

**SPENCER CITY COUNCIL MEETING  
MARCH 5, 2018  
SPENCER, IOWA**

The City Council of the City of Spencer, Iowa, met on the 5th day of March, 2018, 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 Kevin Robinson, in the Chair and the roll being called, the following Council Members were present:

Present: Petska, Bomgaars, Jacobsen, Hanson, Prentice, Moriarty  
Absent: Orrison

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

Approve Minutes of February 19, 2018;

Class C Liquor License with Sunday Sales and Outdoor Service for Spencer Municipal Golf Course;

**RESOLUTION 5747: RESOLUITON ACKNOWLEDGING RECEIPT OF  
FISCALYEAR 2018-2019 BUDGET OF SPENCER MUNICIPAL HOSPITAL OF  
THE CITY OF SPENCER, IOWA;**

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

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

Whereupon, the Mayor declared the motion carried.

The Mayor announced that this was the time and place set for a Public Hearing on Fiscal Year 2018/2019 Budget for City of Spencer;

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.

After due consideration and discussion, Council Member Moriarty introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Bomgaars. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

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

Nays: None

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

**RESOLUTION NO. 5748: RESOLUTION ADOPTING THE CITY OF SPENCER  
ANNUAL BUDGET FOR THE FISCAL YEAR  
ENDING JUNE 30, 2019**

The Mayor announced that this was the time and place set for a Public Hearing on Capital Improvement Plan on Fiscal Year 2019 through Fiscal Year 2023 Budget for City of Spencer;

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.

It was moved by Council Member Jacobsen, seconded by Council Member Prentice to approve the City of Spencer Capital Improvement Plan for Fiscal Year 2019-2023. The motion was declared carried when all Council Members present voted aye on voice call vote.

The Mayor announced that this was the time and place set for a Public Hearing on Plans, Specifications, Form of Contract and Estimate of Cost for the 2018 4<sup>th</sup> Avenue West CDBG Project – Phase II;

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.

After due consideration and discussion, Council Member Bomgaars introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Jacobsen. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

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

Nays: None

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

**RESOLUTION NO. 5749: RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE 2018 4<sup>TH</sup> AVENUE WEST CDBG PROJECT – PHASE II** (Bids will be received 3/22/18, 3:00 P.M. and Considered by the City Council 4/2/18)

The Mayor announced that this was the time and place set for a Public Hearing on Proposed Resolution of Necessity for 2018 11<sup>th</sup> Avenue SW Sewer Extension Project;

The Mayor declared the Public Hearing Open.

Written Comments Against:

1 Objection with 8 names (see on file)

- Michael Hanson, 722 25<sup>th</sup> St. SW, Parcel 8
- Andrew Steffen, 804 25<sup>th</sup> St. S.W., Parcel 10
- Gary VanWettering, 918 25<sup>th</sup> St. S.W., Parcel 14 & 15
- Dwight Sparks, 710 25<sup>th</sup> St. S.W., Parcel 5 & 6
- Gary Toft, Parcel 12
- Becky Hanenfeldt, 610 25<sup>th</sup> St. S.W., Parcel 2 & 3
- John Neppl, 702 25<sup>th</sup> St SW, Parcel 4
- Lori Edwardson, 714 25<sup>th</sup> St. S.W., Parcel 7

Oral Comments Against:

None

Written Comments in Favor:

None

Oral Comments in Favor:

None

The Mayor declared the Public Hearing Closed.

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

It was moved by Council Member Bomgaars and seconded by Council Member Hanson that the Resolution of Necessity for the 2018 11th Avenue SW Sewer Extension Project, as amended, be adopted in the form hereinafter set out.

After due consideration thereof by the City Council, 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

Whereupon, the Mayor declared the said motion duly carried and the Resolution of Necessity was finally adopted.

**RESOLUTION NO. 5750: RESOLUTION OF NECESSITY COVERING 2018 11<sup>TH</sup> AVENUE S.W. SEWER EXTENSION PROJECT**

It was moved by Council Member Hanson and seconded by Council Member Moriarty 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, and that the resolution hereinafter set out ratifying 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 2018 11th Avenue SW Sewer Extension 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, Bomgaars, Jacobsen, Hanson, Prentice, Moriarty

Nays: None

Whereupon, the Mayor declared the said motion duly carried and the said resolution adopted, as follows:

**RESOLUTION NO. 5751: RESOLUTION REATIFYING THE PREPARATION OF DETAILED PLANS, SPECIFICATIONS, NOTICE OF HEARING, NOTICE TO BIDDERS AND FORM OF CONTRACT**

The Mayor announced that this was the time and place set for a Public Hearing on Plans, Specifications, Form of Contract and Estimate of Cost for the 2018 11<sup>TH</sup> Avenue S.W. Sewer Extension Project;

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.

