

**SPENCER CITY COUNCIL MEETING  
February 16, 2015  
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 16th 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 Pro Tem Bill Orrison, 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 Petska to approve items on the consent agenda, as follows:

Minutes of February 2, 2015;

Licenses: Adding Catering Privilege to Liquor License for The Bear Coffeehouse and Gary's on the River and New Class C Beer/Wine License for Howie's Big Top Pizza at 509 Grand; both subject to all requirements and final approval by the Iowa Alcoholic Beverages Division. New Class C Liquor License with Sunday Sales for Spare Time Bowl, 1900 N. Grand Avenue was *withdrawn by applicant*.

**RESOLUTION NO. 5364:** Resolution Proposing the Sale of City Real Property, Scheduling a Public Hearing for March 2, 2015 and Directing the Publication of Notice; (Black Hills/Iowa Gas Utility Company LLC);

Set Public Hearing for City of Spencer Budget for Fiscal Year 2015/2016 for March 2, 2015;

**RESOLUTION NO. 5365:** Resolution to Fix a Date for a Public Hearing on a Proposal to Enter into a Sewer Revenue Loan and Disbursement Agreement and to Borrow Money Thereunder in a Principal Amount Not to Exceed \$4,500,000;

Set Public Hearing for March 2, 2015 at 6:30 P.M. on Proposed Rezoning of a Parcel of Property at 515 6<sup>th</sup> Ave. East, legally described as Lot 3, Block 5, Chicago, Milwaukee & St. Paul Railway Third Addition from C-2 Highway Commercial Zoning District to A Residential Zoning District;

Approve Application for MAP 21 Grant for Trail Extension, as recommended by Spencer Park Board;

**RESOLUTION NO. 5366:** Resolution to Provide for a Notice of Hearing on Proposed Plans & Specs, Form of Contract and Estimate of Cost for the 2015 HMPG West Central Sewer Retrofit Project and the Taking of Bids Therefor; (hearing date 3/16/15 and letting 3/20/15);

Set Public Hearing for March 2, 2015 on Zoning Text Amendment regarding food Processing Use Classification;

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 that this was the time and place set for **hearing upon the proposed Resolution of Necessity covering the 2015 PCC Paving Project No. 1**. All written objections heretofore filed and all written or oral objections filed or made during the hearing were considered by the Council.

Written objections were filed by the following:

**Mazy Vankleek**, 1217 3rd Ave. E., Spencer, Iowa (parcel #48)

**Vonada Williamson**, 1208 3rd Ave. E. Spencer, Iowa (parcel #57)

Oral objections were made by the following:

**Brent Biekert**, 1121 3rd Ave. E. (parcel #51) - questioned how the proposed project will benefit him (property valuations, etc).

There being no further objections or remonstrances, the Mayor announced the hearing closed.

After further considering all comments and objections to the proposed 2015 PCC Paving Project No. 1, it was moved by Council Member Moriarty and seconded by Council Member Bomgaars that the resolution amending the proposed Resolution of Necessity, be adopted.

Whereupon, 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 amending resolution adopted, as follows:

**RESOLUTION NO. 5367:** AMENDING PROPOSED RESOLUTION OF NECESSITY FOR THE 2015 PCC PAVING PROJECT NO. 1

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

It was moved by Council Member Hanson and seconded by Council Member Bomgaars that the Resolution of Necessity for the 2015 PCC Paving Project No. 1, as amended, 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.

**RESOLUTION NO. 5368:** RESOLUTION OF NECESSITY (2105 PCC PAVING PROJECT #1)

It was moved by Council Member Hanson and seconded by Council Member Swanson 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 PCC Paving Project No. 1.**

Upon investigation, it was found that no persons had appeared and filed objections to the proposed plans, specifications, form of contract and estimate of cost of such 2015 PCC Paving Project No. 1 as follows:

The Council heard said objectors and evidence for or against the proposed 2015 PCC Paving Project No. 1; whereupon, the Mayor declared the hearing closed.

Council Member Bomgaars introduced the following resolution 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. 5369:** Resolution finally approving and confirming plans, specifications, form of contract and estimate of cost for the 2015 PCC Paving Project No.1

The Mayor announced that this was the time and place set for **hearing upon the proposed Resolution of Necessity covering the 2015 HMGP West Central Sewer Retrofit Project**. All written objections heretofore filed and all written or oral objections filed or made during the hearing were considered by the Council.

