

**SPENCER CITY COUNCIL MEETING  
January 19, 2015  
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 19<sup>th</sup> day of January 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

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:

**RESOLUTION NO. 5343: ADOPTING FINAL ASSESSMENT SCHEDULE FOR THE NUISANCE ABATEMENT AND CONFIRMING AND LEVYING THE ASSESSMENTS (TREE TRIMMING)**

**RESOLUTION NO. 5344: A RESOLUTION ADOPTING A FINAL ASSESSMENT SCHEDULE FOR SNOW REMOVAL COSTS AND CONFIRMING AND LEVYING THE ASSESSMENTS**

Approve Agreement for Grant of Permanent Sanitary Sewer Force Main Easement & Temporary Construction Easement with John Thomas and Marie Thomas, 1110 Breezy Meadows Lane;

**RESOLUTION NO. 5345: RESOLUTION SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH GREEN & YELLOW, LLC, INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO EXCEED \$1,580,000 (HEARING DATE FEBRUARY 2, 2015 AT 6:30 P.M.)**

Set Public Hearing for February 2, 2015, at 6:30 P.M. on Proposed Rezoning of a tract of land in Section 18-96N-36W (200 4<sup>th</sup> St. SW) from B Multiple Residential to C-2 Commercial Zoning District (requested by The Merrill Company);

Set Public Hearing for February 2, 2015, at 6:30 P.M. on Proposed Rezoning of a tract of land in Section 7-96N-37W (517 6<sup>th</sup> Ave. E.) from C-2 Highway Commercial to A Residential Zoning District (requested by CAASA);

Approve purchase of 2015 Fleet Chevrolet Tahoe for Fire Department for \$31,417.25 from H & N Chevrolet, from CIP Plan;

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 hearing on Designation of Expanded Spencer Consolidated Urban Renewal Areas and on Proposed Urban Renewal Plan Amendment;

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 read the following Resolution, and moved its adoption, 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5346: RESOLUTION TO DECLARE NECESSITY AND ESTABLISH AN URBAN RENEWAL AREA, PURSUANT TO SECTION 403.4 OF THE CODE OF IOWA AND APPROVE URBAN RENEWAL PLAN AMENDMENT FOR THE JANUARY, 2015 ADDITION TO THE SPENCER CONSOLIDATED URBAN RENEWAL AREAS**

Council Member Hanson introduced and caused to be placed on file an Ordinance Providing for the Division of Taxes Levied on Taxable Property in the 2015 Addition to the Spencer Consolidated Urban Renewal Areas, Pursuant to Section 403.19 of the Code of Iowa, 1<sup>st</sup> Filing. Council Member Petska 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 Mayor announced this was the time and place set for hearing on Grant of Permanent Easement Agreement and Perpetual Access Easement Agreement to D & T Office, 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 Orrison introduced and caused to be read the following Resolution, 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5347: A RESOLUTION APPROVING THE GRANT OF A PERMANENT EASEMENT TO D & T OFFICE, L.L.C.**

It was moved by Council Member Swanson and seconded by Council Member Hanson to Retain Dorsey & Whitney as Bond Counsel for the 2015 Gateway by IGL First Addition Public Improvement Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Prentice and seconded by Council Member Bomgaars to Approve Professional Services Contract with Kruse, Cate & Nelson, PC for Engineering Services for the 2015 Gateway by IGL First Addition Public Improvement Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Orrison introduced and caused to be read the following Resolution, and moved its adoption, seconded by Council Member Bomgaars 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5348: TO PROVIDE FOR A NOTICE OF HEARING ON PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE 2015 GATEWAY BY IGL FIRST ADDITION PUBLIC IMPROVEMENT PROJECT, AND THE TAKING OF BIDS THEREFOR (HEARING DATE FEBRUARY 2, 2015 AT 6:30 P.M.)**

Council Member Moriarty introduced and caused to be placed on file an Ordinance Amending Title 9, Chapter 5, Section 2 to Include the Use of "Automotive Sales" as a Special Exception Use in the "CBD" Central Business District, 2<sup>nd</sup> Filing. Council Member Petska 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 2nd filing.

It was moved by Council Member Orrison and seconded by Council Member Moriarty to Approve Suspending rules requiring certain ordinances to be placed on file at two meetings prior to the meeting at which it is adopted. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Bomgaars moved that the proposed ordinance entitled "AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 2 TO INCLUDE THE USE OF "AUTOMOTIVE SALES" AS A SPECIAL EXCEPTION USE IN THE "CBD" CENTRAL BUSINESS DISTRICT" be finally passed and adopted as Ordinance No. 776. Council Member Swanson seconded the motion. 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 and Ordinance No. 776 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 776: AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 2 TO INCLUDE THE USE OF "AUTOMOTIVE SALES" AS A SPECIAL EXCEPTION USE IN THE "CBD" CENTRAL BUSINESS DISTRICT**