After due consideration and discussion, Council Member Hanson introduced the resolution next hereinafter set out and moved its adoption, seconded by Council Member Bomgaars. The Mayor put the question upon the adoption of said resolution, and the roll being called, the following Council Members voted:

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

Nays: None

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

**RESOLUTION NO. 5752: RESOLUTION FINALLY APPROVING AND CONFIRMING PLANS, SPECIFICATIONS, FORM OF CONTRACT AND ESTIMATE OF COST FOR THE 2018 11<sup>th</sup> AVENUE S.W. SEWER EXTENSION PROJECT**

The Mayor announced that bids for the construction of the 2018 11th Avenue SW Sewer Extension Project had been received until 3:00 p.m., on March 2, 2018, in the office of the City Clerk, Spencer, Iowa, and that on the same day, in the City Council Chambers, at the same place, such bids had been opened and read, and that this was the time and place set for the consideration of such bids.

Thereupon, the results of the bidding were reported, and the Project Engineers made their recommendations thereon to the City Council. The bids received for the construction of the 2018 11th Avenue SW Sewer Extension Project are as follows:

| <u>Name and Address of Bidder</u>             | <u>Amount of Bid</u> |
|---|----------------------|
| Hulstein Excavation, Inc.<br>Edgerton, MN     | \$312,276.50         |
| Vamder Pol Excavating, LLC<br>Orange City, IA | \$315,174.20         |
| Valley Contracting<br>Estherville, IA         | \$369,704.60         |
| Bainbridge Construction, LLC<br>Kingsley, IA  | \$403,896.00         |
| R & R Excavating, Inc.<br>Hutchinson, MN      | \$405,568.17         |

|   |              |
|---|--------------|
| King Construction, LLC<br>Wall Lake, IA | \$461,175.50 |
|---|--------------|

|  |              |
|--|--------------|
| Beck Excavating, Inc.<br>Spirit Lake, IA | \$573,508.50 |
|--|--------------|

Council Member Hanson introduced the resolution next hereinafter set out, and moved that the said resolution be adopted; seconded by Council Member Petska; and after due consideration thereof by the City Council, 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

Whereupon, the Mayor declared the said motion duly carried and the said resolution duly adopted.

**RESOLUTION NO. 5753: RESOLUTION AWARDED CONTRACT FOR 2018  
11<sup>TH</sup> AVENUE SW SEWER EXTENSION PROJECT  
(HULSTEIN EXCAVATING, INC. \$312,276.50)**

Council Member Moriarty moved that the proposed ordinance entitled “ An Ordinance Creating the “Grow Spencer’ Advisory Commission “ be finally passed and adopted as Ordinance No. 827. Council Member Jacobsen seconded the motion. The Mayor put the question on the motion and the roll being called, the vote thereon was as follows:

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

Nays : None

Absent: Orrison

Whereupon, the Mayor declared the motion carried and Ordinance No. 827 duly passed and adopted and signed his approval thereto.

**ORDINANCE NO. 827: AN ORDINANCE CREATING THE “GROW SPENCER”  
ADVISORY COMMISSION**

It was moved by Council Member Prentice, seconded by Council Member Bomgaars to approve Agreement for Temporary Construction Easement for Iowa Great Lakes Trail Project with Casey’s Marketing Company. The motion was declared carried when all Council Members present voted aye on voice call vote.

Council Member Petska introduced the resolution next hereinafter set out, and moved that the said resolution be adopted; seconded by Council Member Bomgaars; and after due consideration thereof by the City Council, 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

Whereupon, the Mayor declared the said motion duly carried and the said resolution duly adopted.

**RESOLUTOIN NO. 5754: RESOLUTION APPROVING THE FUTURE ISSUANC  
ISSUANCE OF GENERAL OBLIGATION URBAN  
RENEWAL BONDS OR NOTES AND  
PROVIDING FOR THE LEVY OF TAXES TO PAY  
PAY THE SAME**

It was moved by Council Member Jacobsen, seconded by Council Member Moriarty to approve the purchase of fence for the leachate pond at the Northern Plans Regional Landfill from American Fence Company, Des Moines, Iowa for \$15,561. 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 Jacobsen to approve FY 2018/19 Budget Amendment with Veolia Water North America for operation, maintenance and management of the Spencer Wastewater Treatment Facility for a total amount of \$829,869. 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 Petska to approve a Subordination of Real Estate Mortgage with SPNIA. L.P. 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 Jacobsen to approve Right of Way Easement to Iowa Lakes Electric Cooperative. The motion was declared carried when all Council Members present voted aye on voice call vote.

**Department Head Reports:**

Planning Department  
Library  
Fire  
Police  
Public Works  
Park & Recreation  
City Attorney

**Engineer's Reports:**

**City Manager's Report:**

**Mayor's Report**



**Council/Committee Reports and Upcoming Events:**

Committee of the Whole, 3/26/2018, 5:30 P.M. for Goals Discussion;

-Committee of the Whole, 4/9/2018, 5:30 P.M. for City Manager On-Boarding/Evaluation;

-Progress & Development Committee, 4/24/2018, 6:00 P.M. for Riverfront Discussion

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:**

It was moved by Council Member Petska and seconded by Council Member Jacobsen to adjourn the meeting of the Spencer City Council at 7:56 o'clock P.M. The motion was declared carried when all Council Members present voted aye on voice call vote.

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Kevin Robinson, Mayor

ATTEST:

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Theresa E. Reardon, City Clerk

(SEAL)

Minutes are subject to approval by the Spencer City Council.