Written objections were filed by the following:

-Marc A. Clark, 522 9<sup>th</sup> Ave. West, Spencer, Iowa (parcel 22)

-Douglas Marske, 527 W. 4<sup>th</sup> Street, Spencer, Iowa (parcel 77)

Oral objections were made by the following:

-Douglas Marske, Parcel #77, 527 W. 4<sup>th</sup> Street; concerned about losing trees and questions about sidewalks.

-Marc A. Clark, Parcel #22 522 9<sup>th</sup> Ave. W.; concerned about size of assessment; no access to street (access is on 9<sup>th</sup> Ave. W.); sidewalk comments; trees in the path of sidewalk;

There being no further objections or remonstrances, the Mayor announced the hearing closed.

After further considering all comments and objections to the proposed 2015 HMGP West Central Sewer Retrofit Project, it was moved by Council Member Hanson and seconded by Council Member Moriarty that the resolution amending the proposed Resolution of Necessity, be adopted.

Whereupon, 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 amending resolution adopted, as follows:

**RESOLUTION NO. 5370:** Amending proposed Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project

It was moved by Council Member Prentice and seconded by Council Member Hanson that the Resolution of Necessity for the 2015 HMGP West Central Sewer Retrofit Project, as amended, 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.

**RESOLUTION NO. 5371:** Resolution of Necessity (2015 HMGP West Central Sewer Retrofit Project)

It was moved by Council Member Swanson and seconded by Council Member Petska 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. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Bomgaars, seconded by Council Member Hanson that the resolution hereinafter set out ordering the preparation of the detailed plans and specifications and the preparation of the notice of hearing and notice to bidders and form of contract covering the 2015 HMGP West Central Sewer Retrofit Project be adopted.

Whereupon, 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 adopted, as follows:

**RESOLUTION NO. 5372** Resolution ordering Preparation of Detailed Plans, Specifications, Notice of Hearing, Notice to Bidders and Form of Contract

The Mayor announced that, on January 19, 2015, and on February 2, 2015, the Council had given initial and second consideration and had adopted an ordinance entitled "Ordinance No. 777. 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 Prentice and seconded by Council Member Bomgaars that the aforementioned ordinance be given its final 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: Nays

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

**ORDINANCE NO. 777:** 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

Council Member Petska moved that the proposed ordinance entitled "AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF REAL PROPERTY OWNED BY CENTERS AGAINST ABUSE AND SEXUAL ASSAULT LOCATED AT 517 6<sup>TH</sup> AVENUE EAST, SPENCER, CLAY COUNTY, IOWA, AND LEGALLY DESCRIBED HEREIN AND AMENDING THE OFFICIAL ZONING MAP"; be placed on file for the second time. 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 file before the Council for the second time.

Council Member Moriarty moved that the proposed 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 be placed on file for the second time. 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, Prentice, Moriarty  
Nays : Hanson  
Absent: None

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on file before the Council for the second time.

Council Member Petska introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Swanson; 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. 5373:** A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT OF STUB'S SIXTH ADDITION AS A SUBDIVISION OF THE CITY OF SPENCER, CLAY COUNTY, IOWA

Council Member Moriarty 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. 5374:** RESOLUTION APPROVING SUBMISSION OF AN APPLICATION FOR A SRF WATER RESOURCE GRANT

After due consideration and discussion, Council Member Bomgaars introduced and moved the adoption of the resolution next hereinafter set out, the same being a resolution approving the executed contract and performance and/or payment bond for the 2015 Gateway by IGL First Addition Public Improvement Project. 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

Thereupon, the resolution was declared adopted, as follows:

**RESOLUTION NO. 5375:** Resolution approving a contract and performance and/or payment bond for the 2015 Gateway by IGL First Addition Public Improvement Project

It was moved by Council Member Swanson, seconded by Council Member Bomgaars to approve the Subcontractors for 2015 IGL Public Improvement Project, as follows:

Lundell Construction Co. Inc., Cherokee, IA  
MLS-Mark's Lawn Service, Granville, IA  
Larry Leckband, Ocheyedan, IA

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:** NW Iowa League Meeting in Estherville 2/19/15  
Opening on Muni. Golf Course Board

**Council/Comm. Reports:**

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

Other Business: Comments from George Kruger in support of sidewalks.

