

**SPENCER CITY COUNCIL MEETING
AUGUST 21, 2017
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 21st day of August, 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, Prentice, Moriarty
Absent: None

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

Approve Minutes of August 7, 2017;

Approve Class C Beer Permit with Sunday Sales for Tienda y Carniceria La Morenita; subject to final approval by Iowa Alcoholic Beverage Division;

RESOLUTION NO. 5677: RESOLUTION AUTHORIZING AND DIRECTING THE TEMPORARY CLOSING OF PORTIONS OF CITY STREET (West 5th Street) IN THE CITY OF SPENCER AS REQUESTED BY SPENCER MAIN STREET ON AUGUST 31, 2017 FOR A SPECIAL EVENT

RESOLUTION NO. 5678: RESOLUTION PROPOSING THE TRANSFER OF CITY REAL PROPERTY IN EXCHANGE FOR THE GRANT OF TRAIL EASEMENT WITH MIDWEST ELECTRICAL & ENERGY SOLUTIONS, INC. (Pixlers), Setting a Public Hearing for September 5, 2017 and Directing the Publication of Notice

RESOLUTION NO. 5679: RESOLUTION PROPOSING THE TRANSFER OF CITY REAL PROPERTY IN EXCHANGE FOR THE GRANT OF TRAIL EASEMENT WITH THE KARDELL FAMILY TRUST DATED SEPTEMBER 24, 2002, Setting a Public Hearing for September 5, 2017 and Directing the Publication of Notice

Approve Quote received from H & S Roofing for \$10,317.00 for Roof Replacement on the Wood Shop at the Central Garage (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, Jacobsen, 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 Status of Funded Activities for the City of Spencer 4th Avenue West Stormwater CDBG Funded Project;**

The Mayor declared the Public Hearing Open.

Written Comments:

None

Oral Comments:

Darren Bumgarner, Northwest Iowa Planning & Development Commission:

City of Spencer, Iowa CDBG Status Hearing for Phase I 4th Avenue West Combined Sewer Overflows (CSO) Project

This CDBG Status Hearing is being held to comply with the citizen participation requirements of Section 508 of the Housing and Community Development Act of 1987.

The City of Spencer was awarded \$600,000.00 in Community Development Block Grant (CDBG) funds for Phase I of the 4th Avenue West Combined Sewer Overflows (CSO) Project from the Iowa Economic Development Authority (IEDA) on May 17, 2016. Phase I is generally located within the drainage area between West 7th Street and the ICE Railroad along 4th Avenue West north to West 11th Street and an area east to the abandoned railroad bed. The City of Spencer is currently under a consent order with the U.S. Environmental Protection Agency (EPA) for the elimination of CSO's in Spencer. The CDBG funds were awarded to the City to financially assist with sanitary and storm water improvements in the Phase I area to eliminate the CSO of these two systems. This project will not only eliminate the CSO's in this area and prevent raw sewage from this area's users to make its way to the surface waters of the Little Sioux River during moderate and heavier rainfall events, but will also help prevent the ponding of water in streets and backup of combined sewers into basements.

An environmental review was completed and IEDA released CDBG funds for construction activities on September 12, 2016. The City procured for construction by means of sealed bids and the City received seven (7) bids and awarded a construction contract to Vander Pol Excavating, LLC, Orange City, Iowa in the amount of \$2,003,736.06, of which \$1,712,517.56 is for Division I eligible CDBG project expenses and \$291,219.50 is for ineligible CDBG expenses for Division II (SMU water mains) and Alternate No. 1 for Cobb's Court sewer and water improvements.

As of the last project progress meeting held on August 17, improvements completed along 4th Avenue West for the CDBG portion of the project consisted of: railroad crossing, all construction activities from the railroad to West 9th Street except for some backfilling and seeding from 7th Street to 8th Street and sidewalks, driveway entrances, backfilling and seeding from West 8th Street to West 9th Street. From West 9th Street to West 10th Street the pavement was removed.

