

**SPENCER CITY COUNCIL MEETING
September 21, 2015
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 21st day of September, 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, Hanson, Prentice, Moriarty
Absent: Swanson

Update on Historic Preservation by Sheriffa Jones

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

Approve Minutes of September 8, 2015;

Licenses: Class B Native Wine for The Hen House and Class C Liquor License with Sunday Sales for El Parian; subject to final approval by Iowa ABD;

Approve Sidewalk Construction & Assessment Agreements from Ronald Runkle, 810 E. 8th Street and Scott & Terrie Nissen, 209 W. 2nd Street;

RESOLUTION NO. 5432: ADOPTING FINAL ASSESSMENT SCHEDULE FOR THE NUISANCE ABATEMENT AND CONFIRMING AND LEVYING THE ASSESSMENTS (NUISANCE ABATEMENT - MOWING)

RESOLUTION NO. 5433: AUTHORIZING TO PUBLICALLY MAINTAIN THE 18TH STREET TRAIL IN THE CITY OF SPENCER, IOWA

RESOLUTION NO. 5434: AUTHORIZING APPLICATION TO THE IOWA FEDERAL RECREATIONAL TRAILS PROGRAM, COMMITTING TO PUBLICALLY MAINTAIN SAID TRAIL AND COMMITTING LOCAL MATCH TO THE PROJECT

Approve Recommendation of the Compensation Advisory Board to retain current compensation levels for the Mayor and City Council;

Approve Purchase of Roll-Off Collection Containers for Solid Waste Division from Pro-Tainer for \$9,900, CIP Item;

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

Ayes: Petska, Orrison, Bomgaars, Hanson, Prentice, Moriarty
Nays: None

Whereupon, the Mayor declared the motion carried.

Council Member Orrison moved that the proposed ordinance entitled "AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 3, OF THE SPENCER CITY CODE ADOPTING AN EXCEPTION TO THE STATE PLUMBING CODE" be finally passed and adopted as Ordinance No. 788. Council Member Hanson 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, Hanson, Prentice, Moriarty
Nays: None

Absent: Swanson

Whereupon, the Mayor declared the motion carried and Ordinance No. 788 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 788: AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 3, OF THE SPENCER CITY CODE ADOPTING AN EXCEPTION TO THE STATE PLUMBING CODE

Council Member Moriarty moved that the proposed ordinance entitled "AN ORDINANCE CHANGING THE NAMES OF "ASH AVENUE", "ELM AVENUE", AND "OAK AVENUE" IN THE CITY OF SPENCER, IOWA" be finally passed and adopted as Ordinance No. 789. Council Member Bomgaars 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, Hanson, Prentice, Moriarty
Nays: None
Absent: Swanson

Whereupon, the Mayor declared the motion carried and Ordinance No. 788 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 789: AN ORDINANCE CHANGING THE NAMES OF "ASH AVENUE", "ELM AVENUE", AND "OAK AVENUE" IN THE CITY OF SPENCER, IOWA

Council Member Prentice moved that the proposed ordinance entitled "ORDINANCE AMENDING TITLE 5, CHAPTER 4, SECTION 3, PARAGRAPH "B" OF THE SPENCER CITY CODE CONCERNING PRIVATE COLUMBARIUMS AND INURNMENT OF CREMAINS" 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, Hanson, Prentice, Moriarty
Nays: None
Absent: Swanson

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

The Mayor declared that this was the time and place for a Public Hearing on Proposed Sale of City Real Property, A Portion of the Former Soo Line Railroad Right of Way Consisting of Approximately 40,000 Square Feet in Area, City of Spencer, Iowa.

The Mayor declared the Public Hearing Open:

Written Comments Against:

None

Oral Comments Against:

Kathy Fueston, (Clay Co. Trail Association & IGL Trail Foundation); Rail line to the south has been sold. Rail lines are least expensive and safest way to make a trail. Beautiful views along railroad row. Concerns about alternative route. Minnesota trails run through industrial areas with signage, etc. Asking to change the route is a dis-service to citizens of Spencer & other communities. She has been working with Clay Co. Trail Association & IGL Trail Foundation. Uses Natural Heritage Foundation for info on trails.

