

**SPENCER CITY COUNCIL MEETING
MAY 1, 2017
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 1st day of May, 2017, 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, Jacobsen, Hanson, Moriarty
Absent: Prentice

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

Approve Minutes of April 17, 2017;

Licenses: Approve Class A Liquor License with Sunday Sales for Loyal Order of Moose Lodge, subject to final approval by Iowa Alcoholic Beverage Division;

Set Hearing Date for May 15, 2017 at 6:30 o'clock P.M. for Budget Amendment for Fiscal Year 2016/17 Budget;

Approve FEMA Generator Grant Application for Cornbelt Lift Station #10;

Approve Renaissance Initiative Grant Applications for a total of \$19,344.75;

<u>Organization</u>	<u>Project</u>	<u>Amount Requested</u>	<u>Amount Recommended</u>
Clay County Heritage	Framing History	\$2,344.75	\$2,344.75
Spencer Family YMCA	Community Garden/Outdoor Learning Center	\$2,500.00	\$2,500.00
Main Street	Downtown Holiday Lights Study	\$7,500.00	\$5,000.00
NW IA Soccer	U10 / U12 Goals	\$4,000.00	\$2,000.00
SCT	Cooking Class Equipment	\$2,593.00	\$0.00
Seasons Center	Healing Garden Project	\$2,500.00	\$2,500.00
Spencer Activity Center	Dining Room Chair Replacement	\$4,800.00	\$0.00
Volunteer Fire Association	Bunker Gear Drying Equipment	\$7,657.00	\$5,000.00
			<u>\$19,344.75</u>

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

Ayes: Petska, Orrison, Bomgaars, Jacobsen, Hanson, 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 Zoning Ordinance Text Amendment to the City of Spencer Zoning Code to Permit "Personal Improvement Services" by Right or as a Special Exception Use in the "E" Heavy Industrial Zoning District;**

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 TITLE 9, CHAPTER 9, SECTION 2A OF THE SPENCER CITY CODED TO PERMIT "PERSONAL IMPROVEMENT SERVICES" AS A PERMITTED USED IN THE "E" HEAVY INDUSTRIAL ZONING DISTRICT" 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

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

Council Member Hanson moved that the proposed ordinance entitled "ORDINANCE AMENDING THE ZONING CLASSIFICATION OF TWO PARCELS OF REAL PROPERTY ADJACENT TO THE SOUTH BOUNDARY OF LOT 1, SPEIDEL FIRST ADDITION, SPENCER, CLAY COUNTY, IOWA AND LEGALLY DESCRIBED HEREIN AND AMENDING THE OFFICIAL ZONING MAP" be finally passed and adopted as Ordinance No. 811. Council Member Moriarty 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

Whereupon, the Mayor declared the motion carried and Ordinance No. 811 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 811: ORDINANCE AMENDING THE ZONING CLASSIFICATION OF TWO PARCELS OF REAL PROPERTY ADJACENT TO THE SOUTH BOUNDARY OF LOT 1, SPEIDEL FIRST ADDITION, SPENCER, CLAY COUNTY, IOWA AND LEGALLY DESCRIBED HEREIN AND AMENDING THE OFFICIAL ZONING MAP

Council Member Hanson moved that the proposed ordinance entitled, "AN ORDINANCE AMENDING TITLE 1, CHAPTER 10, SECTION 2 OF THE SPENCER CITY CODE TO REVISE THE CORPORATE BOUNDARIES OF THE CITY" be placed on file for the second time. Council Member Orrison seconded the motion. The Mayor put the question on the motion and the roll being called, the vote was as follows.

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

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

Council Member Hanson, seconded by Council Member Orrison moved that the rules requiring certain ordinances to be placed on file at two meetings prior to the meeting at which it is adopted be suspended. Whereupon, the Mayor put the question on the motion and the roll being called, the vote was as follows.

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance, at this time, was placed upon its final passage and adoption.

Council Member Hanson moved that the proposed ordinance entitled “AN ORDINANCE AMENDING TITLE 1, CHAPTER 10, SECTION 2 OF THE SPENCER CITY CODE TO REVISE THE CORPORATE BOUNDARIES OF THE CITY” be finally passed and adopted as Ordinance No. 812. Council Member Bomgaars seconded the motion. The Mayor put the question on the motion and the roll being called, the vote was as follows.