Remaining construction activities to be completed for the CDBG eligible portions of the project consists of: storm and sanitary sewer, street paving, driveway entrances, sidewalks, backfilling and seeding from West 9th Street to West 10th Street. All construction activities remain to be completed from West 10th Street to West 11th Street, as well as all project construction activities from West 11th Street to West 12th Street if the project is extended to 12th Street.

CDBG Claim 6, the most recent CDBG claim submitted to IEDA and based upon Vander Pol's Payment Estimate No. 5, shows \$333,441.00 in Federal funds requested and the City contributing \$800,772.38 in local matching funds, for a project total to date of \$1,134,213.38 expended on CDBG eligible activities. Of this amount, \$8,590.00 is for CDBG administration and the remaining funds spent on this project to date are for construction and engineering. The City's primary source of local match is Iowa State Revolving Funds (SRF).

To date there have been no contract amendments to the CDBG contract. Also, to date no changes have been made to the project's CDBG contract budget, performance targets, activity schedules, project scope, location, objectives or beneficiaries. The City will be making a request to IEDA to amend the CDBG budget and performance target to add to and extend the project from the intersection of West 11th Street north approximately 210 feet to West 12th Street.

The Mayor declared the Public Hearing Closed.

Council Member Hanson moved that the proposed ordinance entitled “ORDINANCE AMENDING TITLE 9, CHAPTER 11, SECTION 11 (D) CONCERNING MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES; EXTERIOR WALL AND ROOF MATERIAL” be finally passed and adopted as Ordinance No. 821 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, Jacobsen, Hanson, Prentice, Moriarty
Nays: None
Absent: None

Whereupon, the Mayor declared the motion carried and Ordinance No. 821 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 821: ORDINANCE AMENDING TITLE 9, CHAPTER 11, SECTION 11 (D) CONCERNING MINIMUM REQUIREMENTS FOR RESIDENTIAL STRUCTURES; EXTERIOR WALL AND ROOF MATERIAL

Council Member Moriarty moved the adoption of a resolution entitled “RESOLUTION OF SUPPORT FOR CLAY COUNTY TO AFFILIATE WITH THE NORTHWEST IOWA REGIONAL HOUSING TRUST FUND AS A PARTICIPATING COUNTY”, 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, Prentice, Moriarty
Nays: None

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

RESOLUTION NO. 5680 A RESOLUTION OF SUPPORT FOR CLAY COUNTY TO AFFILIATE WITH THE NORTHWEST IOWA REGIONAL HOUSING TRUST FUND AS A PARTICIPATING COUNTY

Council Member Bomgaars moved the adoption of a resolution entitled “RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN ENVIRONMENTAL PROTECTION AGENCY” AMENDED ORDER FOR COMPLIANCE ON CONSENT”, 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, Prentice, Moriarty
Nays: None

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

RESOLUTION NO. 5681 A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN ENVIRONMENTAL PROTECTION AGENCY” AMENDED ORDER FOR COMPLIANCE ON CONSENT”

Council Member Orrison moved the adoption of a resolution entitled “RESOLUTION APPROVING CONTRACT AND PERFORMANCE BOND FOR 2017 NORTH PARK TRAIL PROJECT WITH GODBERSEN-SMITH CONSTRUCTION COMPANY”, 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, Prentice, Moriarty
Nays: None

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

RESOLUTION NO. 5682 APPROVING CONTRACT AND PERFORMANCE BOND FOR 2017 NORTH PARK TRAIL PROJECT (Godbersen-Smith Construction Company \$215,322.40)

It was moved by Council Member Hanson, seconded by Council Member Bomgaars to Approve Change Order #2 to 2017 4th Avenue West CDBG Storm Sewer Project, subject to approval by the DNR (for an increase of \$164,925.80. 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: It was moved by Council Member Hanson, seconded by Council Member Petska to Approve Appointment of Lori Schillinger to Planning & Zoning Commission, term expires 6/30/2022. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council/Comm. Reports: Committee of the Whole to review Comprehensive Use Plan, September 19, 2017, 5:30 o'clock P.M.
Progress & Development Committee to discuss Pederson Park Lighting Project, September 5, 2017, 6:00 o'clock P.M.

