

**SPENCER CITY COUNCIL MEETING
NOVEMBER 6, 2017
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 6th day of November, 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 October 16, 2017; October 21, 2017 and October 25, 2017;

Approve Approve Class C Liquor License with Catering Privilege and Sunday Sales for **Prime Rib, Inc.**; Class C Liquor License with Sunday Sales for **Sneaker's Sports Lounge** and New Class A Native Distilled Spirits License for **American Heritage Distillers, LLC, dba Century Farms at 2304 Highway Blvd.**, all subject by final approval by the Iowa Alcoholic Beverages Division;

Approve 2016-2017 Urban Renewal Annual Report;

Approve Griffin Trust Distribution for 2017 (\$581.07 split evenly between Spencer Jaycees, Spencer YMCA and Head Start Program;

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.

Council Member Hanson moved that the proposed ordinance entitled " AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 1 OF THE SPENCER CITY CODE TO ADOPT ADDITIONAL DEFINITIONS OF NUISANCES " be finally passed and adopted as Ordinance No. 824. Council Member Petska 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. 824 duly passed and adopted and signed his approval thereto.

ORDINANCE NO. 824: AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 1 OF THE SPENCER CITY CODE TO ADOPT ADDITIONAL DEFINITIONS OF NUISANCES;

Council Member Bomgaars introduced and caused to be placed on file an ordinance entitled, "ORDINANCE AMENDING TITLE 1, CHAPTER 4, CHAPTER 1, SECTION 1 OF THE SPENCER CITY CODE CONCERNING PENALTIES FOR VIOLATIONS OF CITY ORDINANCES" 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, Prentice, Moriarty

Nays: None

Absent: None

Whereupon, the Mayor declared the motion carried and said proposed ordinance was placed on 1st filing.

It was moved by Council Member Moriarty, seconded by Council Member Jacobsen to approve renewal of Agreement of Acceptance of Spencer Recycling with Van's Sanitation and Recycling, effective 11/1/2017-October 31, 2022. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Orrison, seconded by Council Member Petska to approve Iowa Economic Development Authority Community Development Block Grant (CDBG) Program Contract for Housing Rehabilitation Project (Award Amount \$201,000). 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 Bomgaars to approve Grant of Trail Easement Agreement (West 18th Street) with Clay County Fair Association, Inc. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Jacobsen, seconded by Council Member Moriarty to approve Grant of Trail Easement Agreement (4th Avenue West) with Clay County Fair Association, Inc. The motion was declared carried when all Council Members present voted aye on voice call vote.

It was moved by Council Member Prentice, seconded by Council Member Hanson to approve purchase of one Generator for the Corn Belt Lift Station from Ziegler Power Systems for \$37,949 (FEMA Backup Generator Project DR4234-0012-IA). 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 Hanson to approve purchase of five Generators for Sewer Lift Stations from Ziegler Power Systems for \$170,869 (FEMA Backup Generator Project DR4234-007-IA). The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Hanson moved the adoption of a resolution entitled “Resolution Approving and Authorizing the Purchase of Real Property at 101 West 5th Street, Spencer, 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, Bomgaars, Jacobsen, Hanson, Prentice, Moriarty
Nays: None
Abstain: Orrison

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

RESOLUTION NO. 5705 RESOLUTION APPROVING AND AUTHORIZING PURCHASE OF REAL PROPERTY AT 101 WEST 5TH STREET, SPENCER, IOWA (for \$650,000);

Council Member Orrison moved the adoption of a resolution entitled “Resolution Proposing the Transfer of City Real Property, at 418 2nd Ave. West, Setting a Public Hearing for November 20, 2017, 6:30 P.M. and Directing the Publication of Notice”, seconded by Council Member Bomgaars. 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. 5706 RESOLUTION PROPOSING THE TRANSFER OF CITY REAL PROPERTY, AT 418 2ND AVE. WEST, SETTING A PUBLIC HEARING AND DIRECTING THE PUBLICATION OF NOTICE (HEARING DATE 11/20/17, 6:30 PM)

It was moved by Council Member Hanson seconded by Council Member Petska to approval removal and disposal of Nuisance at 904 4th Avenue S.E., Property owned by Nancy and James Breffle Trust. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Hanson moved the adoption of a resolution entitled “Resolution Accepting Work on 2017 Landfill Cell D1 Expansion Project”, 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, Prentice, Moriarty
Nays: None

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

**RESOLUTION #5707: ACCEPTING WORK COVERING THE 2017
LANDFILL CELL D1 EXPANSION PROJECT;**

Department Head Reports:

- Golf Course
- Planning Dept.
- Library
- Fire Dept.
- Police Dept.
- Public Works
- Park & Recreation
- City Attorney

Engineer's Report:

City Manager's Report:

Mayor's Report:

Council/Comm. Reports: CIP Plan, November 27, 2017, 5:30 P.M.
Finance & Personnel, November 20, 2017, 6:00 P.M.
Finance & Personnel, December 4, 2017, 5:45 P.M.

It was moved by Council Member Prentice, seconded by Council Member Moriarty 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: Dave Woodcock, Farmer's Bank, discussed offer to purchase City Hall building, 418 2nd Ave. W.;

It was moved by Council Member Orrison, seconded by Council Member Prentice to go into closed session under Iowa Code Section 21.5 (I) to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session;

The roll call vote thereon was as follows:

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

The Mayor declared the motion duly carried.

Closed session began at 7:30 o'clock P.M.

The City Council Meeting returned to open session at 7:51 o'clock P.M.

It was moved by Council Member Petska and seconded by Council Member Moriarty to adjourn the meeting of the Spencer City Council at 7:52 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)

Minutes are subject to approval by the Spencer City Council.