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

Whereupon, the Mayor declared the motion carried and Ordinance No. 812 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 812: AN ORDINANCE AMENDING TITLE 1, CHAPTER 10, SECTION 2 OF THE SPENCER CITY CODE TO REVISE THE CORPORATE BOUNDARIES OF THE CITY

Council Member Moriarty moved that the proposed ordinance entitled, “AN ORDINANCE ADOPTING TEMPORARY REGULATIONS TO BE EFFECTIVE ON JULY 23 & 24, 2017” 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

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

Council Member Orrison, seconded by Council Member Bomgaars moved that the rules requiring certain ordinances to be placed on file at two meetings prior to the meeting at which it is adopted be suspended. Whereupon, the Mayor put the question on the motion and the roll being called, the vote was as follows.

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

Whereupon, the Mayor declared the motion carried and said proposed ordinance, at this time, was placed upon its final passage and adoption.

Council Member Petska moved that the proposed ordinance entitled “AN ORDINANCE ADOPTING TEMPORARY REGULATIONS TO BE EFFECTIVE ON JULY 23 & 24, 2017” be finally passed and adopted as Ordinance No. 813. Council Member Jacobsen seconded the motion. The Mayor put the question on the motion and the roll being called, the vote was as follows.

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

Whereupon, the Mayor declared the motion carried and Ordinance No. 813 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 813: AN ORDINANCE ADOPTING TEMPORARY REGULATIONS TO BE EFFECTIVE ON JULY 23 & 24, 2017

Council Member Hanson introduced and caused to be placed on file an ordinance entitled, "ORDINANCE AMENDING TITLE 4, CHAPTER SECTION 17A OF THE SPENCER CITY CODE ADOPTING A LATE PAYMENT PENALTY FOR SOLID WASTE CHARGES" 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

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

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, "ORDINANCE AMENDING TITLE 4, CHAPTER 5, SECTION 21 OF THE SPENCER CITY CODE CONCERNING SOLID WASTE RATES AND CHARGES" 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

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

Council Member Orrison introduced and caused to be placed on file an ordinance entitled, "ORDINANCE AMENDING PERMIT AND ADMINISTRATIVE FEES IMPOSED PURSUANT TO THE PROVISIONS OF TITLE 8, BUILDING REGULATIONS, OF THE SPENCER CITY CODE" 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, Jacobsen, Hanson, Moriarty
Nays: None
Absent: Prentice

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

Council Member Bomgaars moved the adoption of a resolution entitled "RESOLUTION ESTABLISHING ZONING PERMIT FEES", seconded by Council Member Petska. After due consideration, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 5633 A RESOLUTION ESTABLISHING ZONING PERMIT FEES

Council Member Orrison moved the adoption of a resolution entitled "RESOLUTION ENACTING A SCHEDULE OF CHARGES FOR CITY SERVICES AT RIVERSIDE AND

NORTH LAWN CEMETERIES", seconded by Council Member Moriarty. After due consideration, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 5634 A RESOLUTION ENACTING A SCHEDULE OF CHARGES FOR CITY SERVICES AT RIVERSIDE AND NORTH LAWN CEMETERIES

It was moved by Council Member Hanson, seconded by Council Member Moriarty to Approve Contracts for Sanitary Landfill Services, effective July 1, 2017 thru June 30, 2020 with Pocahontas County Solid Waste Commission, Palo Alto, City of Bode and City of Whittemore. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Petska moved the adoption of a resolution entitled "APPROVE CONTRACT FOR 2017 PCC PATCHING & HMA CRACK SEALING PROJECT WITH RENS CONCRETE, INC.", seconded by Council Member Moriarty. After due consideration, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 5635 APPROVE CONTRACT FOR 2017 PCC PATCHING & HMA CRACK SEALING PROJECT WITH RENS CONCRETE, INC. (Quotation Project)

Council Member Hanson moved the adoption of a resolution entitled "RESOLUTION AWARDDING CONTRACT FOR 2017 SIDEWALK IMPROVEMENT PROJECT (bids were opened April 27, 2017) TO BECK EXCAVATING.", seconded by Council Member Jacobsen. After due consideration, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 5636 RESOLUTION AWARDDING CONTRACT FOR 2017 SIDEWALK IMPROVEMENT PROJECT (Beck Excavating)

Council Member Jacobsen moved the adoption of a resolution entitled "RESOLUTION APPROVING CONTRACT AND PERFORMANCE BOND FOR 2017 LANDFILL CELL D1 EXPANSION PROJECT WITH LEROY & SONS, ARCADIA, IOWA", seconded by Council Member Moriarty. After due consideration, the Mayor put the question upon the motion and the roll being called, the following named Council Members voted:

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

Whereupon, the Mayor declared the resolution duly adopted and signed approval thereto.

