ALPHA WIRELESS COMMUNICATION	maintenance	525.00
CRESCENT ELECTRIC	maintenance	18.60
COOPERATIVE ENERGY COMPANY	fuel	24631.79

CENGAGE LEARNING	books	445.72
CREATIVE PRODUCT SOURCING IN	supplies	37.60
CULLIGAN	supplies	56.95
DE LOSS CONSTRUCTION	snow removal	800.00
DEMCO	supplies	243.41
DIAMOND VOGEL	maintenance	720.04
DYNO OIL CO. #32	supplies	564.59
DES MOINES REGISTER	subscription	20.00
ELLIOTT EQUIPMENT	repairs	730.18
ELECTRIC INNOVATIONS	construction	2258.76
E-PRIDE OFFICE PRODUCTS	supplies	349.00
FAREWAY STORES #788	supplies	81.60
THE ANDERSON'S, INC.	fuel	4388.68
FLEETPRIDE	repairs	18.04
FOX INTERNATIONAL, INC.	repairs	1528.34
FREMONT TIRE INC./T-W TIRE	repairs	5353.50
ZIEGLER	repairs	185.43
GALEN'S PRO-MOW	repairs	14.16
GRAHAM TIRE CO.	repairs	79.95
HARDWARE HANK	supplies	84.79
HEIMAN INC.	equipment	136.00
HELEN'S LAUNDRY	services	147.80
I STATE TRUCK CENTER	repairs	4389.79
HOLMES LOCK & SAFE CO.	maintenance	75.00
IA LIBRARY ASSOCIATION	dues	145.00
IA DEPT OF PUBLIC SAFETY	fees	2619.00
INGRAM LIBRARY SERVICES	books	508.73
IOWA EMPLOYMENT CONFERENCE	registration	430.00
AIRGAS NORTH CENTRAL	supplies	319.15
JANITORS CLOSET	supplies	102.74
JACK'S UNIFORMS & EQUIP	uniform	45.94
JOHNSTON AUTOSTORES	repairs	92.17
KIMBALL MIDWEST	supplies	101.48
KAPCO POSTAL PACK & SHIP	supplies	24.37
KNIGHT PROTECTION, INC.	contract	300.00
MAR-LIN BUSINESS SUPPLY	supplies	428.98
MCCLURE ENGINEERING CO.	services	807.50
McMASTER-CARR SUPPLY CO	repairs	30.96
MENARDS-SPENCER	maintenance	895.61
MICHAEL TODD & CO.	repairs	3641.04
MID-IOWA SALES CO.	supplies	93.05
L-3 COMMUNICATIONS MOBILE-VI	maintenance	163.85
VEOLIA WATER NORTH AMERICA	contract	62869.78
KRISTAT AUTO PARTS LLC.	repairs	89.45
NAPA AUTO PARTS	repairs	33.94

OVERHEAD DOOR COMPANY OF SIO	repairs	723.50
PETTY CASH-MANDIE ROBERTS	supplies	73.89
PETROLEUM MARKETERS MUTUAL I	premium	1317.00
DON PIERSON FORD	repairs	378.73
PIXLER ELECTRIC	maintenance	167.25
UNITED STATES POSTAL SERV	supplies	800.00
QUILL CORPORATION	supplies	335.40
RAMAKER & ASSOCIATES, INC.	software	8307.50
RC HAGEDORN TRUCKING LLC	snow removal	960.00
SCOTT TELEPHONE & TELECOM	downpayment	2608.00
STATE STEEL	repairs	309.71
BOMGAARS	supplies	187.98
SHOWCASES	supplies	206.39
	ec	
SOUTHERN ARCHERY	development	500.00
SOLUTIONS INC	technology	105.23
SPEED PRINTERS	supplies	453.68
SPENCER AUTO PARTS	repairs	609.23
SPENCER COMM SCHOOLS	local option	39479.18
SPENCER INDUSTRIES FOUND.	mtg expense	12.50
AVERA MEDICAL GROUP SPENCER	misc	48.00
SPENCER MUNI. UTILITIES	telephone	2153.64
SPENCER OFFICE SUPPLIES	supplies	127.81
SPENCER RED POWER	repairs	455.30
STA-MEL ENTERPRISES, INC.	snow removal	3442.02
STAPLES CREDIT PLAN	supplies	541.02
TRUCK EQUIPMENT INC.`	repairs	360.95
TOFT ELECTRIC	maintenance	592.54
TOOL DEPOT	supplies	17.97
THE CENTER FOR CONFERENCES	mtg expense	420.00
U.S. CELLULAR	cards	293.44
VALU LINE, INC.	books	1000.00
VISA	mtg expense	2360.56
WARNER MONUMENTS	repairs	632.00
BOB FAGEN	mileage	46.00
JAMES BARNETT	overpayment	2.55
TOTAL		311947.17
	FUND TOTALS	
	GENERAL	62604.01
	RST CASH	8950.33
	SP REVENUE	99906.00
	LOCAL	
	OPTION	55270.85
	CAP PRJ	2258.76
	SEWER	64491.52

AIRPORT	24.00
SOLID WASTE	4821.27
LANDFILL	10122.78
REG COLL	
CNTR	697.54
GOLF COURSE	2800.11
TOTAL	311947.17

Minutes are subject to approval by the Spencer City Council.