It was moved by Council Member Petska, seconded by Council Member Moriarty to adjourn the meeting of the Spencer City Council at 7:30 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 E. Reardon, City Clerk

(SEAL)

VENDOR	DESCRIPTION	AMOUNT
FARMERS BANK	pr taxes	33020.24
ICMA RETIREMENT TRUST-457	pr deduct	859.23
DEPARTMENT OF HUMAN SERV	pr deduct	1223.40
ADVANCED DOOR SYSTEM	maintenance	92.00
AL-JON	repairs	170.33
A & M INC.	services	290.25
ALLENDER BUTZKE ENGINEERS IN	services	2300.00
BLACK HILLS ENERGY	utilities	5074.39
ARNOLD MOTOR SUPPLY	repairs	721.50
ANIMAL MEDICAL CENTERS, P.C.	contract	1362.00
APWA/ISOSWO	registration	185.00
BAKER & TAYLOR CO.	books	316.53
DONNA BALL	reimbursement	318.36
SARAH BETH FUSCHSEN	reimbursement	62.68
BLUEGLOBES, LLC	maintenance	237.17
SHANE BREIDINGER	nuisance	670.00

BUDS SERVICE	towing	625.00
THE BOOK FARM	books	808.83
CABERNET CATERING/LEGENDS	mtg expense	71.50
CAMPBELL TREE SERVICE, LTD	maintenance	4020.00
VERIZON WIRELESS	misc	106.04
CHRISTIANS SHEET METAL WORKS	maintenance	407.50
CLAY COUNTY	local option	15791.67
CLAY CO. EMS	mtg expense	210.00
CLAY COUNTY RECORDER	publication	249.00
CLAY CO. REGIONAL EVENT CENT	misc	3251.00
CRESCENT ELECTRIC	maintenance	580.46
CENGAGE LEARNING	books	244.70
CREATIVE PRODUCT SOURCING	supplies	125.39
CUMMINS CENTRAL POWER LLC	repairs	451.06
VAUGHN DELOSS CONSTR.	snow remova	843.75
DEMCO	supplies	59.32
D-K INTERIORS	repairs	12.00
DYNO OIL CO. #32	supplies	664.51
ELM USA, INC	contract	70.00
EMAGINE	registration	18.00
ECOLAB PEST ELIMINATION DIV.	maintenance	113.00
ELEVEN	nuisance	710.00
FAIRCHILD MFG. INC.	repairs	1416.48
FAREWAY STORES #788	supplies	147.01
FAREWAY STORES #849-EMBG	supplies	4.79
THE ANDERSON'S, INC.	fuel	2185.72
FASTENAL COMPANY	supplies	92.24
FOX INTERNATIONAL, INC.	repairs	270.15
FOX IDEALEASE INC.	lease	1258.68
FREMONT TIRE INC./T-W TIRE	repairs	3183.50
GALLS, LLC	uniform	349.44
ZIEGLER	repairs	186.59
GOOGLE, INC	misc	422.44
GALEN'S PRO-MOW	repairs	13.86
GRAHAM TIRE CO.	repairs	435.40
GCS TECH, INC.	contract	360.00
HARDWARE HANK	supplies	97.96
HALLETT MATERIALS	maintenance	1015.00
HELEN'S LAUNDRY	services	22.50
HEMPHILL LAW OFFICE P.L.C.	fees	8486.05
HI-WAY TRUCK EQUIPMENT	repairs	2011.08
I STATE TRUCK CENTER	repairs	2294.93
HLW ENGINERING GROUP	services	3827.80
G3 FIRE LLC	equipment	72.95
HUGHES PHARMACY	supplies	47.38
IA COMMUNICATIONS NETWORK	telephone	4.56
IOWA LAKES ELECTRIC COOP	utilities	1221.97
IOWA LIBRARY SERVICES- CENTR	registration	250.00
IOWA TURFGRASS OFFICE	dues	100.00
IOWA STATE UNIVERSITY	registration	480.00
INGRAM LIBRARY SERVICES	books	510.18
AIRGAS NORTH CENTRAL	supplies	236.71
IOWA PARK & REC. ASSN.	registration	655.00
JANITORS CLOSET	supplies	712.47
JACK'S UNIFORMS & EQUIP	uniform	273.85
JOHNSTON AUTOSTORES	repairs	329.49
J.W. REPAIR	repairs	2042.01
KARL CHEVROLET	equipment	444.37