RESOLUTION NO. 5637 RESOLUTION APPROVING CONTRACT AND PERFORMANCE BOND FOR 2017 LANDFILL CELL

**D1 EXPANSION PROJECT WITH LEROY & SONS,
ARCADIA, IOWA**

Council Member Bomgaars introduced and caused to be placed on file an ordinance entitled, "AN ORDINANCE PROHIBITING THE USE OF "FIRST CLASS CONSUMER FIREWORKS" WITHIN THE CITY OF SPENCER, IOWA" 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, Jacobsen, Hanson
Nays: Moriarty
Absent: Prentice

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

Department Head Reports

Golf Course:

Planning Department:

Library:

Fire:

Police:

Public Works:

Park & Recreation:

City Attorney:

Engineer's Report:

City Manager's Report: City Manager Robert Fagen presented resignation to Mayor & City Council, effective May 19, 2017

Mayor's Report:

Council/Comm. Reports:

It was moved by Council Member Orrison, seconded by Council Member Bomgaars 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: None

It was moved by Council Member Hanson, seconded by Council Member Moriarty to go into closed session under Iowa Code Section 21.5 (j).

The roll call vote thereon was as follows:

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

The Mayor declared the motion duly carried.

Closed session began at 7:48 o'clock P.M.

The City Council Meeting returned to open session at 8:12 o'clock P.M.

It was moved by Council Member Moriarty, seconded by Council Member Orrison to go into closed session under Iowa Code Section 21.5 (j).

The roll call vote thereon was as follows:

Ayes: Petska, Orrison, Bomgaars, Jacobsen, Hanson, Moriarty

Nays: None

The Mayor declared the motion duly carried.

Closed session began at 8:13 o'clock P.M.

The City Council Meeting returned to open session at 8:37 o'clock P.M.

It was moved by Council Member Hanson and seconded by Council Member Petska to adjourn the meeting of the Spencer City Council at 8:37 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)

End of April 2017	DESCRIPTION	AMOUNT
VENDOR		
DEPARTMENT OF HUMAN SERVICE	pr deduct	2,694.56
EMPLOYEE BENEFIT	empl share premiums	22,244.74
FARMERS BANK	fees,taxes	75,074.55
ICMA	pr deduct	2,370.00
IA WORKFORCE	benefits	11,592.29
IPERS	pr deduct	36,241.28
MUNI FIRE/POL RETIRE	pr deduct	37,864.13
PETTY CASH-SMGC	reimburse	10,777.26
TREASURER ST OF IOWA	taxes	13,977.00
TREASURER ST OF IOWA	sales tax	8,826.83
SP EMPLOYEE ASSOCIATION	pr deduct	255.00
CENTRAL PAYMENT	fees	639.67
CLAY COUNTY SHERIFF	pr deduct	300.90
AFLAC	pr deduct	2,402.66
COLONIAL LIFE	pr deduct	284.04
CLAY COUNTY TREASURER	taxes	1,857.00
TOTAL		227,401.91
	FUND TOTALS	
	GENERAL	100,501.36
	RST CASH	1,857.00
	SP REVENUE	70,497.12
	SEWER	4,374.90
	AIRPORT	295.72
	SANITATION	22,116.18
	LANDFILL	9,085.63
	RG COLL CNTR	769.20
	GOLF	17,904.80
	TOTAL	227,401.91