It was moved by Council Member Petska and seconded by Council Member Orrison to Approve Sponsorship of Business Financial Assistance Application for Simonsen Iron Works. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Bomgaars and seconded by Council Member Petska to Approve Preconstruction Agreement with the Iowa D.O.T. for Preliminary Road Project (US Hwy 71). The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Orrison introduced and caused to be read the following Resolution, and moved its adoption, 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5349: PRELIMINARY RESOLUTION PURSUANT TO SECTION 384.42 OF THE IOWA CODE COVERING THE 2015 HMGP WEST CENTRAL SEWER RETROFIT PROJECT**

Council Member Moriarty introduced and caused to be read the following Resolution, and moved its adoption, seconded by Council Member Bomgaars 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5350: RESOLUTION APPROVING AND ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS, ESTIMATE OF COST AND PLAT AND SCHEDULE (2015 HMGP WEST CENTRAL SEWER RETROFIT PROJECT)**

It was moved by Council Member Prentice and seconded by Council Member Orrison to Introduce proposed Resolution of Necessity and to set date for Public Hearing Thereon for 2015 HGMP West Central Sewer Retrofit Project on February 16, 2015. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Bomgaars introduced and caused to be read the following Resolution, and moved its adoption, seconded by Council Member Orrison 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5351: PRELIMINARY RESOLUTION PURSUANT TO SECTION 384.42 OF THE IOWA CODE COVERING THE 2015 PCC PAVING PROJECT NO. 1**

Council Member Petska introduced and caused to be read the following Resolution, and moved its adoption, 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 motion carried and said Resolution adopted as follows:

**RESOLUTION NO. 5352: RESOLUTION APPROVING AND ADOPTING PRELIMINARY PLANS AND SPECIFICATIONS, ESTIMATE OF COST AND PLAT AND SCHEDULE (2015 PCC PAVING PROJECT #1)**

It was moved by Council Member Swanson and seconded by Council Member Bomgaars to Introduce proposed Resolution of Necessity and to set date for Public Hearing for February 16, 2015 for 2015 PCC Paving Project No. 1. The motion was declared carried when all Council Members present voted aye on voice call vote.

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  
Finance & Personnel, January 20, 2015 at 6:00 P.M.  
Council Photo, February 2, 2015 at 6:00 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 Moriarty, seconded by Council Member Orrison to adjourn the meeting of the Spencer City Council at 6:59 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

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Reynold Peterson, Mayor

ATTEST:

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Theresa Reardon, City Clerk  
(SEAL)

**January 19, 2015 Claims:**

VENDOR	DESCRIPTION	AMOUNT
FARMERS BANK	pr taxes	36819.87
FARMERS BANK	pr taxes	34089.81
DEPARTMENT OF HUMAN SERV	pr deduct	1155.96
DEPARTMENT OF HUMAN SERV	pr deduct	1155.96
ICMA RETIREMENT TRUST-457	pr deduct	859.23
ICMA RETIREMENT TRUST-457	pr deduct	859.23
CLAY COUNTY CONVENTION & VISITO	grant	2500.00
ALLIANT ENERGY	utilities	570.24
AL-JON	repairs	149.59
A & M INC.	maintenance	158.65
A S C A P	fees	335.00
BLACK HILLS ENERGY	utilities	1427.88
ARNOLD MOTOR SUPPLY	repairs	894.95
ATCO INTERNATIONAL	maintenance	240.80
BAKER & TAYLOR CO.	books	26.64
BOLAND RECREATION	equipment	2950.00
KEN BORTH AUTO BODY LTD.	repairs	103.00
BUDS SERVICE	towing	375.00
THE BOULDER COMPANY	supplies	69.00
CANON FINACIAL SERVICES	contract	121.55
CARTRIDGE CONNECTION	supplies	55.95
VERIZON WIRELESS	phones	101.49
CLAY COUNTY ASSESSOR	fees	1500.00
ISU-EXTENSION	meeting	45.00
THE DOOR DOCTOR	repairs	1197.31
ALPHA WIRELESS COMMUNICATIONS	supplies	2571.13
CRESCENT ELECTRIC	maintenance	214.76
CULLIGAN	supplies	7.00
DE LOSS CONSTRUCTION	snow removal	440.00
VAUGHN DELOSS CONSTR.	snow removal	1080.00
DELS GARDEN CENTER	maintenance	299.95
DYNO OIL CO. #32	supplies	37.95
ELLIOTT EQUIPMENT	repairs	540.50
ECOLAB PEST ELIMINATION DIV.	maintenance	222.00
ELEVEN ELEVEN	nuisance abate	880.00
FAREWAY STORES #788	supplies	19.97