Kevin Oviatt, (121 W. 14th), Questions re: Graham's proposal to purchase property. Can others purchase property? Will street lights be added at intersections?

Written Comments in Favor of:

None

Oral Comments in Favor of:

None

The Mayor declared the Public Hearing Closed.

Council Member Prentice introduced and caused to be read 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, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5435: A RESOLUTION AMENDING THE CITY OF SPENCER PERSONNEL POLICY TO ADD AN ADDITIONAL GRADE 19 MAINTENANCE II POSITION IN THE STREET DIVISION OF THE PUBLIC WORKS DEPARTMENT

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, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5436: RESOLUTION AUTHORIZING PERMANENT TRANSFER OF FUNDS

Council Member Bomgaars moved that the proposed ordinance entitled "ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 13 (5-5-13) AND 4 (5-5-4) OF THE SPENCER CITY CODE CONCERNING REQUIREMENTS FOR COMMERCIAL TREE TRIMMER'S LICENSE AND REMOVAL OF TREES ON PUBLIC PROPERTY" be placed on file for the **first time**. Council Member Orrison 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, Hanson, Prentice, Moriarty

Nays: None

Absent: Swanson

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

Council Member Hanson moved that the proposed ordinance entitled "ORDINANCE AMENDING TITLE 5, CHAPTER 1, ARTICLE B, SECTION 3 (5 1B-3) OF THE SPENCER CITY CODE CONCERNING DEFINITIONS PERTAINING TO EXCAVATIONS" be placed on file for the **first 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, Hanson, Prentice, Moriarty

Nays: None

Absent: Swanson

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

It was moved by Council Member Moriarty, seconded by Council Member Orrison to Retain Dorsey & Whitney for legal services for Development Projects (Merrill Company, QRS & Shine Bros. Corp.). 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 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, Hanson, Prentice, Moriarty
Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5437: SETTING DATE FOR PUBLIC HEARING ON DESIGNATION OF THE EXPANDED SPENCER CONSOLIDATED URBAN RENEWAL AREAS AND ON URBAN RENEWAL PLAN AMENDMENT

Council Member Hanson 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, Hanson, Prentice, Moriarty
Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5438: SETTING A DATE OF MEETING AT WHICH IT IS PROPOSED TO APPROVE A DEVELOPMENT AGREEMENT WITH SHINE BROS. CORP., INCLUDING ANNUAL APPROPRIATION TAX INCREMENT PAYMENTS IN AN AMOUNT NOT TO EXCEED \$350,000 (OCTOBER 19, 2015, 6:30 P.M.)

It was moved by Council Member Orrison, seconded by Council Member Bomgaars to Approve Agreement with Beck Engineering for 2015-16 Deerfield Park Enhancement Project – Phase 3. 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 Prentice to Approve Engineering Agreement with Kruse, Cate & Nelson for 2015 South Spencer Storm Sewer Improvements Project. 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 Orrison to Approve Engineering Agreement with Kruse, Cate & Nelson for 2016 4th Avenue West Sewer Separation Improvements Project. The motion was declared carried when all Council Members present voted aye on voice call vote.

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, Hanson, Prentice, Moriarty
Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5439: APPROVING CONTRACT FOR 2015 SPENCER SOUTHERN POINT APARTMENTS SITE IMPROVEMENTS GRADING & PCC PROJECT (DELOSS CONSTRUCTION)

It was moved by Council Member Hanson, seconded by Council Member Orrison to Approve Change Order on 2015 Gateway by IGL First Addition Public Improvement Project to allow for 6 Year Escrow Account of \$2,728.50 for Concrete. The motion was declared carried when all Council Members present voted aye on voice call vote.

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, Hanson, Prentice, Moriarty
Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as hereinafter set out.