May 1, 2017 Claims

VENDOR	DESCRIPTION	AMOUNT
EMPLOYEE BENEFIT SYSTEMS	premiums	103,105.18
A & M INC.	services	106.40
ALL AMERICAN TURF BEAUTY INC	services	416.43
BLACK HILLS ENERGY	utilities	918.86
ARNOLD MOTOR SUPPLY	repairs	572.88
BARCO MUN. PRODUCTS	supplies	207.35
BLACKBURN MFG. CO.	supplies	109.04
BOLTON & MENK INC.	services	6,038.50
BOYER TRUCK	repairs	303.11
CDW GOVERNMENT INC.	equipment	2,999.88
CARROLL CONSTRUCTION SUPPLY	maintenance	1,068.72
VERIZON WIRELESS	services	120.03
THE DOOR DOCTOR	maintenance	309.96
ALPHA WIRELESS COMMUNICATIONS	repairs	65.96
CRESCENT ELECTRIC	maintenance	28.14
COOPERATIVE ENERGY COMPANY	fuel	12,810.00
CREATIVE PRODUCT SOURCING INC.	supplies	95.00
CULLIGAN	supplies	60.65
DEZURIK	repairs	4,273.00
DIAMOND VOGEL	supplies	1,164.98
DES MOINES REGISTER	subscription	20.00
FAIRCHILD MFG. INC.	repairs	2,500.00
FAREWAY STORES #788	supplies	7.59
MAXYIELD COOPERATIVE	supplies	52.29
FASTENAL COMPANY	supplies	83.02
FELD FIRE	equipment	117.02
FOX INTERNATIONAL, INC.	repairs	198.18
FIRE PROOF PLUS, INC.	services	515.50
FRANSYL EQUIPMENT CO. INC.	maintenance	3,878.92
GLOBAL MEDICAL SOLUTIONS	supplies	440.41
GALEN'S PRO-MOW	maintenance	13.14
GRAHAM TIRE CO.	maintenance	794.71
H & N CHEV-BUICK	repairs	124.99
SWANSON HARDWARE	supplies	14.77
ICAN	advertising	317.00
IOWA LAKES ELECTRIC COOP	utilities	1,520.54
AIRGAS NORTH CENTRAL	supplies	8.74
ADVANCED SYSTEMS INC.	supplies	62.72
JANITORS CLOSET	supplies	336.60
JACK'S UNIFORMS & EQUIP	uniform	252.83
JETCO INC.	maintenance	3,377.60
JOHNSTON AUTOSTORES	repairs	262.25
KW ELECTRIC INC.	maintenance	130.00
LARUE COFFEE	supplies	75.58
LUBE TECH	supplies	150.77
MAR-LIN BUSINESS SUPPLY	supplies	205.00
MENARDS-SPENCER	maintenance	781.54
MICHAEL TODD & CO.	supplies	3,272.50
MIDWEST TECHNOLOGY SERVICES	services	271.88
EXHAUST PROS/LUBE MASTER	maintenance	54.45
VEOLIA WATER NORTH AMERICA	contract	66,035.87
MURPHY TRACTOR/POWER PLAN	repairs	318.17
NAPA AUTO PARTS	repairs	439.22
NIELSEN'S TIRE	repairs	212.15

NELSON HEARING AID SERVICE	services	25.00
NORTHWEST PRINTING	supplies	79.58
NYSTROM DEVELOPMENT LLC	project	5,983.87
PHELPS QUALITY CONSTRUCTION	miscellaneous	80.25
PRO COOP	miscellaneous	1,125.00
PROMEVO, LLC	miscellaneous	1,800.00
R.D.G. PLANNING AND DESIGN	contract	1,720.00
SCHOENEMAN BROS	supplies	78.73
SHERWIN WILLIAMS	supplies	31.58
STATE STEEL	supplies	203.60
BOMGAARS	supplies	184.72
SIGLER FIRE EQUIPMENT COMPANY	maintenance	208.65
CARL ZEISS VISION SIOUXLAND	safety	240.72
SOUTHERN MINNESOTA INSPECTION	maintenance	3,449.14
SOUTHSIDE MONUMENTS LLC	refund	235.00
SPENCER AUTO PARTS	repairs	125.12
PRODUCTIVITY PLUS ACCOUNT	repairs	335.00
SPENCER MUNI HOSPITAL	supplies	1.91
SPENCER MUNI. UTILITIES	utilities	4,125.55
SPENCER OFFICE SUPPLIES	supplies	12,716.99
SPENCER TROPHY & AWARDS	miscellaneous	112.50
STALLS	supplies	5.99
SULLIVAN CONCRETE	sidewalk prj	1,875.00
TRANS IOWA EQUIPMENT, INC.	repairs	129.66
TRUCK EQUIPMENT INC.	repairs	492.02
TRANSIT WORKS	supplies	38.08
TREASURER'S OFFICE	training	300.00
TYLER TECHNOLOGIES	maintenance	522.26
THE WATER CONNECTION	supplies	73.00
VANDER POL EXCAVATING LLC	project	207,238.16
VISA	meeting	1,604.17
BRIAN WEUVE	mileage	46.01
DENNIS HEINRICH	mileage	37.98
MARK GLANDER	supplies	38.75
TOTAL		466,884.01

FUND TOTALS

GENERAL	26,045.98
RST CASH	9,051.89
SP REVENUE	103,105.18
CAP PRJ	220,676.53
SEWER	73,825.55
SEWER RES	11,564.00
SOLID WASTE	6,609.22
LANDFILL	1,758.78
EN MANAGEMENT	480.56
REG COLL CNTR	93.02
GOLF	358.16
STOCK SUPPLIES	505.14
STOCK-FUEL	12,810.00
TOTAL	466,884.01

Minutes are subject to approval by the Spencer City Council.