It was moved by Council Member Prentice, seconded by Council Member Orrison 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 Jacobsen to adjourn the meeting of the Spencer City Council at 7:03 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 June 2017

VENDOR	DESCRIPTION	AMOUNT
IA DNR	fees	17,241.39
PETTY CASH-SMGC	reimbursement	2,814.88
FARMERS BANK	fees	99.21
CENTRAL PAYMENT	fees	1,587.57
TREAS STATE OF IOWA	taxes	25,141.91
EMPLOYEE BENEFITS	pr deduct	22,421.18
IPERS	pr deduct	51,995.30
MUNI FIRE & POL RETIRE	pr deduct	52,530.91
TREAS STATE OF IOWA	pr deduct	25,441.00

SPENCER EMPLOYEE ASSOC	pr deduct	270.00
FARMERS BANK	pr deduct	42,086.38
DEPT HUMAN SERVICES	pr deduct	981.68
ICMA	pr deduct	335.00
FARMERS BANK	fees	38.00
CLAY COUNTY SHERIFF	pr deduct	234.48
AFLAC	pr deduct	2,262.00
COLONIAL LIFE	pr deduct	284.04
TOTAL		245,764.93

FUND TOTALS		
GENERAL		93,645.60
RST CASH		39.26
SP REVENUE		68,002.38
SEWER		14,067.97
AIRPORT		267.50
SOLID WASTE		24,841.01
LANDFILL		26,455.98
REG COLL CNTR		678.92
GOLF		17,693.04
GOLF RESERVE		73.27
TOTAL		245,764.93

End of July 2017

VENDOR	DESCRIPTION	AMOUNT
EMPLOYEE BENEFIT	premiums	22,780.62
ICMA RETIREMENT	pr deduct	360.00
FARMERS BANK	pr deduct	41,114.92
DEPT HUMAN SERVICES	pr deduct	981.68
PETTY CASH-SMGC	reimbursement	2,712.26
TREAS STATE OF IOWA	pr taxes	16,268.00
IPERS	pr deduct	37,407.64
MUNI FIRE-POLICE RETIREMENT	pr deduct	39,949.99
SPENCER EMPLOYEES ASSOC	pr deduct	270.00
TREAS STATE OF IOWA	sales tax	11,898.00
FARMERS BANK	fees	119.80
CENTRAL PAYMENT	fees	1,230.64
KEITH JOHNSON	fees	250.08
LEADING EDGE AVIATION	operations	3,104.17
PEOPLE FOR PETS	services	400.00
KIWA	advertising	40.00
MANDIE ROBERTS	reimbursement	10.69
AFLAC	pr deduct	2,262.00
COLONIAL LIFE	pr deduct	284.04
TOTAL		181,444.53

FUND TOTALS		
GENERAL		81,753.11
SP REVENUE		53,103.54
SEWER		6,654.36
AIRPORT		3,383.91
SOLID WASTE		19,008.19
LANDFILL		7,255.41
REG COLL CNTR		500.03
GOLF		9,785.98
TOTAL		181,444.53