KEYSTONE LABORATORIES INC.	services	782.88
KELTEK INC.	equipment	1379.45
KAPCO POSTAL PACK & SHIP	supplies	66.84
KNIGHT PROTECTION, INC.	maintenance	300.00
KODIAK AMERICA LL	repairs	2112.22
KOENIG PORTABLE TOILETS	maintenance	375.00
KRUSE, CATE & NELSON	services	39057.35
KUYU-FM	advertising	520.00
LEADING EDGE AVIATION	contract	5833.34
HANSON PLUMBING & HEATING db	maintenance	85.00
MAR-LIN BUSINESS SUPPLY	supplies	199.88
McNEILUS TRUCK & MANUFACTURI	repairs	107.78
MENARDS-SPENCER	maintenance	557.02
MOTION PICTURE LICENSING COR	misc	175.48
NAPA AUTO PARTS	repairs	49.98
NIELSEN'S TIRE CO.	repairs	753.48
NORGAARD SAND & GRAVEL	snow removal	2855.38
NOTEBOOM IMPLEMENT LLC	repairs	266.09
NORTHWEST GLASS CO. INC.	maintenance	51.17
NOLL TRUCKING	snow removal	593.75
OFFICE SYSTEMS COMPANY	contract	230.00
PEOPLE FOR PETS	contract	800.00
PITNEY BOWES INC	maintenance	394.47
PIXLER ELECTRIC	maintenance	1880.09
R.D.G. PLANNING AND DESIGN RIVER VALLEY	services	5350.57
TELECOMMUNICATI	telephone	71.10
RICK'S PEST CONTROL	maintenance	80.00
RAY ALLEN MANUFACTURING, LLC	supplies	71.96
RC HAGEDORN TRUCKING LLC	snow removal	720.00
SCHOENEMAN BROS. CO.	maintenance	348.14
BOMGAARS	maintenance	297.15
SIEH FARM DRAINAGE INC.	snow removal	1594.40
SEBCO BOOKS	books	833.45
SHELLING CONSTRUCTION	storm sewer	59141.49
SOLUTIONS INC	maintenance	487.22
SPIRIT LAKE NOON KIWANIS	misc	750.00
SPENCER CHAMBER OF COMMERCE	mtg expense	370.00
SLASH POINT SALES	supplies	34.00
SPENCER AUTO PARTS	repairs	1268.89
SPENCER COMM SCHOOLS	local option	39479.18
SAGA COMMUNICATIONS OF IOWA,	advertising	288.75
SPENCER DAILY REPORTER	publications	1722.46
SPENCER MUNI HOSPITAL	testings	320.00
SPENCER MUNI. UTILITIES	utilities	32851.56
SPENCER OFFICE SUPPLIES	supplies	1127.20
SPENCER VOLUNTEER FIRE DEPAR	mtg expense	100.00
STA-MEL ENTERPRISES, INC.	road salt	5040.23
STAPLES CREDIT PLAN	supplies	384.87
UNITYPOINT CLINIC-OCCUPATION	testings	359.00
STREICHERS	uniform	210.98
TITAN MACHINERY	equipment	1000.00
TNT SALES & SERVICE	supplies	120.00
TRADEBE ENVIRONMENTAL SERVIC	disposal	7685.45

TRANS IOWA EQUIPMENT, INC.	repairs	88.74
TRUCK EQUIPMENT INC.`	repairs	94.06
U.S. CELLULAR	cards	321.39
THE WATER CONNECTION	supplies	53.50
VISA	mtg expense	2552.38
WALLACE'S WATER CONDITIONING	supplies	28.50
WRIGHT EXPRESS FSC	fuel	17.54
CLIFFORD & BONNIE HOOVER	ssmid refund	37.66
ROBERT/REBECCA VANDERTUIG	ssmid refund	109.22
IOWA CATTLEMEN'S ASSOCIATION	dues	60.00
TREAT AMERICA FOOD SERVICE	training	7.58
WESLEY SCHULTES	misc	60.00
LUELLA REED	sidewalk grant	309.00
TOTAL		337072.64

FUND TOTALS	
GENERAL	110715.97
RST CASH	4251.59
SP REV	60725.06
CAP PRJ	83659.92
ENT CAP PRJ	18424.21
SEWER	6766.71
AIRPORT	14386.25
SOLID WASTE	10236.90
LANDFILL	15364.17
REG COLL CNTR	7685.45
GOLF	4856.41
TOTAL	337072.64

Minutes are subject to approval by the Spencer City Council.