FAREWAY STORES #849-EMBG	supplies	17.98
THE ANDERSON'S, INC.	fuel	3583.91
FASTENAL COMPANY	supplies	261.33
FELD FIRE	maintenance	1205.00
FOX INTERNATIONAL, INC.	repairs	1308.92
ZIEGLER	repairs	794.07
GOOGLE, INC	fees	402.52
GALEN'S PRO-MOW	repairs	320.69
HOLTZ INDUSTRIES INC	repairs	159.75
HARDWARE HANK	supplies	130.82
HELEN'S LAUNDRY	services	132.50
HEMPHILL LAW OFFICE P.L.C.	fees	4828.94
HOLMES LOCK & SAFE CO.	services	190.00
HOTSY EQUIPMENT COMPANY	repairs	499.20
IA COMMUNICATIONS NETWORK	phones	4.18
IA DARE ASSOCIATION	registration	50.00
IOWA LAKES ELECTRIC COOP	utilities	4757.61
IOWA MUNICIPAL FINANCE OFFICERS	dues	70.00
IOWA ONE CALL	fees	33.30
IOWA PUBLIC AIRPORTS ASSC	dues	150.00
INGRAM LIBRARY SERVICES	books	457.39
AIRGAS NORTH CENTRAL	supplies	344.30
IOWA DIVISION OF LABOR	fees	160.00
ADVANCED SYSTEMS INC.	contract	159.76
JANITORS CLOSET	maintenance	261.12
JOHNSTON AUTOSTORES	repairs	522.38
KELTEK INC.	repairs	448.20
KOENIG PORTABLE TOILETS	services	225.00
KRUSE, CATE & NELSON	fees	28957.71
LARUE COFFEE	supplies	16.70
HANSON PLUMBING & HEATING dba L	maintenance	85.00
MAR-LIN BUSINESS SUPPLY	supplies	17.84
McDONALD SUPPLY CO	maintenance	14.76
McNEILUS TRUCK & MANUFACTURING	repairs	346.79
MENARDS-SPENCER	maintenance	468.37
MOST DEPENDABLE FOUNTAINS	equipment	4795.00
KRISTAT AUTO PARTS LLC.	repairs	11.97
NAPA AUTO PARTS	repairs	335.57
NIELSEN'S TIRE CO.	repairs	6538.18
NORGAARD SAND & GRAVEL	snow removal	1000.00
NOTEBOOM IMPLEMENT LLC	repairs	1358.99
NORTHWEST GLASS CO. INC.	maintenance	38.78
N.W IA PLANNING & DEVELOP	dues	441.25
RITA NUEBEL	reimbursement	55.20
OMG MIDWEST INC D/B/A TRI STAT	retainage	9634.85
PARKER HISTORICAL MUSEUM	grant	7200.00
PETERBILT OF SIOUX CITY	repairs	186.60
PETTY CASH-POLICE DEPT.	supplies	216.71
PIXLER ELECTRIC	maintenance	4421.30
PLUMBING & HEATING WHOLESALE	maintenance	191.08
R.D.G. PLANNING AND DESIGN	fees	1156.11
RIVER VALLEY TELECOMMUNICATION	phones	85.31
RICK'S PEST CONTROL	services	80.00
SCOTT TELEPHONE & TELECOM	services	159.25
SHERWIN WILLIAMS	maintenance	30.11
BOMGAARS	maintenance	1682.21
SOLUTIONS INC	equipment	6129.19
SPENCER CHAMBER OF COMMERCE	support	19225.00
SPENCER AUTO PARTS	repairs	2023.58

SAGA COMMUNICATIONS OF IOWA, LL	advertising	340.00
SPENCER DAILY REPORTER	publications	967.23
CRA PAYMENT CENTER/SPENCER RED	repairs	27.15
AVERA MEDICAL GROUP SPENCER	immunizations	84.00
SPENCER MUNI HOSPITAL	testing	30.00
SPENCER MUNI. UTILITIES	utilities	48135.23
SPENCER OFFICE SUPPLIES	supplies	1826.58
SPENCER READY MIX	maintenance	58.00
SPENCER SIGNS	misc	396.80
STAPLES CREDIT PLAN	supplies	121.22
STERLING CODIFIERS INC.	publications	500.00
START UP CITY SPENCER	support	10000.00
TRANS IOWA EQUIPMENT, INC.	repairs	260.65
TD TOOLS	supplies	26.65
U.S. CELLULAR	misc	27.30
THE WATER CONNECTION	supplies	34.00
VISA	mtg expenses	1899.91
WALLACE'S WATER CONDITIONING	supplies	22.50
WRIGHT EXPRESS FSC	mtg expenses	79.98
ZALAZNIK SALES & SERVICE	repairs	779.98
ZEE MEDICAL SERVICE SO,.	supplies	36.90
HAGEDORN EXCAVATING INC.	snow removal	460.00
DK PLASTICS	snow removal	237.00
BARKERLEMAR	fees	1072.50
NATE SCHMIDT	ssmid refund	485.37
MIHIR K AMIN	refund	37.50
KARI ROSKENS	ssmid refund	31.63
ALLAN & CHRISTY SCHUSTER	ssmid refund	69.75
TOTAL		280505.48
	FUND TOTALS	
	GENERAL	97587.57
	RST CASH	53924.83
	SP REV	12051.56
	LOCAL OPTION	19225.00
	SSMID	586.75
	CAP PRJ	27032.04
	ENT CAP PRJ	13840.75
	SEWER	7641.81
	AIRPORT	7143.04
	SOLID WASTE	23260.48
	LANDFILL	13096.89
	LANDFILL PLAN	1072.50
	REG COLL	
	CENTER	104.50
	GOLF	3937.76
	TOTAL	280505.48

*Minutes are subject to approval by the Spencer City Council.*