August 21 ,2017 Claims

VENDOR	DESCRIPTION	AMOUNT
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FARMERS BANK	taxes	40,748.88
DEPARTMENT OF HUMAN SERV	pr deduct	981.68
ICMA RETIREMENT TRUST-457	pr deduct	360.00
PETTY CASH-SPENCER MUNI GOLF	supplies	2,770.62
EMPLOYEE BENEFIT SYSTEMS	premiums	107,232.02
TREASURER, STATE OF IOWA	taxes	10,202.38
ULISSES BARQUERO	refund	68.25
AGSOURCE COOPERATIVE SERVICES	supplies	25.50
ALLIANT ENERGY	utilities	286.91
A & M INC.	services	474.27
ALEX AIR APPARATUS, INC.	repairs	70.00
ALL AMERICAN TURF BEAUTY INC	maintenance	283.15
BLACK HILLS ENERGY	utilities	3,144.36
ARNOLD MOTOR SUPPLY	repairs	1,159.66
ARCH CHEMICALS	supplies	6,554.88
AUDIO VIDEO CONNECTION	maintenance	305.00
BARCO MUN. PRODUCTS	supplies	66.89
BEE KLEEN LINEN & UNIFORM SERV	services	37.06
NORTHERN LIGHTS DISTRIBUTING	supplies	802.18
BOOK PAGE	supplies	324.00
BOJI INFORMATION SYSTEMS INC.	miscellaneous	238.31
BOHL'S SMALL ENGINE & MARINE	repairs	509.90
BUDS SERVICE	towing	1,150.00
MARVIN BURK PHOTOGRAPHY	miscellaneous	25.00
CAMPBELL TREE SERVICE, LTD	services	9,890.00
CAREYS ELECTRONICS	services	664.00
CARROLL CONSTRUCTION SUPPLY	supplies	677.74
VERIZON WIRELESS	phones	114.43
CERTIFIED TESTING SERVICES INC.	testing	1,195.00
CINTAS CORPORATION	supplies	25.42
CLAY COUNTY RECORDER	recording	81.00
CLAY COUNTY TREASURER	taxes	3,426.00
COMMUNITY INSURANCE	fees	1,000.00
ALPHA WIRELESS COMMUNICATIONS	maintenance	34.81
CONSUMER LUMBER COMPANY INC.	maintenance	14.08
CRESCENT ELECTRIC	maintenance	7.54
COPPER COTTAGE	maintenance	2,743.29
GALE/CENGAGE	books	740.23
CULLIGAN	supplies	7.00
DEMCO	supplies	435.79
DIAMOND VOGEL	repairs	156.55
DUININCK	maintenance	3,063.36
ELM USA, INC	contract	70.00
E-KIT TRAINING	registration	325.00
E-PRIDE OFFICE PRODUCTS	supplies	465.94
ECOLAB PEST ELIMINATION DIV.	maintenance	121.05
EMMETSBURG REPORTER-DEMOCRAT	advertising	70.50
FAIRCHILD MFG. INC.	repairs	1,250.00
FAREWAY STORES #788	supplies	45.32
FAREWAY STORES #849-EMBG	supplies	3.98
MAXYIELD COOPERATIVE	fuel	5,265.35
FASTENAL COMPANY	supplies	791.25
FELD FIRE	clothing	300.00
FOX INTERNATIONAL, INC.	repairs	93,451.55
FRED PRYOR SEMINARS	registration	149.00
FIRE PROOF PLUS, INC.	miscellaneous	494.00
GENERAL TRAFFIC CONTROLS	equipment	14,512.00