RESOLUTION NO. 5440: ACCEPTING WORK COVERING THE 2015 GATEWAY BY IGL FIRST ADDITION PUBLIC IMPROVEMENT PROJECT

Engineer's Report:

City Manager's Report:

Mayor's Report:

It was moved by Council Member Orrison, seconded by Council Member Bomgaars for the Appointment of Nate Prenzlou to the Spencer Cares Committee. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council/Comm. Reports:

It was moved by Council Member Prentice, seconded by Council Member Petska 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:

It was moved by Council Member Petska and seconded by Council Member Moriarty to adjourn the meeting of the Spencer City Council at 7:28 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 E. Reardon, City Clerk

(SEAL)

SEPTEMBER 21, 2015 CLAIMS

VENDOR	DESCRIPTION	AMOUNT
PIPPA WHITE	fees	300.00
FARMERS BANK	pr taxes	36,656.31
DEPARTMENT OF HUMAN SERV	pr deductions	1,134.57
ICMA RETIREMENT TRUST-457	pr deductions	935.00

TREASURER, STATE OF IOWA	pr taxes	8,146.86
EMPLOYEE BENEFIT SYSTEMS	premiums	99,436.61
PETTY CASH-SPENCER MUN GOLF	supplies	2,541.04
PETTY CASH-RCC C/O KENT HERBOLD	supplies	50.00
AGSOURCE COOPERATIVE SERVICES	testing	11.00
ADVANTAGE COMPANIES	contract	630.00
ALLIANT ENERGY	utilities	307.82
A & M INC.	fees	345.05
ALL AMERICAN TURF BEAUTY INC	services	301.42
BLACK HILLS ENERGY	utilities	280.62
ARNOLD MOTOR SUPPLY	repairs	376.57
AUDIO EDITIONS	books	8.00
BAKER & TAYLOR CO.	books	91.83
BARCO MUN. PRODUCTS	supplies	458.88
SARAH BETH FUSCHSEN	mileage	58.36
BEE KLEEN LINEN & UNIFORM SERV	services	39.58
SHANE BREIDINGER	mowing	640.00
BROWNELLS INC.	equipment	159.99
BOYER TRUCK	equipment	171.52
BROWN SUPPLY CO.	supplies	151.08
BUDS SERVICE	towing	1,375.00
CAMPBELL TREE SERVICE, LTD	trimming	300.00
VERIZON WIRELESS	phones	80.02
CENTER POINT PUBLISHING	books	41.94
CENTURY BUSINESS PRODUCTS INC.	supplies	5.21
CLAY COUNTY ABSTRACT	misc	695.00
CLERK OF COURT	misc	50.00
CLAY COUNTY RECORDER	recording	27.00
ALPHA WIRELESS COMMUNICATIONS	repairs	338.13
CONTINENTAL RESEARCH CORP	maintenance	405.58
COOPERATIVE ENERGY COMPANY	fuel	15,643.37
CENGAGE LEARNING	books	158.03
CULLIGAN	supplies	7.00
DE LOSS CONSTRUCTION	pay estimate	969.64
D&D SALES	supplies	804.71
DELS GARDEN CENTER	maintenance	1,450.00
DIAMOND VOGEL	repairs	20.79
DYNO OIL CO. #32	fuel	2,561.46
DES MOINES REGISTER	subscription	20.00
ELM USA, INC	contract	107.61
ELLIOTT EQUIPMENT	repairs	114.18
FAIRCHILD MFG. INC.	repairs	345.00
FAREWAY STORES #849-EMBG	supplies	8.44
THE ANDERSON'S, INC.	fuel	2,072.96
FASTENAL COMPANY	supplies	112.53
FLEETPRIDE	supplies	352.81
FOX INTERNATIONAL, INC.	repairs	499.69
FIRE PROOF PLUS, INC.	extinguisher	48.50
GALLS, LLC	uniform	25.52
ZIEGLER	repairs	51.50
GALEN'S PRO-MOW	repairs	136.97
GRAHAM TIRE CO.	repairs	1,956.88
GRAINGER	supplies	163.92
GREG'S REPAIR	repairs	159.95
HARDWARE HANK	maintenance	34.99
ROLAND HAMRICK	mowing	320.00
HEMPHILL LAW OFFICE P.L.C.	fees	8,067.15
HWY 18 LIVESTOCK SALES	maintenance	230.85
IOWA LAKES ELECTRIC COOP	utilities	936.34
IOWA ONE CALL	locates	366.30
IOWA PRISON INDUSTRIES	supplies	113.52