CHAD GANSEN	services	154.00
GALEN'S PRO-MOW	repairs	2,136.89
GRAHAM TIRE CO.	maintenance	5,938.58
GRAETTINGER HARDWARE	maintenance	10.28
GRP & ASSOCIATES INC.	fees	130.00
HAGEDORN EXCAVATING INC.	maintenance	1,567.32
HANDY ANDY'S YARD/SPRAY	maintenance	834.60
HEMPHILL LAW OFFICE P.L.C.	fees	2,961.15
HUELIFE, LLC	services	5,000.00
ICAN	advertising	800.00
IMPACT PLASTICS INC.	repairs	1,099.94
IA COMMUNICATIONS NETWORK	telephone	11.88
IOWA LAKES ELECTRIC COOP	utilities	1,033.31
IOWA ONE CALL	calls	180.50
INGRAM LIBRARY SERVICES	books	89.49
AIRGAS NORTH CENTRAL	supplies	55.84
IRA/ISOSWO CONFERENCE	registration	225.00
JANITORS CLOSET	supplies	806.65
JACK'S UNIFORMS & EQUIP	uniform	917.39
JOHNSTON AUTOSTORES	repairs	600.17
KARDELL LEASING CO.	maintenance	85.00
KAPCO POSTAL PACK & SHIP	supplies	88.67
KNIGHT PROTECTION, INC.	equipment	14,026.00
KRUSE, CATE & NELSON	fees	34,302.92
KUYYY-FM	advertising	293.00
K&W ELECTRIC INC.	maintenance	424.41
LACROSSE SEED	maintenance	1,175.00
LINCOLN AQUATICS	maintenance	229.63
LUBE TECH	supplies	31.48
MAR-LIN BUSINESS SUPPLY	supplies	41.00
McDONALD SUPPLY CO	maintenance	18.20
MCCLURE ENGINEERING CO.	fees	9,127.50
MENARDS-SPENCER	maintenance	674.87
MICHAELS FENCE	equipment	40.85
MID-IOWA SALES CO.	supplies	37.82
MIDWEST TURF & IRRIGATION	maintenance	554.65
MORFITT'S CARPET CLEANING	maintenance	330.00
NAPA AUTO PARTS	repairs	493.46
NATIONAL REC & PARK ASSC.	membership	170.00
NIELSEN'S TIRE CO.	repairs	528.86
NOTEBOOM IMPLEMENT LLC	repairs	1,099.05
N.W IA PLANNING & DEVELOP	safety	475.00
HELLER ENTERPRISES LLC DBA NORT	maintenance	750.76
NORTHWEST PRINTING CO.	supplies	257.58
OLD DUTCH FOODS, INC.	food	97.30
PETTY CASH-POLICE DEPT.	supplies	203.30
PIXLER ELECTRIC	maintenance	361.82
PLUMBING & HEATING WHOLESALE	maintenance	617.60
PRO COOP	miscellaneous	3,030.00
PUBLIC ENGINES INC.	supplies	840.00
THERESA REARDON	reimbursement	50.00
RICK'S PEST CONTROL	maintenance	80.00
RUTHVEN ZIPCODE	advertising	57.70
SCHOENEMAN BROS. CO.	supplies	2.81
SECRETARY OF STATE	miscellaneous	10.00
SHERWIN WILLIAMS	maintenance	167.16
BOMGAARS	supplies	1,917.56

SOLUTIONS INC	maintenance	532.74
SLASH POINT SALES	supplies	149.00
SPENCER AUTO PARTS	repairs	625.86
SPENCER COMMUNITY THEATRE	grant	1,694.00
SAGA COMMUNICATIONS OF IOWA	advertising	514.00
SPENCER DAILY REPORTER	publications	735.66
PRODUCTIVITY PLUS ACCOUNT	repairs	386.16
SPENCER MUNI HOSPITAL	wellness	174.20
SPENCER MUNI. UTILITIES	utilities	44,856.24
SPENCER OFFICE SUPPLIES	supplies	962.30
SPENCER READY MIX	maintenance	2,288.00
SPENCER SIGNS	supplies	270.00
SPENCER TROPHY & AWARDS	supplies	8.00
STEFFEN FURNITURE	maintenance	785.00
UNITYPOINT CLINIC-OCCUPATIONAL	testing	76.00
HOPE HAVEN D.B.A SUNSHINE SERV	maintenance	18.70
STREICHERS	uniform	133.99
SWANA	dues	257.00
TRANS IOWA EQUIPMENT, INC.	equipment	306,828.46
TRUCK EQUIPMENT INC. ^	repairs	1,543.73
THE WATER CONNECTION	supplies	112.10
VACUUM CLEANER CENTER	supplies	21.95
VISA	mtg expenses	3,017.41
WHITE GLOVE JANITORIAL SERVICE	supplies	52.34
WRIGHT EXPRESS FSC	fuel	43.00
BARKERLEMAR	miscellaneous	5,915.00
RICHARD HENEMAN	reimbursement	29.87
TOTAL		788,686.74
	FUND TOTALS	
	GENERAL	124,293.83
	RST CASH	36,068.34
	SP REVENUE	116,344.02
	CAP PRJ	27,551.84
	ENT CAP PRJ	17,489.10
	SEWER	8,563.65
	SEWER RES	399,328.46
	AIRPORT	2,176.95
	SOLID WASTE	23,753.79
	LANDFILL	9,975.30
	LF RESERVE	5,915.00
	ENV MGMNT	1,486.59
	REG COLL CNT	369.20
	GOLF	15,191.53
	CG-STOCK	179.14
	TOTAL	788,686.74

Minutes are subject to approval by the Spencer City Council.