IOWA CHAPTER IAEI	mtg expense	260.00
INGRAM LIBRARY SERVICES	books	55.56
AIRGAS NORTH CENTRAL	repairs	138.90
ADVANCED SYSTEMS INC.	supplies	416.32
JANITORS CLOSET	maintenance	379.95
JACK'S UNIFORMS & EQUIP	uniforms	118.94
JACOBSON HOME CORP	TIF rebate	8,384.96
JOHNSTON AUTOSTORES	repairs	644.84
KAPCO POSTAL PACK & SHIP	supplies	31.61
KOENIG PORTABLE TOILETS	services	1,380.00
KRUSE, CATE & NELSON	fees	29,752.50
LEADING EDGE AVIATION	contract	2,916.67
MAR-LIN BUSINESS SUPPLY	supplies	52.00
MR. B'S FLOORING	maintenance	62.50
MCCLURE ENGINEERING CO.	services	32,061.70
MENARDS-SPENCER	maintenance	493.14
MICHAEL TODD & CO.	supplies	901.09
MID-IA.SOL.WASTE EQUIP.	repairs	272.05
MODERN MARKETING INC.	misc	383.61
MURPHY TRACTOR/POWER PLAN	repairs	88.61
KRISTAT AUTO PARTS LLC.	repairs	7.54
NAPA AUTO PARTS	repairs	361.78
NATIONAL REC & PARK ASSC.	misc	165.00
NIELSEN'S TIRE CO.	repairs	1,003.81
NOTEBOOM IMPLEMENT LLC	repairs	708.54
NORTHWEST GLASS CO. INC.	maintenance	18.00
HELLER ENTERPRISES LLC DBA NORT	maintenance	1,364.67
NORTHERN SAFETY & INDUSTRIAL	misc	68.28
PEOPLE FOR PETS	agreement	400.00
PETTY CASH-POLICE DEPT.	supplies	112.02
PIXLER ELECTRIC	maintenance	297.23
POSM SOFT LLC	setup	3,848.94
RADIO SHACK	supplies	54.96
THE RETROFIT COMPANIES	disposal	401.64
REEVES	uniform	26.08
R.D.G. PLANNING AND DESIGN	services	54,000.00
ROAD MACHINERY & SUPPLIES CO.	repairs	1,147.08
SCHOMAKER CONSTRUCTION	sidewalk prj	7,099.30
SCOTT TELEPHONE & TELECOM	maintenance	159.25
BOMGAARS	maintenance	567.70
SPAN PUBLISHING INC.	misc	144.00
SPEED PRINTERS	misc	829.25
SLASH POINT SALES	supplies	49.90
SPENCER AUTO PARTS	repairs	849.57
SPENCER DAILY REPORTER	publications	856.36
AVERA MEDICAL GROUP SPENCER	misc	42.00
SPENCER MUNI HOSPITAL	testing	1,098.40
SPENCER READY MIX	maintenance	1,087.75
STAN HOUSTON EQUIPMENT	repairs	87.44
STAPLES CREDIT PLAN	supplies	207.34
TRI STATE PAVING	maintenance	576.38
THE WATER CONNECTION	supplies	27.50
VISA	misc	1,348.65
MIDWESTERN MECHANICAL	repairs	1,019.02
WEB GRAPHICS	supplies	1,028.55
WINTHER, STAVE & CO.	services	14,000.00
WATER TECHNOLOGY INC.	services	1,122.00
YMCA	contract	2,938.51
LA VONNE VANVOORST	refund	30.00
JIM HYNES	reimbursement	64.19
TONY AND SHARON JOY	sidewalk prj	518.40

KEVIN AND JEANNIE STAPLES	sidewalk prj	236.90
TOTAL		373,179.48
FUND TOTALS		
	GENERAL	71,428.45
	RST CASH	8,383.13
	SP REVENUE	113,434.97
	CAP PRJ	73,516.54
	ENT CAP PRJ	48,538.70
	SEWER	7,600.14
	AIRPORT	3,156.59
	SOLID WASTE	10,625.05
	LANDFILL	9,606.88
	LF EMS	1,877.14
	REG COLL CNTR	1,530.17
	GOLF	6,181.77
	CENTRAL GARAGE	2,823.02
	FUEL EXPENSE	14,476.93
	TOTAL	373,179.48

Minutes are subject to approval by the Spencer City Council.